



**Building International Consensus Policy Dialogue on
Zimbabwe and Swaziland**

I. Introduction

On the 29 September 2011, the Southern African Liaison Office (SALO) convened a 'Building International Consensus' policy dialogue session in Pretoria at the Burgerspark Hotel. The focus of this dialogue was on the Roadmap process, assessing the implementation of the Global Political Agreement in Zimbabwe, and the deepening political crisis in Swaziland. Ambassador Lindiwe Zulu, who is the International Relations Advisor in the Presidency and a member of the SADC facilitation team on Zimbabwe, delivered the keynote address on both these contexts.



II. Zimbabwe Session



The Zimbabwe session of the dialogue was chaired by two members of SALO's Reference Group: Professor Iqbal Jazhbhay, chair of the ANC's Sudan Task Team and a Member of the ANC's NEC Subcommittee on International Relations; and Ms Thoko Matshe, Africa Regional Director of the Olof Palme International Centre. It was addressed by Ambassador Lindiwe Zulu, International Relations Advisor to the



President, and Honourable Douglas Mwonzo, National Spokesperson of the Movement for Democratic Change (Tsvangirai) and Miriam Mushayi, Director of Strategic Planning and Implementation in the MDC.

The speakers gave insightful accounts of the unfolding political and security crises in Zimbabwe as well as more clarity on the progress and work of the Facilitation. There was agreement among the speakers that although there remain many obstacles to democratic reform in Zimbabwe, progress has been and continues to be made towards achieving it. Specifically, the common threads that emerged from the speakers' remarks included:

- The leading role that Africans should take in formulating solutions to problems on the continent, and more specifically, the **position of responsibility South Africa and the SADC** accept with regard to Zimbabwe;

- The continued importance of **adhering to the GPA**, which remains the fundamental common framework for building democracy in Zimbabwe;
- The necessity of not only **drafting a new people-driven constitution**, but of ensuring that it is **well-conceived** and **fully implemented prior to holding elections**;
- The **need for elections** to be held as soon as possible, but not before instituting the **necessary pre-conditions** for free and fair elections; and
- The importance of genuine **security sector reform** and **free media** to foster free and fair elections.

Key sub-points regarding each of the themes are elaborated upon below.

III. The Role of the South African Government and the SADC



Ambassador Zulu kicked off the session on Zimbabwe by tackling head-on the widespread view that South Africa has “dropped the ball” with regard to Zimbabwe. She underscored that it was not the case that South Africa has failed to make progress, but rather that it has failed to effectively communicate what progress has been made, and indicated that part of their strategy moving forward would include re-prioritizing solution processes. “Under no circumstance have we dropped the ball,” she stated, “under

no circumstance are we going to drop the ball, and under no circumstance can we actually afford to drop the ball.” She called for solidarity among Africans, and highlighted the importance of Africans taking ownership of African issues and leading the way towards resolving them.

IV. GPA implementation

Regarding the GPA, Ambassador Zulu stated that the South African government will

“continue to assist in the implementation of the Global Political Agreement (GPA). We have not moved from that, there has not been a creation of any new document or any new structure on the way... we are working with the Joint Monitoring and Implementation Committee (JOMIC) to ensure that JOMIC as a structure has the capacity to deal with what it was expected to deal with... We would like to say, from the Facilitation Team, from the time we were here in May there has been great progress in JOMIC. JOMIC formed different sub-committees to deal with the different areas which they need to deal with and all the committees that they formed are now functioning. And I can assure you that in the meetings we had with JOMIC, we have found very committed people who are part of JOMIC.”

She also indicated that the JOMIC follows a “matrix of implementation” and has undergone ongoing reviews as to progress made. The GPA was an recurring theme among all speakers, referenced as the baseline against which to measure progress, with consensus that progress has been and continues to be made towards achieving its full implementation, and despite the fact that there is a long road ahead, this progress, in light of the obstacles faced, must be viewed as a real victory and evidence of the effectiveness of multilateral collaboration and dialogue.

V. Constitution

Each of the speakers also touched on the issue of drafting a new constitution.

Hon. Douglas Mwonozora (MDC-T) underscored that it is a people-driven process. He reported on COPAC’s travels around Zimbabwe collecting the ideas of the people and compiling them—it is from this material that the constitution will be drafted. He also indicated



that civil society had played a key role in this process: “in all the organs that had to do with the constitution making process, civil society had to constitute 70% of the people, and during the outreach, we also gave them a monitoring and observation status.” Civil society groups have put forth reports on this process.

He provided this report on the COPAC’s progress:

“Right now we are in the process of finalising the compilation of all the reports to make sure that we have a common record of what the people of Zimbabwe say. Thereafter we are going to be sifting the Constitutional issues from the heap of information that we have. Then we are going after that to draw a list of those things that we agree must be in the Constitution. That process will inevitably involve some negotiation of some sort but we have made it clear that the negotiations, **whatever negotiations we will embark on are negotiations within the context of what the people have said...**

I foresee us completing the drafting of the Constitution by December this year 2011. It is impossible—this I can say now!—it is impossible for us to have a referendum [on the Consitution] this year. It is also impossible that we have the second All Stakeholders Conference this year. It looks like we will have the second All Stakeholders Conference at the very earliest, at the end of January 2012 or beginning of February 2012, next year. This means that we will take this document to parliament by the end of February or the beginning of March 2012. That also means that the referendum can only take place on or before the 30th April 2012. I have put these timelines basing on the timelines for each item as provided in the GPA. Well there is always the theoretical possibility that we may have a shorter timeline; we may suddenly agree, we may suddenly find resources, we may suddenly find consensus. **But we are being realistic about the kind of country and the political environment we are in.**”



Miriam Mushayi (MDC) reported further:

“In **making sure that the constitution becomes a document that is debated publicly, it must be put to a public test** to ensure that we achieve a constitution that gives us the legal framework and the legal mandate to carry Zimbabwe forward and have a conducive environment where we are going to have free and fair elections...

The challenge, though, is **not about just having a constitution, the challenge is that we may have a very good document which is plausible and internationally recognized...** [Zimbabweans must] make sure that once we have that constitution, we **institutionalize the issues that are required in the constitution** and all the processes that are needed - in terms of making sure that we arrive at an environment which is conducive - are all put in place; and that is where the biggest challenge is, in terms of saying: how do we, as political players, ensure that we achieve the things that we want from the constitution?”

VI. Elections

The issue of elections was stressed by each of the speakers as one of utmost importance. The ambiguity remaining in parts of the Roadmap was discussed, and each speaker recognized that the issue was not as simple as just holding elections as soon as possible, but was more complicated in terms of needing to capacitate the institutions that oversee the electoral process towards ensuring that the elections are free and fair.

Miriam Mushayi (MDC) highlighted that in order to capacitate these bodies, their responsibilities must first be clearly defined, they must be provided with sufficient resources, and there must be free media in Zimbabwe to safeguard the process. She also discussed the inevitable complication of accounting for the Diaspora vote:

“It is so difficult and contested that we need the support of Zimbabweans that are in the Diaspora and Zimbabweans that are in exile to make sure that they continuously keep the pressure on the Zimbabwean political players and they need to have their voice heard. A lot of these things can only be achieved if we as people, as Zimbabweans, continue to put pressure on the politicians and continue to hold the politicians to account to make sure that we achieve the environment and the conditions that we want as Zimbabweans and to make sure that when we have an election, the election result will not be contested.”

Douglas Mwonozora (MDC-T) brought to light additional issues that must be resolved prior to holding elections. One was that the ZANU (PF)-appointed, partisan secretariat of the Zimbabwe Electoral Commission (ZEC), the same which called the 2008 elections ‘free and fair’, is still fundamentally unchanged. State-sponsored violence and the unaccountability of the security sector were named as obstacles, in addition to outstanding issues with certain legislative acts – including the Zimbabwe Human Rights Commission Bill and the Electoral Amendment Bill. He stated that “the fact that there is a legislative instrument does not fulfill the needs or cure the mischief that SADC wanted to cure by insisting on these instruments – the quality of the law is also important.”

Regarding the Zimbabwe Human Rights Commission Bill, Mwonozora problematized the clause which grants the Minister power to refuse disclosure of certain information to the Human Rights Commission—“So this is a Commission that must investigate human rights, but you have a minister with power to order non-disclosure of certain information to that Commission. As a Parliament, we cannot agree to that.” Additionally, he indicated that the Zimbabwe Electoral Amendment Bill’s provision for polling station-based voter registration was unacceptable given the current political climate in Zimbabwe. “Polling station-based voter registration will be a good thing in a normal country, but where you have state-sponsored violence, a polling station-based voters’ roll is a disaster because it enables whoever to know what particular villages, villagers, or local communities have voted for, and therefore it makes it easy to target those local communities. Again, as Parliament, we cannot agree.”

It was also pointed out that the issue of elections is inextricably tied to that of the constitution. Mwonozora in particular highlighted that “the promulgation of a new constitution does not automatically bring with it a new constitutional order... and therefore we think that there needs to be a period within which the constitution has to take root... in our view looking at practices in some jurisdictions, a minimum period of six months is called for” for the constitution to be in effect prior to holding elections.

VII. Security Sector Reform

The key theme in this arena was the need to create environments free of harassment, intimidation, fear, and violence—environments that have a sense of peace where torture is absent and where sexual crimes are not pervasive. Issues of security and in particular security sector reforms were discussed at great length by Zulu, Mwonozora, and Mushayi. Retraining the security sector was discussed, and again the issue of gross human rights violations and violence growing in the wake of elections was raised.

It was clear that the issue of power sharing agreements inside a state that manipulates and deploys its institutions and resources to carry out acts of terror against unarmed citizens and civilians is a pivotal issue.



Isabella Matambanadzo, Zimbabwean feminist and civil society leader, also remarked on the “conundrum of being in a coalition in government and asking the critical question: at what point do you recuse yourself from government, when a government you are part of is committing acts of terror against unarmed civilians and citizens?”

VIII. Zimbabwe Session: Moving Forward

Drawing on the common underlying themes amongst the speakers, the following can be taken as recommendations for steps forward in working towards democratic reforms in Zimbabwe.

- The GPA must continue to be used as the baseline against which to measure progress in Zimbabwe—it must be consistently and methodically implemented, with continued monitoring and reassessment of priorities (within its framework) as new issues arise.
- Simply having a new constitution does not go far enough—the constitution must be people-driven, it must be sound, and must be given time to take root and be fully implemented prior to attempting to hold elections or begin further reforms.
- Elections must not be held before ensuring that all pre-conditions to free and fair elections are met. All role-players must work together towards meeting these pre-conditions as soon as possible, but should remain realistic about the political environment within which they are operating.
- The security sector must be disentangled from the political machinery in Zimbabwe—it must be de-politicized and retrained. This must be seen as one of the most important issues to resolve in striving for free and fair elections.

In achieving these ends, there will remain a sincere need for continued dialogue and discussion amongst stakeholders in government, civil society, the diplomatic community, and the citizenry of Southern Africa. SALO will continue to provide a space for this dialogue to grow and thrive through its Building International Consensus Dialogue Sessions.

IX. Swaziland Session



The Swaziland Session was chaired by one of SALO’s policy and advocacy advisers, Lucian Segami. Speakers included Ambassador Lindiwe Zulu, International Relations Advisor to President Zuma; the People’s United Democratic Movement (PUDEMO) President Mario Masuku; the Open

Society Initiative for Southern Africa’s (OSISA) Swaziland Program Manager, Mr. Muzi Masuku; and Ms. Crystal Dicks of COSATU.

X. Lindiwe Zulu, International Relations Advisor to the President



Ambassador Zulu began her address with remarks regarding Swaziland, underscoring how seriously South Africa takes the issue in her proclamation that “we simply cannot afford a collapsed Swaziland!” She went on to say that “even from a cultural point of view, a traditional point of view, there are many things that we share with Swaziland; and therefore for us as South Africans, it cannot be that we can sit somewhere on the fence and watch things unfolding in Swaziland in a manner that is not good, in a manner that would have a negative impact not only on our relations, but also just our lives between the two countries.”

The theme of this crisis being regional in its nature was an underlying theme throughout her remarks—“unless we have a stable region,” she said, “there is absolutely no way that we can feel comfortable and particularly from a South African perspective, we feel that we cannot have a prosperous South Africa in a sea of poverty.”

Ambassador Zulu spoke also of the proposed aid packages to Swaziland, emphasizing that while South Africa respects Swaziland’s sovereignty, it cannot agree to an aid package in the absence of political pre-conditions. “When we have that rescue package, it cannot be that we’ll wake up in the morning and say: ‘Yes, we agree, we are going to give you this money, and take it in isolation of what is happening’... Any conditions that we put in there have to assist us in making sure that there is change, and the change that needs to be, in our opinion, starts with the government listening to its own people. That’s where we have to start, and in that sense, we have called for dialogue in Swaziland. We have called for true dialogue.”

XI. Mario Masuku, PUDEMO President

Masuku began his address with an overview of the political history of Swaziland, providing a background for the current struggles in the country. He highlighted that since the King’s Proclamation of 1973, in which “the constitution was torn to pieces by the monarchy...the monarch has absolute and executive power over the judiciary, legislative, and executive under the sole control of his majesty the King. Political parties and freedoms of the people have been curtailed, people cannot associate, they cannot express themselves freely, that is the situation that we are in now... This pervasive hegemonic political rule is what fundamentally informs the crux of the political problem in this country.”



Masuku warned against framing Swaziland’s problems as purely economic, indicating instead that the root cause of poverty and strife in the country was a “deep-seated lack of good governance and participation of the people.” The solution to this problem, Masuku unequivocally states, echoing Ambassador Zulu, is dialogue:

“Dialogue, Ladies and Gentlemen, your Excellencies, is indeed the route to take, and no stakeholder should be allowed to give any other alternative, to explore any other avenue, especially the use of violence towards the attainment of a democratic State in Swaziland. However, no cosmetic dialogue...shall deliver the people from the deep socio-political crisis that their country is in.”

He expressed PUDEMO's willingness to engage with the monarchy. In the way of moving forward, he outlined that there needs to be a memorandum of intent for initial negotiations, an all-inclusive national assembly, and a constituent assembly to work on a new constitution, which would give way to democratically elected leaders. Regarding sanctions, he indicated that he would not be averse to these being enforced against the regime in light of their non-compliance with international agreements. He stated further that "if anyone wishes to bail this government out, there are conditions that we are spelling out," including that the lender must consult with civil society, rather than solely with the current cabinet, and that all political parties must be unbanned and political prisoners released.

He ended his address on a hopeful note, proclaiming "history shall teach us that it is not the rebels of dissidence who endanger society, but rather the accepting, the unthinking, the unquestioning, the silent, and the indifferent. This lesson knows no national boundaries, but speaks to all of us. Yes, we shall liberate our country in our lifetime!"

XII. Muzi Masuku, OSISA Programme Manager – Swaziland



Muzi Masuku's address was a very illuminating report of the conditions on the ground in Swaziland. He gave a detailed account of the current corruption and partisanship in the judicial system, highlighting how one of the Chief Justices has concentrated in himself a disproportionate amount of power, causing lawyers to strike. He told of a recent case in which this justice "was the complainant, the judge, the witness and possibly everything else in one transaction," illustrating the severe inadequacies of the current justice system in Swaziland.

He spoke further of the negative impact of the government's reluctance to sign any memorandum of understanding including conditions for aid money—the delay is costing lives in light of the more than 650,000 Swazis living with HIV/AIDS who rely on the government's dwindling supply of ARVs. The country is also falling far short in terms of educational reforms—the government has not been able to fund the reforms it promised, placing a huge burden on primary, up through tertiary, educational institutions.

He was in line also with the sentiments of the previous speakers that aid money alone will not solve Swaziland's complex problems, but that structural reform is absolutely necessary to progress in this arena:

"There is no way you can come into Swaziland with a suitcase full of money and hope through that you have resolved all the problems in Swaziland—these are structural problems, problems where on the one hand whilst you have people who are begging for money, they don't even have money to buy food to take their anti-retro viral treatment; on the other hand, you have the king buying his boys Range Rovers. They are driving around in super-charged Range Rovers—that's how insane it is...It is important that Swaziland be dragged kicking and screaming to the table to be able to resolve these difficulties."

XIII. Crystal Dicks, Education Secretary - COSATU

Ms. Dicks' remarks centered around emphasizing the importance of grassroots action and mass mobilization as the crux of the solution for Swaziland. She stated that while working on good governance and human rights, reform was very important, there could be no



substitute for mass mobilization:

“There can be no political solution without actually having a solution that involves the democratic movement on the ground. A political solution will yield no results if you’re unable to mobilise the democratic movement inside. So any solution, I would argue, without the involvement and engagement of the democratic forces, is a non-solution... We need to shift from the human rights and good governance discourse, into a discourse that speaks about mass mobilisation, mass awareness-raising and mass campaigning because it’s only through that pressure that we can show the ruling elites that change is necessary and the change can happen.”

XIV. Swaziland Session – Moving Forward

Underlying themes regarding steps moving forward for Swaziland emerged, including:

- The country’s economic woes are taking a terrible toll on its citizens; however, aid money itself is not sufficient to address the problem—**true structural reform** is needed to alleviate the suffering of the Swazi people;
- Donors must insist on, and Swaziland must agree to, **conditions attached to aid money** offered—not to do so would be a death sentence for many of its most vulnerable citizens;
- Strife in the judicial, education, and healthcare system all take their **root causes in the hegemony of the monarchy**;
- **True dialogue and mass awareness-raising** are the most important steps towards achieving democracy in Swaziland.

*The analysis and recommendations included in this Policy Dialogue Report do not necessarily reflect the view of SALO or any of the conference participants, but rather draw upon the major strands of discussion put forward at the event. Participants neither reviewed nor approved this document. Therefore, it should not be assumed that every participant subscribes to all of its recommendations, observations, and conclusions. The contents of the report are the sole responsibility of SALO and can under no circumstances be regarded as reflecting the position of the donors who provided financial assistance for this policy dialogue session. **For further information, please contact SALO.***

About the Southern African Liaison Office:



The Southern African Liaison Office (SALO) is a non-governmental organisation which promotes informed process and debate about regional conflicts and crises. SALO does this by organising dialogue events and forums for discussion amongst key government and civil society actors from South Africa, the SADC region and internationally, as well as through lobbying and advocacy, documentary media production, and research and analysis.

SALO would like to thank the generous contributors to this project:

The Royal Norwegian Embassy Pretoria * Irish Aid and the Irish Embassy in Pretoria *Open Society Initiative for Southern Africa*Swedish Embassy in Harare * The Embassy of Finland Pretoria* The Embassy of the Kingdom of the Netherlands, Pretoria*Olof Palme International Centre * Australian Embassy in Pretoria among others.



Kingdom of the Netherlands

