

POLICY DIALOGUE REPORT

BUILDING INTERNATIONAL CONSENSUS: ZIMBABWE, DRC, SWAZILAND

Wednesday 23rd February 2012, iKhaya Lodge, Cape Town

1. INTRODUCTION

On the 23 February 2012, the Southern African Liaison Office (SALO) hosted a 'Building International Consensus' policy dialogue session at iKhaya Lodge, Cape Town. The session was co-chaired by SALO staff members, Clever Chikwanda and Sambulo Mathebula. Speakers included Percy Makombe (OSISA), Keren Ben-Zeev, (Heinrich Boll Foundation) and Bishop Rubin Philip (SALO Board Chair).

The keynote address was delivered by the Chairperson of the Portfolio Committee on International Relations and Cooperation, the Honourable MP, Hargreaves Magama. The focus of the dialogue was the role of Parliament in public diplomacy and foreign affairs but also included current situational analyses of the elections and the state in the Democratic Republic of the Congo; the deepening political crisis in Swaziland; and an assessment of the extent of the implementation of the Global Political Agreement and elections roadmap process in Zimbabwe.

2. SESSION ONE

2.1 PERCY MAKOMBE, OSISA

Mr Makombe, OSISA's Zimbabwe Programme Manager made a presentation which covered a broad analysis of the current situations in the DRC, Swaziland and Zimbabwe.

2.1.1 Democratic Republic of Congo

The following highlights are what constituted Mr Makombe's analysis of the developments in post-election Democratic Republic of Congo:

- Elections were seen as critical for reinforcing the fragile stability of the DRC but rather than move the country forward as had been expected, the **election served to expose the deep rifts** in the country and is not likely to result in a better government.
- What the DRC needs is not necessarily another election but some kind of **reflection and rethinking on the nature of the State**. By this, he was putting more emphasis on efforts directed at reorganising the State..
- Given the DRC's vast size, population and its limited infrastructure, efforts to create a functional and effective government have been difficult. Perhaps only some kind of **decentralised system of government** would likely produce **accountable government and leadership**. So, uppermost among DRC problems is the structure of the state.
- Further complications also arise because of DRC's vast natural resources and the level of **extensive Government corruption** in minerals and weapons trading.
- The point to reiterate around the DRC is that **emphasising elections, rather than customising the structure of the State** according to the socio-political and geographical realities is going to be problematic.

2.1.2 Swaziland

Mr Makombe's presentation on Swaziland, hinged around the following major issues:

- 2011 was a critical year in Swaziland, a year marked by unrest and an economic crisis that posed the biggest challenge to date to the absolute monarchy. There seems to be **growing frustration amongst the Swazi people** who are living under an absolute monarchy and they are stepping up their demands for democracy.
- Frustration and demands are set to grow through 2012 with **protests planned for April of that year** to mark the day that King Sobuza abolished the Constitution.
- The **elections scheduled for 2013** under the controversial Tinkhundla system of local constituencies handpicked by the King will likely be a site of major debate and contestation.
- Financially, Swaziland is taking austerity measures with **social welfare programmes and some Government services cutbacks**. In order to achieve some kind of fiscal solvency, the Government has been encouraging civil servants to take early retirement but this is unpopular because civil servants doubt the ability of Government to pay severance packages.
- In February 2012 the Minister of Finance presented a R11.5 billion budget aimed at **stabilising the currency and boosting the country's reserves**. It is expected to be paid for by revenues and grants, from SARCO amongst others, predicted to be around R12.3 billion. However if this money comes through, it is unlikely to solve Swaziland's problem given that 70% of Swaziland's one million inhabitants lives in poverty.

2.1.3 Zimbabwe

Turning his attention to Zimbabwe, which was his major focal point during this seminar, Mr Makombe noted that its *"transition is slow and fluid. Indeed the only certainty in Zimbabwe is uncertainty."* The following observations were made on the dynamics in the Government of National Unity (GNU), the general extent of the implementation of the Global Political Agreement (GPA), elections, the Constitutional making process and the succession debate:

- **Tensions persist in the GNU**. The inclusive government has been unable to extricate itself from partisan agendas. Essentially the two MDC formations are seeking to further their tenuous grip on power, while ZANU-PF has taken the position that it will not be negotiated out of power.
- In terms of the **implementation of the GPA, he noted that** there are apparently 24 issues that have already been agreed on by all the three parties, some of which were agreed to nearly two years ago but have not been implemented. There is agreement on issues such as the formula regarding the appointment of Governors and liberalising the broadcasting sector, but there has been no implementation.
- The critical questions on everyone's mind is when will **elections** take place and what sort of reform is important before an election can take place? He observed that , on one hand, ZANU-PF had been pushing for an election since 2011 but on the other hand, SADC had made it clear that such an election cannot take place whilst conditions for its freeness and fairness are non-existent.

For SADC, the **finalisation of the writing of the Constitution, preceded by an All Stakeholders Forum and a referendum** are the election prerequisites, as agreed to by the representatives of the three political parties in the Global Political Agreement. This is what President Zuma and the facilitation team have been pushing for.

Mr Makombe reported that the Constitution making process was in progress and there was a 'draft Constitution' that had been circulating in Zimbabwe. Despite the Constitutional Parliamentary Select Committee (COPAC) denying that it was not their official version of the draft, it was published in the Government controlled newspaper, the Herald, in February 2012, so there was that draft and people were discussing it. As well as guarantees of freedom of assembly, expression (inclusive of the right to strike and picket) and second generation rights such as the right to sufficient food, shelter and so on, there are a few issues in the so-called 'draft Constitution' that were highlighted by Makombe such as the following:

- A controversial excerpt speaks directly to **Mugabe's succession** stating that "*A person is disqualified for election as President if he or she has already held office as President for one or more periods whether continuous or not amounting to ten years*". Makombe links this to certain members of ZANU-PF who make up a strong contingent in the Constitution making process who seem to be "*seeking to deal with this issue under the guise of Constitutional making when they could not deal with Mugabe's succession at their own congress.*" As such, and ironically, this clause seem to have the backing of representatives from the three major political parties.
- A fiercely contested area in the current Zimbabwean Constitution is **Constitutional Amendment No. 7** as this is the amendment that gave birth to and concentrates all the power in the Executive Presidency. In the current draft circulating, the COPAC have tried to tone this down so that the President cannot take certain decisions without passing them through the National Assembly.
- Holding and expressing views that are in disagreement with the majority as well as those in power are the most basic requirements of any democracy. One of the most progressive additions in the so-called draft is **Chapter 4 which focuses on the Declaration of Rights**. This protects fundamental freedoms of association, expression, demonstration and press, including the protection of journalist sources.
- There is however one aspect around media freedom which is not clear in **Chapter 13 on the Establishment of Independent Institutions**. One of the independent institutions that had already been established was the Media Commission which, according to the draft would encourage self-regulation. He however questioned the rationale of establishing a statutory body to encourage self regulation which he said had some contradictions in it.

With regards to the **roadmap to elections**, once the three parties have agreed on the draft, it would be taken to a Second All Stakeholders Conference, attended by at least 2000 people including parliamentarians, representatives of civil society and political parties. After this, a mandate would be needed to make the necessary changes to the Constitution, and then it would be taken to Parliament. Parliament will debate it further and recommend some changes it would deem necessary before approving it. Once Parliament approves it, it will then be sent to the President for assent, after which a referendum will be held in Zimbabwe. If the Constitution is accepted, more work begins, which includes the updating of the voters' roll, electoral reforms under the new Electoral Act, the delimitation of constituencies and then the President gazettes election dates which has to be done 45 days before election. Owing to this lengthy process, Mr Makombe strongly argued that it would therefore be not possible for an election to take place in 2012 given the amount of work that is required in the run up to it..

Mr Makombe added that there were increasing fears that in, 2012, we were likely to see **a rather weakened SADC that will not push Zimbabwe**, owing to a number of reasons, some of which were the following:

- In **South Africa** the ANC is moving towards an elective conference in Mangaung. This could shift its attention and push Zimbabwe issues lower down on the agenda.
- **DRC** had just had a contested election, so that country would dare not criticise Zimbabwe on governance issues.
- With the absolute monarchy in **Swaziland** being challenged, what grounds does the Swazi government have to preach democracy to Zimbabwe?
- **Zambia's** new President Sata who had been singing President Mugabe's praises and attacking Morgan Tsvangirai.
- Finally there is a perceived unity and solidarity amongst **former liberation movements in Southern Africa** who believe they are currently under siege. So it is quite possible that in 2012, SADC may be weakened and have no appetite for tackling governance issues in Zimbabwe.

2.2 SECOND SPEAKER KEREN BEN-ZEEV, HEINRICH BOLL FOUNDATION

Ben-Zeev, the Acting-Director of the Heinrich-Boll Foundation, an independent political foundation affiliated to the German Green Party and the global Green Movement. The Foundation's Democracy Programme focuses on active citizenship, social justice, peace and sustainable development. Ben-Zeev's presentation focused on civil society and Parliament and their roles in foreign policy formulation. The following points were shared:

- South Africa's representative and participatory democracy includes a **Parliament which is exemplary in its transparency, public access and participation**. Few other Parliaments in the world provide its citizens with as many avenues for observation, oversight and input into legislation. The Constitution mandates Parliament to not only allow but *actively facilitate* public involvement in the legislative and other processes of the Assembly and its Committees.
- However, there are certain **limitations to public access and participation**. She said that very often, participation is limited to a narrow group of larger, mostly urban based NGOs. Citizens and a very broad section of civil society are not able to fully participate because of the prohibitive costs of travelling; limited knowledge of what rights are afforded to them in a participatory and representative democracy; lack of expertise and understanding of the processes of policy formulation; the existence or absence of personal networks. This is a weakness that both Parliament and pro-democracy actors like the 100 Bill Foundations, but also South African civil society the larger ones should attempt to address.
- There is also **unevenness in Parliament between different Committees** in how to make the best of this open door policy on which Parliament is based.
- Parliament has been facilitating a **People's Parliament and sectoral Parliaments** such as the Youth and Women's Parliaments, which take place outside major urban areas in spaces more easily accessible to the marginalised. Whilst commendable, arguably the real engine rooms of Parliament are in the Portfolio Committees and access to those isn't as easily facilitated through the sectoral Parliaments.
- On the **intersection between Parliament and the formulation of foreign policy**, she noted that in direct contrast to the way in which Parliament has been mandated to function and the way in

which it has been conceived, the practice of foreign policy historically and globally has been left to the privileged few and not being people driven.

- **The role of Parliament** as the national house of deliberations should be to provide a forum on which the **definition of national interest** is open for debate and shaped by a wide-range of stakeholders – ‘the people,
- Parliament could be and should be a site where a variety of public views and interests are weighed against one another and where dominant discourses on foreign policy can be challenged or infused by views from the periphery and those that are impacted on the ground in communities. She emphasized that the Heinrich-Boll Foundation had come across some real examples of a range of **best case practices** of Parliament and the different Portfolio Committees utilising the strength of the South African Parliament’s open door policy. So, in her view, the central question would be, **in what way does the Portfolio Committee on International Relations and Cooperation draw on the open door policy of Parliament**, especially in the cases of Zimbabwe, Swaziland and the Democratic Republic of the Congo?

2.3 THIRD SPEAKER BISHOP RUBIN PHILIP, SALO

Bishop Rubin Philip’s presentation focussed on **the role of the Church in consensus building**. He presented a number of observations around this topic, the following of which constitute the major highlights:

- There is debate about whether **the Church compromises its role, function and even its identity when it is involved in consensus building**. However, surely the Church, if it’s true to its nature should, ipso facto, be on the side of the poor and the marginalised of society.
- The history of the Church on the continent and especially in South Africa and Zimbabwe was that it played a crucial role in the struggle for liberation. There are arguably three categories of roles the Church has played - **the Church was prophetic, pastoral and the Church developed partnerships**. So the need for the Church and indeed other religious bodies to speak truth to power is one that should continue.
- There is a feeling that perhaps the **Church is a little bit lost** in that it doesn’t know what its new role is and it no longer feels it is under obligation to speak prophetically, to speak truth to power.
- The other issue is that the Church especially in the current situation needs to develop partnerships with other civil society organisation and Government but simultaneously **must not allow itself to be co-opted**. It needs to retain its stance, the message it proclaims and not become too closely aligned with any other body so as to lose this prophetic edge.

The Bishop noted that in **Swaziland** the Church has and continues to play an important role in making known the wrong doings of the system. He singled out outstanding people such as Bishop Meshak Mabusa who has spoken out against some of the real difficulties facing the people of that country and in the process has become a victim.

Turning to **Zimbabwe**, he noted that there was a time when the Church was at the forefront of the struggle for a just community. During the Smith regime, the Church played an important role and of course suffered greatly as a result of being prophetic in that situation. Even now, the Church is being persecuted for speaking out. Ironically, on the very day of the meeting, one of its members

was thought to have been abducted from his home and was feared dead at the hands of the authorities. An unfortunate situation was that the authorities continued to abuse the land and other forms of wealth to co-opt the leadership of the Church and others, so that they would lose the commitment and the dedication to speak out forcefully against the evils that face the peoples of Zimbabwe.

He added that what was unfortunate was that it appeared that since the MDC was legitimised many of the activist's voices around the world had become muted. Thus, he asked, "How do you begin to build consensus around the issues of Zimbabwe when you feel we can no longer speak, is that right? Surely they should have continued to speak out against all the abuses of human rights in Zimbabwe." He concluded his speech by hinting that the hope for the future is that the Churches as well as the religious bodies in general will play an important role, alongside politicians, NGOs, trade unions and so on, because it is rooted in the communities. Because of its own position in society, it must, retain its voice and fearlessly speak out against wrong and undemocratic practices.

3. SESSION TWO

3.1 KEYNOTE SPEAKER HONONRABLE MP HARGREAVES

Honourable Magama, the Chairperson of the Portfolio Committee on International Relations and Cooperation (Portfolio Committee for IR&C) informed the gathering that the Committee's terms of reference is to ensure that the Department of International Relations and Cooperation (DIRCO) delivers on its mandate in relation to South Africa's foreign policy in the context of the advancement of the African agenda. His presentation covered the **role of Parliament in** foreign policy.

With regards to South Africa's foreign policy approach on the continent and in the region, Honourable Magama made the following remarks:

- South Africa has chosen peace-keeping and conflict resolution as its key foreign policy approach on the African continent. This is clearly demonstrated in its involvement in the DRC, Madagascar and Zimbabwe amongst others.
- During South Africa's presidency of the UN Security Council in January 2012, South Africa initiated and managed to gain consensus on a resolution that would strengthen coordination between the UN and regional bodies on peace and security matters and in preventing and resolving regional conflicts. This has helped place regional organisations, such as the African Union, at the centre of conflict resolution on the African continent. The rationale is that regional states have greater knowledge and expertise on their regions and are better positioned to assist in conflict resolution.
- It can be said that most of the conflicts in SADC in one way or another emanate from disagreements resulting from elections. In an attempt to counter such disagreements, the SADC Parliamentary Forum periodically sends election observer missions and follows an elections standards framework to deepen and support democracy in the region (the SADC Electoral Guidelines). The Forum organises regional training workshops on electoral democracy with the view to deepening parliamentarians' understanding and knowledge of the importance of elections in their respective countries. It has also observed elections and developed a number of elections instruments. Whether such instruments strengthen electoral reform, or electoral legal frameworks, systems and processes in the region is a matter that SADC parliamentarians will have to take a look at critically.

On South Africa's role in the DRC, the Honourable noted the following:

- After the 1999 Lusaka Ceasefire Agreement the South African Parliament approved the dispatch of South African Defence Force troops, under the auspices of the United Nations, as South Africa's contribution to the facilitation of peace and peacekeeping assignments in the DRC.
- Since then, South Africa has continued to assist and pour a lot of its own resources into facilitating the holding of elections in the DRC in an effort to deepen democracy and create an environment for sustainable development for the DRC.

With regards to South Africa's role in Zimbabwe, he made the following comments:

- The situation in Zimbabwe has improved in the last few years since the SADC mediation process began.
- South Africa has invested heavily in Zimbabwe during its lowest economic performance. An amount of about R3 million was channelled towards the revival of cultural activity through the African Renaissance Fund and other initiatives to pursue peace and building a sustainable solution to the crisis there.
- The fear that South Africa's focus will shift from Zimbabwe because of the ANC national conference in late 2012 is unfounded. It is not in South Africa's interest to take its eye off the ball because of the obvious impact that the situation in Zimbabwe has on South Africa. The resolution of the problems in Zimbabwe is in the national interest of SA and as such, our Government, at least from where we stand as Parliamentarians, has been actively engaged and will continue to be engaged until finally the problems have been resolved in Zimbabwe and it is able to move forward as a country.

On Swaziland, the speaker made the following observations:

- The political structure of the absolute monarchy in Swaziland seems to be increasingly challenged and there is a clear groundswell of forces rising up against the Swazi government.
- The Portfolio Committee for IR&C is concerned about the refusal of the Swazi authorities to engage with opposition parties and has engaged DIRCO and other stakeholders to get an understanding of how they seek to approach the matter and what possible solutions they propose to support Swazis in their struggle.

On Parliamentary Diplomacy, a number of issues were raised:

- Honourable Magama stated *"Let me use this opportunity to do some self-criticism. One of the... possibilities for improvement and one of the areas that I think are underutilised is for instance parliamentary diplomacy."*
- Parliamentary diplomacy is an important instrument of soft power and if used appropriately it can achieve a lot. Parliaments engage, parliament to parliament, in an attempt to influence their counterparts towards a particular direction.
- In South Africa we haven't been doing that. We have been engaging on all these political matters in the old traditional way that parliaments have been doing. But in terms of our Constitution which allows Parliament only to do that, there is space for improvement.
- An example is the issue of the Economic Partnership Agreements between Europe and SADC which has been problematic. But in our engagements with our European counterparts we were able to drill the point home that the EPAs create serious problems for the unity and cohesion of our region. So there is a place for parliamentary diplomacy in trying to support the work that is being done by Government towards a resolution of problems.

Public Diplomacy

On the issue of public engagement and the conduct of foreign policy which was initially raised by Keren Ben-Zeev, Honourable MP Magama gave an explanation of DIRCO's Public Diplomacy programme.

- He said that Minister Nkoana-Mashabane has been travelling around the country engaging with communities on issues foreign policy. South Africa is one of the very few countries in the world that takes its foreign policy and discusses it with the public. He however was quick to admit that since it is something relatively new and it is still a learning curve.
- Parliamentarians have also been part of the programme, so far they've had engagements in Limpopo and the Western Cape discussing foreign policy with community members, and at a university.
- DIRCO has gone a step further and have set up a Public Diplomacy section within their Department, whose primary objective will be to ensure that there is clear and consistent interaction between the public and the Department on foreign policy matters.

Defining South Africa's foreign policy

- On the above, Honourable Magama promised that there is a process currently undertaken by Government which will at some point, naturally, come to Parliament, who will then engage the public on this issue.
- He concluded his presentation by saying that what was learnt from the Apartheid government was South Africa's lack of a formal foreign policy since historically it has always been issue-based. It is the first time that South Africa will have an official stance encapsulated in a foreign policy document.