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A Critical Assessment of the GPA by Jonathan Moyo

In light of current events in Zimbabwe and the emergent SADC mediated Road Map to Elections, IDASA invited Professor Jonathan Moyo, MP and ZANU-PF Politburo member to give his perspective on the next twelve months of Zimbabwe's transition. He looked specifically at the Global Political Agreement and the current constitutional reform process. This briefing was different from usual as the media was invited and Prof. Moyo spoke on the record.

Prof. Moyo stressed that the Global Political Agreement (GPA) mediated by the Southern African Development Community (SADC) was intended to put in place a government after the 2008 presidential run-off elections fiasco. The current dysfunctional administration is the result of continuous negotiations between the political actors during the life span of the GPA concerning the goal of the inclusive government.

According to Moyo the inclusive government created by the GPA should provide an enabling environment so that governments basic policy function can be fulfilled opposed to the policy environment that currently prevails that has been characterised by mutual recrimination and policy deadlock. Prof. Moyo furthermore feels that too much attention is being given to pre-viewing what should still be happening when in fact evaluation should be taking place of what has or has not been achieved so far and why.

The GPA was a useful development in Zimbabwe against a background of an instable political environment. The agreement created political stability and has contributed to the maturity of the Zimbabwean political environment. As the agreement formed an inclusive government,

political actors were forced into an environment in which they had to engage continuously. According to Moyo this has enabled the principals of the political parties to gain an understanding of each other's positions. They have thus been able to communicate this newly developed mutual respect to the public thereby fostering mutual respect and inclusion. The political actors themselves are beginning to see each other not as enemies but rather as political opponents. This has also resulted in their understanding that political motivated violence doesn't pay. This statement however has become part of the political rhetoric of the GPA period. In practise violence has continued to mar the GPA process, both within the implementation of GPA activities such as the constitutional reform and also in everyday political activities. Even though the Principals have spoken out against this violence, hate speech still forms a part of the instruments of political mobilisation within the politics of Zimbabwe.

The signing of the GPA and the creation of the inclusive government has also created, among Zimbabweans, an understanding that politics belongs to the three main parties. The main political actors, claims Moyo, have subsequently taken advantage of this by insisting that the now 30 seats vacant in Parliament and 300 local government positions be filled by representatives from their own parties. However according to Article 21 of the GPA, for a period of 12 months from the date of signing of this agreement, should any electoral vacancy arise in respect of a local authority or parliamentary seat, for whatever reason, only the party holding that seat prior to the vacancy occurring shall be entitled to nominate and field a candidate to fill the seat. Should by-elections now take place they will have to be open to any candidate who wishes to stand, even though the three parties had agreed otherwise.

SADC fulfilled its obligation by bringing the principals together and brokering the GPA, however after this negotiation period SADC has continued to be involved when in fact it should have retreated and let the parties figure it out for themselves. Because SADC did not take a back seat, according to Prof Moyo, political parties have failed to find consensus on policy issues over the past four years. As a result the inclusive government has failed to substantiate any policy achievements. The continuous negotiating of government processes has furthermore resulted in the undermining of the institutions of the state. It has also created the practice of cabinet caucusing. This has undermined the power of government and its functionality. Key policy decisions have been made at the negotiation table outside the formal structures of parliament and cabinet. A major transitional item for example has been electoral reform and yet the negotiations concerning this legislation have been on-going for three years. The Electoral Amendment Law is as yet still in cabinet awaiting approval.

The negotiation of the Constitutional Reform Process has resulted in the tabling of a draft constitution that in the eyes of Professor Moyo is severely flawed. Firstly, the draft is not based on the views of the people and their future and current aspirations are not reflected in it. "The draft constitution therefore is a compromise document. The draft reflects negotiators views and it should be subjected to political parties who will have the final say on its acceptability," said Prof. Moyo. In fact the negotiators were originally mandated to speak on behalf of their parties. According to Moyo, the draft constitution is now a political pamphlet that is lacking in constitutional principles.

In regards to the content of the draft the Professor takes specific issue with the clause that stipulates that the Constitutional Court must respect international law, as he feels that this will compromise the sovereignty of the country. Moyo reiterated that Zimbabwe was formed as a result of the liberation struggle and that the new draft does not acknowledge this because of the devolution it proposes. It is the unitary state, the product of the struggle, that created the provinces, and it would therefore not be appropriate for provinces to dictate to the national state machinery. The current clause on devolution of powers according to Moyo does just that.

A critical component of the GPA is the commitment to the combined call for the lifting of sanctions. However

Moyo suggested that the MDC factions have not held up their part of the agreement in insisting on sanctions removal. The Professor continues to suggest that the dysfunctionality of the current government has compounded the misunderstanding by the west of the situation

which has led them to continually move the sanctions goal posts.

Concerning the discovery of diamonds, Prof. Moyo says that they came at an opportune time for ZANU PF and has resulted in the creation of new investment opportunities. However Prof Moyo also said that Minister of Finance Hon. Tendai Biti has since overestimated the potential of these same diamonds to create revenue. It would be in the interest of the nation if the focus of the Ministry of Finance was shifted to other minerals.

Finally Professor Moyo said that what is important now in Zimbabwe is the question of how the law enforcement agencies deal with abuse of the rule of law, relating to the functioning of government on the basis of (illegal) negotiations instead of parliamentary representation. Any discussion around security sector reform is in fact another renegotiation of the GPA, as there is no clause that currently deals with the issue according to Moyo. It is currently central in discussions for the necessary preconditions for free and fair elections.

The March 29 2008 elections were the freest and fairest and non-violent that Zimbabwe has ever seen according to Moyo's. He continues to say that this combined with the experience of the parties in the inclusive government have, means that Zimbabwean politics now has the maturity to hold legitimate new elections regardless of the Inclusive Governments achievements. Despite where or not any major reform have taken place. Moyo feels that renegotiations around the GPA should not determine when the next elections should take place. The SADC mediated Road Map to Elections, in his regard is in fact another GPA process. The next elections should instead be held as soon as possible to solve the dysfunction of the current administration and enable the hosting of the world tourism general assembly in 2013.

Professor Jonathan Moyo's analysis concludes that the current government is not functioning as is ought to and that in hindsight,, it was optimistic to believe that the parties would be able to put aside their fundamental policy differences and run a government with real policy outcomes. Even though the political parties continue to implement activities under the GPA, the reality is that the finer points of the GPA will continue to be renegotiated due to fundamentally differences that the signatories have concerning the basic tenants of governance. He therefore repeats the ZANU-PF call for new elections as soon as possible as a solution to the situation.