

Reflections after the SADC Summit

Constructing a Contextualized Way Forward

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Introduction

During the Extraordinary SADC Summit on the 9th of November 2008, the regional leaders considered the political and security situation obtaining in our country. They released a communiqué in which, among other resolutions, they decided that: (1) the inclusive government be formed forthwith; (2) the Ministry of Home Affairs be co-managed between ZANU-PF and MDC-T; (3) the efficacy of the arrangement in (2) be reviewed after 6 months; (4) Constitution of Zimbabwe Amendment 19 to give legal effect to the global political agreement be introduced without delay. There have been various responses to this SADC ruling on Zimbabwe. The purpose of this treatise is to contextualize all these healthy debates and try to proffer a structured and systematic way forward.

The Urgency of Now

At this juncture in the history of our country we should be seeking solutions that enable us to unite our people. We need to bring supporters of all the three political parties together. Being Zimbabwean should take precedence over political affiliation. Our country is going through a humanitarian, social and political crisis of immense proportions, and our challenge is to pursue the national

interest ahead of personal and partisan aspirations. The question is; what is it that we should do to unite our people, and salvage our country? Going into the SADC summit, the position of our party was very clear. We were totally and unequivocally in support of Tsvangirai getting the Ministry of Home Affairs given the distribution of the other security ministries, and in pursuit of fairness and equity. Our position was that MDC-T should be given sole ownership of that ministry. We clearly and vigorously articulated our position before the SADC leaders in defence of Morgan Tsvangirai and his Party. We dismissed Robert Mugabe and ZANU-PF's claim to the ministry as not only baseless, but unreasonable, frivolous and vexatious. We dismissed the allegations of banditry against MDC-T with the contempt that they deserved. We fought a good fight against a greedy and intransigent ZANU-PF regime, but lost at the Summit.

However, it must be emphasized that it was a clear understanding among the three political parties that we were going to SADC for a firm ruling, some kind of arbitration. This ruling we sought from the regional leaders was meant to be binding on all three protagonists. Although there is no legal instrument to ensure enforcement and compliance of such SADC decisions, the understanding was that given the eight weeks of dialogue that had taken place, since the signing of Global Political Agreement, we were going to SADC for finality and closure. Clearly, from the communiqué, the SADC ruling was not favourable to both MDC formations. It was particularly devastating to MDC-T. As a party, we sought a particular outcome and got a different result. The Summit decision is not what we wanted. We were disappointed. As we move forward, the challenge is not whether one likes the SADC decision or not, but rather how to respond to the negative outcome. Zimbabwe is still a member of SADC. We have not left. Until such time that as a nation we leave SADC we must respect it as one of our regional institutions. We must find a way of remaining engaged with SADC. We can't disengage. We must clearly explain

and outline our reservations about the ruling, but at the same time respecting SADC processes and outcomes. This is more so because we, as Zimbabwean leaders are the ones who went to SADC seeking a ruling. If we had no faith in the SADC system we should not have gone there with our national matters in the first place.

The key thing is that all the stakeholders on the Zimbabwean dialogue must remain engaged. As Africans let us have the capacity to disagree without being disagreeable. As Zimbabweans let us have the capacity to disagree without being contemptuous of each other, and without being disrespectful of each other. We need a new kind of discourse in our country and continent. We need dispassionate and rational disputation. You can't insult SADC without insulting yourself as a country and as a Zimbabwean. So, even though the ruling was unfavorable to us, we must, as a matter of principle, respect and honor it. Nonetheless, we do not suggest brazen and unimaginative compliance. We recommend innovative engagement with SADC leading to both adherence to the ruling and resolution of our reservations about the same.

Restating the Purpose of the Inclusive Government

In the discussions about the allocation of cabinet positions leading to the establishment of an inclusive government, we seem to be missing the forest for the trees. What is the purpose of this inclusive government? What we are trying to establish is a transitional authority whose sole purpose is creating conditions for free and fair elections in Zimbabwe. The winners of a free and fair poll will then form a proper government. What we seek to establish is an imperfect institution, a means to an end. We are not trying to form a government which will run Zimbabwe forever. We are not trying to form a perfect government, the alpha and omega of governance. We seek to create an imperfect institution which will create conditions in Zimbabwe that will allow free and fair elections. We intend to do this by resolving the humanitarian crisis

in our country in particular the health and food situation, carrying out national healing, and recovering and stabilizing our economy. More importantly this transitional government has a mandate to develop and adopt a new people driven constitution. Most of our problems leading to unfair and undemocratic elections are a result of a dysfunctional constitution.

We should spend more time discussing the core business, agenda and strategy of this government and not bicker over cabinet positions. What is important is setting up a multi-party policy task force to harmonize the positions of the three political parties on this work to be executed by the new government. If we were to disagree in such debates, that will be honorable and respectable disputation. While we solidly support Tsvangirai in his efforts to get the Ministry of Home Affairs, we are not prepared to destroy Zimbabwe because he has not gotten that ministry. We are saying let us set up this imperfect government and carry out the activities outlined above. Thereafter, we can go to fresh polls. The sooner we do this the better. At this time our country and people are not election ready. What we have done is that since the 15th of September we have lost nine weeks of preparing for elections. We have lost nine weeks of making Zimbabwe ready for free and fair elections. We have lost nine weeks of goodwill and enthusiasm among our people. We have gone back to destructive politics of name calling and insults. Most significantly, in the past nine weeks lives have been lost, through disease, starvation and acute economic decay. Parirenyatwa and Harare hospitals have now been effectively closed down. Businesses have either collapsed, operate at dismal capacities or are shut down. We have had nine weeks of destroying lives and businesses in Zimbabwe.

This is where we draw the line and take a principled position. Not a single life should be lost in pursuit of Tsvangirai's Presidency of Zimbabwe. He is not worth it. Not a single Zimbabwean life should be lost in the MDC-T ascendancy to power. We are sure

our brother Tsvangirai and MDC-T agree with us on these observations. If they do not we are happy to vehemently disagree with them. There is no political leader or political party in our country that is worth dying for. We are saying as Zimbabweans let us close ranks and work together to save our country. This is the imperative need we face as a country. This is our definition of the urgency of now. It is an opportunity we have to lay the foundations of a better and lasting democracy and to repair the economic fundamentals of our country. So, we are appealing to the Zimbabwean in Mugabe, and we are appealing to the Zimbabwean in Tsvangirai, to put national interest before personal interest.

Only a Tripartite Arrangement Will Work

The inclusive government that SADC endorsed, by definition, must involve all three political players. There is no scope in the implementation of the SADC decision for President Mugabe to form a solo or unilateral government. The communiqué speaks about immediately putting in place mechanisms to process and adopt Constitutional Amendment No19 in the Parliament of Zimbabwe. This will then give legal effect to the Global Political Agreement, thus providing legal standing for the inclusive government. For the amendment to pass, it requires two-thirds majority and that can only be achieved by the three political parties working together. There is absolutely no scope for President Mugabe to form a unilateral government. As a Party, we hereby make an unequivocal declaration; we will not be involved in any Mugabe government that excludes our colleagues in MDC-T. In the national interest and as a matter of principle, decency and integrity we say no to any such arrangement. We are not interested in any unilateral Mugabe government. The only way we can unite and heal all our people is by involving all three political parties in government. Furthermore, it is neither practical nor technically possible to work with ZANU-PF while excluding our colleagues.

Enacting amendment 19 requires two thirds majority which the three parties can only achieve if they work together.

Any functional arrangement has to include both MDC-T and ZANU-PF. Tsvangirai has to be party of any mathematics that produces the two-third majority and that is why we are spending our time talking to our colleagues in MDC-T and urging them to compromise and put Zimbabwe first. We are also leaning on Mugabe and pressurizing him to be magnanimous, and behave like a Statesman. He should not be gloating over the SADC ruling. He must reach out to Tsvangirai, and await further guidance from SADC. There is no government that can be formed in Zimbabwe without both Tsvangirai and Mugabe. They need each other. Our role as a Party is to keep these Zimbabwean leaders and their followers engaged with each other. This is national interest time. We are caught up in between the proverbial rock and hard place. Any brazen behaviour on the part of Mugabe will be totally unproductive and will drive the country into further chaos. Mugabe and Tsvangirai must find each other. Tsvangirai must be strategic and clearly take cognizance of the limited options that he has. Both political leaders must desist from toying around with unproductive and destructive shenanigans. They must put national interest ahead of their narrow partisan aspirations.

The Alternatives are too Ghastly to Contemplate

It is our humble submission that there is absolutely no alternative to the Global Political Agreement of 15th September 2008. This is as good as it gets. The sooner we consummate this arrangement the better for our entire country. One misleading theory and misconception that has been advanced by misguided and un-intelligent Western analysts and Governments is that; *“Just stay out of this inclusive government and give Mugabe six months, his*

regime will collapse. Mugabe will be brought to his knees by the economy and then MDC-T can walk into power.” This is clearly unimaginative and uninformed analysis. We want to respectfully disabuse our colleagues in MDC-T of this false consciousness and distortion of reality. There is no regime in Africa that has collapsed because of economic problems alone. This regime of Robert Mugabe will not collapse because of the economy. This has never happened anyway. Yes more Zimbabweans will die, as they are already dying in droves, but the regime will not collapse. No one will walk into State House without firing a shot. The economic collapse would have to be combined with an armed struggle or mass demonstrations to drive Mugabe out of power. Now, how do you do any of these complimentary revolutionary activities without any support among the 15 SADC countries and their organizations? Are Zimbabweans ready to get into the streets and fight? We hope that these un-intelligent Western analysts and Governments will improve their thinking and analytical capacity. In any case, in our situation should it be necessary to kill for political office? Why should we walk into power over dead bodies of our people? Do we learn anything from the Obama experience?

Of course, we are not recommending an armed response, nor do we think it is desirable at this point in time, given the history of our country and the nature of our dispute. We are saying even if you were to engage in an armed struggle, how do you do it without a regional base, without support in the region. You cannot launch your armed struggle from New York and London. You do it from the region. We seek to emphasize the foolishness of going against 15 Heads of State. Let us learn the importance of the region and regional leaders from history. In 1979 when Mugabe and Nkomo were at Lancaster House and they didn't like the agreement they pulled out and decided to go back to the bush. It was Presidents Nyerere, Kaunda and Machel who instructed them to settle despite the fact that the agreement was an unacceptable compromise to the two Zimbabwean leaders. Mugabe and Nkomo did not agree with

the Frontline States leaders, but they respected their advice and complied. What is so special about Mr Tsvangirai today? Mugabe and Nkomo disagreed with the regional leaders but realized they could not survive without those regional players. In the same spirit we are saying we don't like the SADC decision, but we should show respect to the African leaders and continue working with them. MDC-T must understand that it is not enough to have American and British backing without regional support.

We have read remarks by President Khama before the SADC summit, where he was proffering an internationally supervised Presidential poll as a solution to our crisis. This proposal has been repeated in many circles. First and foremost, as we have already explained, the people and the country are not election-ready. Under what law do you call for a fresh presidential election? Who is going to call the election? How can we even talk about international supervision of elections, if SADC cannot even force Mugabe to handover Home Affairs to Tsvangirai? Who is going to force Mugabe to bring international supervisors to monitor our elections? If we are to have elections today, they will be under the June 27 2008 conditions. More importantly the only legally possible elections will be harmonized ones, that is, Presidential, Senatorial and Parliamentary elections. The current Parliament and Senate would have to be dissolved prematurely. These elections will then be conducted under brutal and unjust conditions of June 27, where there will be neither international supervision nor freeness and fairness.

More significantly, these polls will be under the current dysfunctional constitution. It doesn't take too much imagination to guess who will win in such a plebiscite. So why impose such a futile exercise on our country? The gains that the opposition made in both the Senate and House of Assembly will be totally reversed. The Presidential election will again go to ZANU-PF. All these outcomes will happen not because ZANU-PF is popular, but

because we will be operating under unjust conditions and a flawed constitution. A new election is a non-starter. We wish people like President Khama would talk to us before they proffer unimaginative and impractical solutions on our country. The only way to prepare for elections is to go into this imperfect government and prepare our people for elections by doing the things we have outlined above. This Global Political Agreement is as good as it gets. It is the best short-term answer that will allow us to extricate our country from its current morass. We are saying that our options are very limited as three political leaders, Mugabe included. Pragmatism and flexibility demands that we as opposition leaders go into this flawed government and prepare our people for an election that we can win.

The Key Ministry Misnomer

It is important that we deconstruct the nature of the dispute that led us to SADC. As political leaders in Zimbabwe we are victims of a seriously flawed characterization and ill-conceived importance of ministries. By using a dysfunctional and meaningless framework to inform the allocation of ministries, we have set ourselves for failure. The notion of a key ministry is a huge misnomer. Every ministry is important. Why is Home Affairs a key ministry while Education and Health Ministries are not? Why is Defence a key ministry when Economic Planning, Water and Public Works are not? The definition of a key ministry is very subjective. Education can be more important in terms of dealing with the people's lives than home affairs. There is a school in every village, there is a school in every ward and as a political party if you are in charge of education you can positively influence the lives of more Zimbabweans. Our economic and social sectors have collapsed and this is where the focus should be. Consequently, we do not agree with what has been bandied around as the key ministries.

While we all agree that there must be equity and fairness, it must be stated up front that the whole exercise of sharing ministries and distributing key ministries is a subjective exercise. In fact to fight over ministries is a misguided exercise because we are seeking to construct one inclusive government, not two or three governments. We seek to establish, one government with one cabinet, not a fragmented government. There will be collective responsibility in that cabinet, and that coalition arrangement must be driven by mutual respect and trust. There will be no such thing as a ZANU-PF Minister or an MDC Minister – just Ministers for the people of Zimbabwe. No Minister will take instructions from ZANU-PF or MDC headquarters. The executive authority will reside in the one cabinet. Our problem is that the three political parties are very low on trust and respect for each other. We must build trust and respect for each other.

With respect to the contentious Ministry of Home Affairs, both MDC-T and ZANU-PF's obsession with it is misplaced and unwarranted. The Minister of Home Affairs is just a figure head. The ministry is run by a Permanent Secretary who is the ministry's chief accounting officer, a Police Commissioner who reports to the President and the Police Act. Cabinet has overall executive authority over the ministry. It is instructive to note that it was during Joshua Nkomo's tenure as Home Affairs Minister that the onslaught against his Party, ZAPU, was instigated. Dumiso Dabengwa was a hapless Minister with insignificant influence. The same applies to John Nkomo and Kembo Mohadi. This means Mugabe can give up on the ministry without jeopardizing his interests, while Tsvangirai can possess the ministry without being able to use it to pursue any of his aspirations. Thus, both political leaders can do without the Ministry of Home Affairs. What each of them gain by possessing the ministry is just propaganda value that they can use to placate their constituencies. It is a shame that we are destroying our country over a dispute that is ostensibly driven by form and not substance at all.

The Envisaged Way Forward

There are two things we need to emphasize on the way forward. The first one is that there is no recourse or any kind of way forward outside the SADC system. The second issue is that the inclusive government prescribed by SADC has to include all three political parties. We can't go to the African Union without SADC. We can't go to the UN without SADC. Any further appeal has to involve SADC. If we somehow get the opportunity to go to the AU through brazen and unorthodox methods, the AU is most likely to defer to the decision of its lower organ, SADC. The AU will ask President Kikwete, the chairman of the AU, to report on the SADC outcome. We don't actually expect a different outcome from the AU even if we are able to get there. It is important to clearly understand that the SADC decision was by consensus, which means both Presidents Kikwete and Khama have to vigorously defend it. Both personal and institutional integrity means that not a single SADC leader can criticize or operate outside this SADC ruling. Furthermore, there will be no moral basis for anyone to discuss Zimbabwe at the UN without SADC or AU involvement and support.

The US and the UK cannot even begin to bring Zimbabwe to the UN systems without the support of these two African institutions. Any way forward will have to start with SADC. We need to reengage SADC and raise all our concerns with them while not undermining SADC processes in general and the ruling on Zimbabwe specifically. The challenge is how do we strategically respond to this bad outcome in an effective and sustainable manner? As an opposition party in Zimbabwe you cannot go to war with 15 Heads of State, and expect to win. This SADC consensus decision is a ruling the ANC leadership has to defend because their President was chairing that meeting. You can't disrespect the SADC's summit and its recommendations without

insulting Zuma (ANC), Vavi (Cosatu), and Blade Nzimande (SACP). Now if you lose all these potential allies, in addition to all the 15 regional leaders, how much traction can you achieve? We need to apply our minds and be strategic. Even the Western governments, in particular the American and British, if they have any modicum of intelligence and strategic thinking, will realize that they cannot afford to be rubbing a regional institution like SADC, going to war with 15 Heads of State, and setting onto a collision path with the continental body- the AU. If they were to do this, these Western governments will be ineffective and destroy their own economic and strategic interests in the region and continent. We are clear that they are driven by their permanent interests and they will not sacrifice their aspirations in the entire continent just to please Mr Tsvangirai. We have to be smart in our analysis. There has to be a way of discussing the Zimbabwean crisis without being un-strategic and hence ineffective.

An effective way forward for our country requires both creativity and imagination in the implementation of the SADC ruling. It is important that all the four aspects of the ruling are attended to simultaneously. We must seek to satisfy all four aspects of the SADC prescription. The starting point is to immediately stop President Mugabe from unilaterally forming a government. This was not the SADC recommendation. We should try to address all MDC-T concerns in the process of implementing the SADC communiqué. The negotiators of the three parties must immediately get together and agree on the content of Amendment 19 to the Zimbabwean Constitution. This should be a quick and painless exercise because it is just extracting the aspects in the Global Political Agreement that require legislation. The amendment must be gazetted by next Tuesday. The legislative framework required for the National Security Council must also be gazetted similarly, presumably as part of Amendment 19. Soon after the gazetting of these legal instruments the PM designate and

DPM designate must be sworn in, and the three principals will then form the rest of cabinet together.

Also as a matter of urgency, before the gazzeting of the legal instruments, a public pronouncement must be jointly made by the three principals, with the assistance of SADC, outlining the timelines and processes which the new government will use to discuss the outstanding issues of Governors, Permanent Secretaries and Ambassadors. This should be an unequivocal statement. There should be a public acknowledgement, by the three principals, of the fraudulent changes made to the September 11 constituting agreement and a public commitment to adhering to the un-doctored version of the same. The dispute around the Ministry of Home Affairs can be addressed by using the 6 month efficacy review provision in the SADC ruling. If the co-ministering proves unworkable there is a potential exit strategy provided by SADC. Also this 6 month review window can also be used to raise concerns about the other outstanding matters (MDC-T concerns) outlined above if they are not resolved by then. In fact, in 6 months we can have a make or break SADC Summit review of the entire inclusive government.

Conclusion

The future of our country is in our hands as Zimbabweans. The divisions we are experiencing are too trivial for us to allow the country to disintegrate. The nature of our dispute and the content of our disagreements do not warrant nor justify national self-destruction. There is more that unite us than that which divide us. It is time to heal and unite our people and nation. If we fail future generations will not blame SADC, but us as Zimbabwean leaders. Pursuit of the national interest, political tolerance, inclusivity, and mutual trust and respect, will guide us towards the answer to our national challenges. If we keep hope alive, we shall overcome. This is time for statesmanship and stateswomanship.