

Pretoria Hopes of Government Deal Dampened

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Mugabe gazettes constitutional amendment legitimising new authorities, but MDC says they never gave the go-ahead.

South Africa has expressed hope that the rival political parties in Zimbabwe will set up a unity government this week – though the signs are that their optimism is misplaced.

“We are hopeful that such an inclusive government will be put in place this week,” said South African president Kgalema Motlanthe, at a press conference in the administrative capital of Pretoria on December 17.

The president’s pronouncement came following President Robert Mugabe’s unilateral gazetting of a constitutional bill on December 12.

If passed, the bill would give legal and constitutional force to a new unity government, comprising members of ruling party ZANU-PF and of the opposition Movement for Democratic Change, MDC.

Zimbabwe has had no cabinet since harmonised elections were held on March 29.

The MDC won a parliamentary poll held on that day, securing the majority of seats in the House of Assembly, the lower chamber of parliament.

Although Tsvangirai beat Mugabe in a presidential election held the same day, he fell short of the 50 per cent threshold that would have enabled him to take power. The opposition leader then pulled out of a run-off on June 27, citing violence and restrictions on his campaign, leaving the incumbent to stand unopposed.

Observers say that a lack of governance during the last eight months has markedly worsened the humanitarian and economic crisis enveloping the country. This has been compounded by a devastating cholera outbreak thought to have claimed some 1,000 lives since summer.

A political deal, which was mediated by former South African president Thabo Mbeki and signed by Zimbabwe’s political rivals on September 15, allows for a new unity government to be formed.

Under this agreement, MDC leader Morgan Tsvangirai is set to take up the post of prime minister, sharing power with his long-time rival Mugabe. Leader of the breakaway MDC faction, Arthur Mutambara, is to be appointed deputy prime minister.

“Once [the new government] is in place, we believe it will create the possibility of dealing with the real problems [of the country],” said Motlanthe at the press conference.

However, analysts say it is unclear whether Constitution Amendment No 19 can be passed without the support of the MDC, which is refusing to back the bill or join the new authorities until Mugabe agrees to divide power fairly.

“The gazetting of the amendment is a clarion call to all political parties to demonstrate their commitment in letter and spirit to the inter-party political agreement,” said Justice Minister Patrick Chinamasa, the lead negotiator for ZANU-PF, which has ruled Zimbabwe since independence.

But his opposite number at the talks, MDC secretary general Tendai Biti, accused Chinamasa of dishonesty.

He said while the negotiators had initialled the Constitution Amendment No 19 Bill, they never gave the go-ahead for its gazetting.

According to Biti, the MDC resolved at a strategy meeting held last week in the town of Kadoma that it would not join a unity government until Mugabe agreed to a fair allocation of ministerial portfolios and provincial governorships.

Biti has accused Mugabe and his party of violating the September power-sharing agreement by attempting to retain its grip on all ministries, including home affairs (which controls the police service), local government, foreign affairs, finance and defence.

The opposition also wants to reach an agreement on the functions of the National Security Council – a think-tank of top service chiefs that has in the past been accused of planning and orchestrating political violence against the opposition.

Legal experts point out that if the bill is to be passed, it will have to be backed by all parties.

Val Ingham Thorpe, an expert with the legal service Veritas, said that as 30 days must elapse following its gazetting, the earliest day the bill can go before parliament is January 13 next year.

If all parties agree, it will take two weeks at the most for the draft to be debated and passed through both of parliament’s chambers. This would make it possible for the constitutional amendment to be signed off by Mugabe and finalised towards the end of January or in early February.

However, Ingham Thorpe warned that if there is disagreement among parties, the bill could be blocked.

The bill might be introduced first in either the House of Assembly or parliament’s upper chamber, the Senate, she explained.

“It must receive the affirmative votes of at least two-thirds of the total membership of each house [of parliament], that is, at least 140 votes in the House of Assembly and at least 62 in the Senate,” she said.

In the House of Assembly, the main MDC faction has 99 out of 210 seats – comfortably more than is required to block a constitutional bill. ZANU-PF has 97 seats while the balance of power is held by Mutambara’s group.

If the bill is first introduced in the Senate and passed, “it then has to go the House of Assembly and could be blocked there”, said Ingham Thorpe.

Mugabe has stated that if MDC leaders are not ready to join a unity government, he will call fresh elections. He threatened this in a fiery graveside speech on December 11 at the funeral of his party's political commissar, Elliot Manyika, who died in a car crash five days earlier.

Chinamasa also said the agreement would have to be scrapped and new elections called if the MDC refused to back the bill.

“If no support [from the opposition] is forthcoming, it means that [the bill] will be a dead matter. In the event that the collaboration that we envisage is not forthcoming, then that will necessitate fresh harmonised elections at some point in time,” he said.

“The current constitution requires that we hold harmonised elections and so we will have to go back to the people to elect councillors, House of Assembly representatives, senators and a president.”

The opposition scoffed at ZANU-PF’s threats to hold an election, pointing out that the MDC won the parliamentary poll held in March.

“They can bring in an election anywhere, anytime – they won't beat us,” Biti told a news conference on December 16.

The MDC secretary general also questioned the legitimacy of the one-man presidential election which returned Mugabe to power.

“The call for an election is an honest submission that ZANU-PF is an illegal regime, [and] the June 27 election was illegal. For the first time, we [applaud] ZANU-PF for acknowledging that they are not legitimate.”

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