



A brief recapitulation of the political events since July 2016

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This report deals with the events of the past 18 months or so. It covers the events that prompted the formation of the Platform for Concerned Citizens (PCC), beginning in the comprehensive analysis of the securocrat state produced by Ibbo Mandaza. From this point in time, a sustained effort was made to alert the citizens of Zimbabwe to the problems that were likely to emerge as a consequence of the state-regime conflation and the inherent difficulties that the succession crisis would provide for any sensible dealing with the national crisis.

The report begins with the formal launch by the PCC of the proposal for a National Transitional Authority, the much-derided NTA, and follows the progress of this proposal against the developments through 2016, 2017 and culminating in the coup in November 2017. We provide this report in order that the citizens of Zimbabwe become aware that there have been and remain possibilities other than continuance of the old order through an election aimed at curing the coup. We do not believe that the PCC is alone any longer in seeing alternative responses to the coup than elections, and are encouraged that churches and civics, especially the Crisis in Zimbabwe Coalition, see the urgent need for a national dialogue, but we also see that the outcome of such a dialogue remains opaque. Thus, we re-iterate the call for a National Transitional Authority as the only effective outcome of a national dialogue.

Background

When Ibbo Mandaza published his analysis of the “securocrat state” in April 2016,ⁱ this was in the understanding that the vicious succession struggle with ZANU-PF had a long history and would only lead to a “hard landing” for the country. This understanding led a number of civil society leaders to come together as the Platform for Concerned Citizens (PCC) to chart a way forward and avoid this outcome. There was general agreement amongst the participants, and those attending a number of public meetings that the national question would not be resolved through any internal reform of ZANU-PF, and that elections similarly were not a remedy for a country deep in the most serious crisis of its history.

The proposal for a transitional process was made that would be based around a National Transitional Authority (NTA), strategic reforms to the state, and finally subsequent elections. This proposal received little attention from political parties, although there was some evidence that some alternative format of an NTA was being considered by one faction within ZANU-PF.

The opposition political largely ignored the proposed solution, preferring to push for a “grand alliance” to contest elections in 2018. This view seemed to have been predicated on the belief that it would be possible to defeat a deeply-fractured ZANU-PF even in the situation of no meaningful reform of the state or any curbing of military influence within the state.

Civil society similarly paid little attention to the proposal for an NTA, and, although there was attendance at meetings organised by the PCC, and much individual engagement with civil society leaders, all remained focused on the problem of creating a level playing field for the 2018 elections.

As it now turns out, few understood the depth of the internal struggle within ZANU-PF, and few paid any attention to the views expressed about the dangers of possible military intervention. All, including most of the international community, were taken by surprise by the coup that took place on the 24th November 2017. However, this should not have been the

case. As early as 2012, all should have been aware of the problems that would take place in the event of Robert Mugabe's death.ⁱⁱ This was developed more fully in subsequent analyses,ⁱⁱⁱ and even more developed as the succession crisis reached fever pitch in 2015.^{iv} The question that no-one seemed to be able to answer was whether the resolution of the internal crisis in ZANU-PF would come about only with the death or incapacity of Robert Mugabe.

However, in retrospect it is evident that one faction within ZANU-PF had thought long and hard about the problem, had prepared for Mugabe's demise, and was evidently ready to use the anomalies between the national and the ZANU-PF constitutions to grab power. This faction was forced to use an alternative strategy when it was obvious that the possibility for this "constitutional" method was being dismantled through the purging of the "Lacoste" faction. The only difference in the strategy for grabbing political power was timing: Mugabe's death was replaced by Mugabe's "resignation", disguised as a "military-assisted transition", a nice euphemism for a "military coup".

Whilst it seems strangely unpopular to call the internal political re-structuring of ZANU-PF a coup, it is obvious to all that this is what has taken place, and it was wholly avoidable, the major reason why the PCC argued for a "soft" as opposed to a "hard" landing. Whatever the niceties of a "soft" coup, it is constitutionally a "hard" landing in exactly the same way that UDI was: when the constitution is violated, the powers of the executive are usurped, and the military determine the process of change, this is a very hard landing.

We say so because it is not obvious that such a violation can be cured without a return to absolute adherence to the constitution. Any acceptance that there are situations where the military can intervene to resolve a national crisis without any prior attempt to use constitutional methods destroys the basis of constitutionalism. If, as has been pointed out in several meetings at SAPES subsequent to the coup, the military no longer supported Mugabe, and similarly ZANU-PF, why not merely the constitutional route of firing him from the party and impeaching him? The only answer can be that the faction now in control of the state would fail in this approach through lack of support in one or both of those bodies.

Thus, at the heart of the current state is a frank illegitimacy, as pointed out in several recent analyses, and a reconstituted regime, but not a reformed state. This has occurred without the consensus of the citizens, no matter how much mileage ZANU-PF tries to make of the euphoria on the streets about the removal of Robert Mugabe. The question to be faced by the whole nation is whether a post-hoc validation of the coup through an electoral victory by ZANU-PF in the 2018 elections will "cure" this illegitimacy.

This question must be given the most serious attention. With a reconstituted ZANU-PF, no reform of the state, overt presence of the military in the government, and total control of ALL state machinery, how can a free and fair election be possible? In our view, there is only one way for opposition political parties and civil society to deal with the illegitimacy:

- Challenge the coup – call it a coup and go to court to challenge the constitutional basis for the military intervention;
- Demand an inclusive national dialogue on the way forward. This has been the call already from many civic groups and churches, and seems to be a view that may have some resonance within both SADC and the AU. It certainly provides a way to resolve the problems of the coup;
- Demand a transitional arrangement as an outcome of the national dialogue, and allow a reasonable period in which this arrangement might undertake the

necessary reforms that could produce an election acceptable to everyone, both within and without Zimbabwe.

We stand at the brink of changes that might facilitate or inhibit the kind of political settlement that will bring a peaceful and prosperous Zimbabwe, and the future will judge harshly the choice we make now.

PCC outlines way forward

Zimbabwe is a country in crisis, bereft of any capacity to reform neither politically nor economically. This is common cause for all Zimbabweans, and a major reason for the citizens to protest increasingly loudly. The crisis is exacerbated by the crisis of succession in a mortally-divided ZANU PF, with all the potential for worsening internecine conflict and bloody fighting.

The current crisis in Zimbabwe is the product of outmoded and predatory politics and discriminatory economic policies, and only a radically new approach will be able to reverse the inevitable march to domestic collapse. The Platform for Concerned Citizens (PCC) reached consensus that there are three critical principal issues that must be addressed.

Firstly, there is a crisis in governance and the economy that is evident for all Zimbabweans to see, and requires urgent attention lest the nation suffer domestic collapse.

Secondly, there is profound alienation of the citizens of Zimbabwe, who have lost faith in governance, political parties, and leadership in general.

Thirdly, there is a critical need for transformative reforms that will pre-empt elections or any other elite processes or pacts, and/or succession arrangements, not underpinned by crucial reforms that prioritise the interests of the citizens.

The Process towards an NTA

The process towards the establishment of the NTA requires consultations across the nation and abroad, with a regional and global buy-in, or external scaffolding, to ensure a peaceful and smooth transition, as happened at Lancaster House and the Global Political Agreement. The NTA is thus nothing new in Zimbabwe's political life, but the process and form may be an improvement on the previous attempts at a solid political settlement.

The NTA will need expert inputs towards its design, and the ensuing legal instrument will then be submitted to parliament as a Bill that can be passed by a simple majority. The constitution will remain in place and already offers all the framework necessary for an NTA to carry out its work of reform and lead the country to genuine elections.

The NTA framework

A primary purpose for the NTA is to heal the nation and embark on a limited political and economic reform agenda. The NTA cannot solve all the problems that afflict the country, but will provide the necessary first steps to move the country to international legitimacy and deeper democracy.

The debate has already begun.

The political parties have responded, broadly accepting the idea. Civil society is engaged in serious consultation as evidenced by the Sapes Trust's Policy Dialogue Forum on Thursday, 18th August 2017: the large turn-out, reflecting a healthy curiosity about and interest in the idea of the NTA; the general consensus that this could be a "soft landing" that could save Zimbabwe; and the assertion by Dumiso Dabengwa that the alternative could be tantamount to continue folding our arms and watch the situation develop into the inevitable chaos that is quickly enveloping the country.

However, there remains scepticism in some quarters.

Three reasons have been given for this being a bad idea. The first was that there was already a legitimately elected government and all patriotic Zimbabweans should throw their energies behind this rather than seek new solutions. The second was that no elected government, and especially ZANU PF, would ever concede to devolve power against its own narrow, and not national, interests. The third was that it did not seem possible that such an entity could emerge as a constitutional body, and that it matters more that we be constitutional than solve pressing problems: in short, a slide into illegality was unacceptable.

We have previously dealt with all these arguments in the position paper issued by the Platform for Concerned Citizens (PCC), issued on the 23rd July, and re-articulated many times.

Those, as reflected in some sections of the media, who have attacked both the notion of the NTA and the messengers recommending it, appear to reflect more the knee jerk reactions of a faction in a mortally-divided ZANU PF/State apparatus than a considered analysis of the current situation in Zimbabwe. Clearly, the critics are oblivious of the extent to which principals in the state are already engaged with the idea.

On our part, we are encouraged by the favourable feed-back from the various political persuasions across the board, including the leadership therein. The effect is that the idea of the NTA is already being considered, even though there is yet no consensus towards the following principles which the PCC outlined in the position paper mentioned above. Here the PCC outlined a set of critical reforms:

- *Adherence to the constitution and institutionalising the principles of constitutionalism;*
- *Reform of key institutions that impede the above:*
- *Reform of the electoral process, to create conditions for genuinely free and fair, elections, and devoid of all controversy;*
- *Stabilising of the economy and the setting in place of an Economic Reform Agenda aimed at the following:*
 - *Debt management, and recovery of misappropriated assets, nationally and internationally;*
 - *Comprehensive macro-economic fundamentals;*
 - *Policy consistency;*
 - *Land policy and property rights;*
 - *Revival of productive sectors;*
 - *Mobilising the diaspora into the economic life of the country.*

The PCC also outlined a set of suggested principles for the operation of the NTA:

- No political party will hold a position within the **NTA**, neither shall the Convenors of the PCC, Ibbo Mandaza and Tony Reeler;
- All members of Parliament (the House of Assembly and the Senate) will hold their position until the declaration of a national election;
- The judiciary will continue as an arm of the state;
- The **NTA** will act in accordance with such legislation as enacted by Parliament;
- The members of the **NTA** shall be non-partisan and professional;
- The members of the **NTA** will be selected according to agreed criteria and procedures, from amongst the candidates put forward to an independent body, selected from amongst churches and other civic bodies;
- The **NTA** shall be composed of not more than 18 members;
- The **NTA** may apportion responsibilities for the management of government and the overseeing of all state bodies through a system of sub-committees.

Our hope is that the National Consultative Conference, scheduled for 15th September will assist towards consensus building and the establishing of a National Task Force that will thereafter drive the process to its intended conclusion.

Towards the Regional and International undergirding of the NTA

A Regional/International Consultative Conference is scheduled for 26-27th September in Johannesburg. This will seek to secure the buy-in and support of regional and global factors for a process that necessarily be both delicate and complex. It will also offer an opportunity for our brothers and sisters in the diaspora, so often neglected by the national debate, to participate and help shape the process.

In this regard, we welcome the statement of the Elders, “Kofi Annan, Graca Machel and Jimmy Carter“ in their appeal to SADC this week, to consider how they can support a successful and inclusive transition in Zimbabwe that will return stability and growth to the country. These words seem wholly consonant with the vision that the PCC offered in its position paper: *“An inclusive nation that guarantees its citizens freedom and ALL human rights, and develops its resources, both human and material, in an equitable manner”*.

Published in the Zimbabwe Independent, 26th August 2016.

Looking for keys under streetlights^v

The metaphor seems appropriate for Zimbabwe currently. As the problems mount and mount, and the economy slides from intensive care to the morgue, those that offer themselves as best suited to solve the problems are mostly concerned with protecting their positions of political power. Whilst it is obvious to all that the crisis in Zimbabwe is both economic and political, that the political problems are a major cause of the economic problems, and that the political problems need a solution, the major political parties, with some exceptions, are more concerned about sorting out their internal problems than taking a national perspective.

The ZANU PF government is wholly incapable of any reform, despite the wishes of the EU and others, and instead is caught up in an ever-increasing power struggle within its own ranks. There are endless rumours about who will prevail, who has the ear of the President,

who is in which camp, and even that there actually is a plan for succession, maybe even several of them.

None of this addresses the problems of reform or policy-making. If a plan is made, it is swiftly undone as happened to the lengthy struggle by the Minister of Finance to get the international finance bodies to take Zimbabwe seriously: this was undone by the President in several terse sentences.

Thus, the state cannot reform and can only drift towards an election, providing the wheels don't come off the economy completely before then.

The opposition political party's talk furiously about alliance and electoral reform, but, since the former will determine the effectiveness with which they can influence the reform process, their inability to create this alliance makes the intention to push reforms implausible, notwithstanding the creation of NERA. In fact, there seems to be a parallel to the ZANU PF succession battle in all the chatter about who will lead the alliance: it seems that there can be no alliance until the leadership issues is resolved, and the parties cannot resolve this. Actually, the strong political position is to create an alliance, and then, within the alliance, decide upon the leadership, but this is clearly not the approach of the opposition parties.

Thus, the economy will just drift into deeper and more dangerous waters, unmanaged because the reforms that are needed cannot happen. The country will then just pass time into 2018 and the so-called "eagerly anticipated" elections. Actually we doubt that any Zimbabwean citizen eagerly anticipates these elections; more likely they are dreading them, and would like any way out of them that would revive the economy and look like somebody was trying to manage the country.

One way forward is the idea of the National Transitional Authority (NTA), proposed again at a time of crisis. In 2003, the Crisis in Zimbabwe Coalition, in its Yellow Paper, proposed just this idea as a way of solving the political crisis that the 2002 elections had precipitated. It was proposed as an antidote to more illegitimate elections and the Mbeki-driven notion of a Government of National Unity. The proposal fell on deaf ears and Zimbabwe got more violent and illegitimate elections and a government of national unity, and actually the crisis did get worse. The idea of an NTA was also canvassed in the negotiations in 2008, but shelves by the political parties in favour of a government of national unity, and a unique opportunity to create a bona fide political settlement was lost.

The NTA has been proposed once more, and by multiple constituencies, although it is not clear that there is any consensus about what form this NTA should take. The opposition political parties further confuse the issue by both calling for an NTA and simultaneously calling for electoral reform, and without connecting the two ideas. So what do they want? An NTA to create the level playing field and the reforms necessary for this to happen, or are they calling for electoral reform so that free and fair elections can lead to an NTA and reform? And to add to the confusion, some sections of the state are apparently considering a transitional arrangement, but the information to date suggests that this is more likely to be a government of national unity.

The Platform for Concerned Citizens (PCC) is in no doubt about sequencing: first an NTA, then reforms necessary to the holding of legitimate elections, and then elections. This sequencing has had some acceptance by at least two political parties, PDP and ZAPU, and various civic groups seem to think that this is right approach, but generally the calls for an

NTA are made alongside the calls for electoral reform, and this is creating great confusion in the minds of the citizenry.

It is not difficult to suggest a solution. If the opposition political parties believe that they can force the government into the required reforms, and it is obvious to all that these are considerably more than merely putting pressure on ZEC, then they must lay down all the conditions that are necessary in order to create a legitimate election. The conditions that must be changed are little different to those identified by the Crisis Coalition in its Yellow Paper of 2003:

- *The judiciary has been politicised and subordinated to the Executive.*
- *The bi-partisan parliament still functions as a rubber-stamp of the Executive's whims and policies.*
- *The army, police and intelligence are clearly partisan and have played a key role in serious human rights violations.*
- *Traditional leaders have been co-opted into ruling party structures and psyche.*
- *Senior civil servants have been manipulated to serve as handmaids of the system.*
- *Religious leadership has either cases identified itself with ZANU PF policies and positions and has failed to exercise its prophetic and guardianship role in the nation. Where the leadership has dared to differ it has been met with scorn from the highest office in the land*
- *Black business is largely an extension of ZANU PF's primitive accumulation tendencies in as much as white business was the sanitized face of Rhodesian fascism.*
- *Militarisation of sections of unemployed youths under the guise of national service programme*
- *Public electronic and print media is used as propaganda machinery for the ruling party.*

These are all the factors that must be changed if an election is to be legitimate. This means not merely complaining about them, but specifying in detail the reforms expected of government in order to change them. Furthermore, there must be a benchmarked timetable for instituting the reforms, and consequences for the government when it fails to meet the benchmarks, and finally a point when it is clear that competing in an election will take place or not. It makes no sense to demand reforms, fail to get them, and then compete in an election that is blatantly unfair. Simply, in the absence of all the reforms, there must be a point when political parties refuse to participate.

And is this the point when opposition political parties will demand an NTA?

Actually, the reality is that none of the reforms to address the problems above will take place, quite simply because the government simply cannot do it. It cannot do it because, as Professor Moyo put it, why would they reform themselves out of power? But, more seriously, the government is paralysed by its internal problems, and can hardly carry out normal business, let alone the business of reform.

So surely the answer is staring everyone in the face? Demand an NTA, refuse to go to elections without an NTA first and foremost, and do Zimbabwe a favour and pre-empt both the collapse of the economy and another illegitimate election.

Replies to the Critics^{vi}

Since we convened the Platform for Concerned Citizens (PCC) in July, we have worked hard to make clear both the rationale behind and the rationality for a National Transitional Authority (NTA). From the time of publication of the PCC position paper on the NTA on 23rd July, we have engaged as wide a spectrum of political parties, citizen groups and citizens as possible within our limited power. We have convened both a national and a regional consultation on the NTA. We have engaged as many of the foreign missions as we could. We are strongly encouraged by the recent meeting of 13 political parties in South Africa, and hope that the NTA idea was part of their discussions.

In the process, we have had to deal with a consistent set of questions about the NTA, and these are probably obvious. The first has always been about our motives, despite publicly and frequently pointing out that our only motive is in seeking a solution to the deepening crisis in our country. This has been disappointing as it implies that few believe that anyone entering the political discourse does this without a motive to seek political power, and illustrates the deep mistrust that Zimbabweans now have in political processes.

To deal with the critics that claim the NTA would subvert elections. This is the exact opposite of what has been proposed. The PCC position paper states quite clearly that what is envisaged is a reform process to lead up to genuine elections, and we proposed this based on experience of all the contested elections since 2000 at least. We believe in free and democratic election, we just don't believe that the current state-regime conflation will allow this. We believe that when the current regime has no power in the state, and when the state is appropriately reformed, then we can have decent elections. We made this point in detail in October in an article published in the Zimbabwe Independent, "*Looking for keys under streetlights*".

But we are even more convinced after all our consultations that the manner in which the major opposition parties are approaching the elections in 2018 is a strategy based on little more than "*kick and hope*". We say this because it is not evident that these parties' demands for reforms are neither broad enough nor focused enough to create any pressure on the government for reform. Furthermore, it is not clear what position these political parties will take when reforms do not materialise and there is no clarity about what time scale they will impose for the reforms. We remain convinced that there will only be minimal and narrow reforms allowed by the government, that the process will take us to the gates of the poll in 2018, that political parties will participate (and lose) in 2018, and that they will be unable to demonstrate that their loss was illegitimate.

And we also remain mindful that a previous election was lost by ZANU PF in 2008, and still political power did not pass to the winner. So what do the opposition political parties have to offer that will forestall this? In our consultations there seems to be a naïve hope that the so-called grand alliance will result in such overwhelming support that they will win the election whether reforms take place or not. On past history this seems unlikely.

In our view, and if the major opposition political parties, and especially MDC-T and Zimbabwe People First, are determined that an election, and not an NTA, is the solution to the country's crisis of legitimacy, then they must make explicit and time-bound demands of the government for the full range of reforms necessary for genuine elections. And they must impose a consequence for the failure to implement these reforms.

Actually, there are a large number of reforms that the government can make right now, and they do not need money. We offer an example of such a list of reforms.

- Demand that all service chiefs make a public statement to the effect that they will obey the constitution and their enabling legislation, and will not support any individual political party (as the constitution requires). Furthermore, they will disband JOC, and only engage the government through the channel of the National Security Council (as the constitution requires). Additionally, the government will invite the leader of the opposition to sit on the NSC as a confidence-building measure, since Zimbabwe is not in a state of war;
- Demand that the Council of Chiefs make a public statement that they too will obey the constitution and their enabling legislation, and will not support any individual political party;
- Demand that the state radio and television are de-politicised through the institution of a new management board, and that this board is constituted of independent persons without political affiliation;
- Demand that all the powers under the constitution are accorded to ZEC, and no government minister can have any say over any aspect of elections;
- Demand that the electoral act is amended in order to allow proportional representation and hence the diaspora vote.

All of these could be done within a matter of months, say by March next year, and a full year before elections in 2018. None of these require money, merely political will, and the political will to ensure genuine elections. They can all be done in a very short space of time, all are evidence of constitutionalism, and all are conditions that could be found in virtually all SADC states.

When we have raised this argument with political parties, civics and citizens, they, almost without exception, state that the government will not do any of these, and hence why bother? Indeed, why bother, and instead just march along to another election and whine at a loss.

The point is that, if you cannot have a genuine election, why participate at all? Unless the back-up strategy is that you participate and show where and how it is irregular in order to make the claim that the election was rigged. History suggests that opposition political parties have continually failed in adopting this strategy, and the best that can happen is that you will put a dent in the winner's claim to legitimacy. This latter too did not seem to work very well in 2013.

So, we believe that the strategy going forward can only be based on demands for serious reform of state institutions, and that any election to be genuine and convey legitimacy to the government requires reforms such as those suggested above.

If opposition political parties, and their international supporters, are serious in pushing the election agenda, then we believe that they must make the reform demands clear, specific and time-bound. And, as is probably the case, when all the demands are rejected, then opposition political parties will need to have a strategy in consequence of the rejection. And is this when they will see the value of an NTA?

Or is it the other position that we have heard repeatedly? The one that says nothing will work until collapse of the economy forces everyone to a national indaba, brokered by SADC and producing a government of national unity again. Or the other one that says nothing will happen till the president steps down or dies?

Our position from the outset was to point out that the fractured position of the regime has led to a government incapable of reform, and that it was time that citizens took responsibility for solving the problems. After all our meetings and discussions, we remain even more strongly convinced than we were in July that elections under the present regime, a solution to the succession within ZANU PF, or another elite pact such as the GNU, have any capacity to overcome the crisis. We may be wrong, and history will certainly show this, but in the absence of any other coherent solution to the crisis, we remain convinced that only an NTA will put us on the road to recovery and to the election of a government that was genuinely put there by the citizens.

Why elections won't solve the crisis^{vii}

The deep crisis in the state was very neatly expressed by Brian Kagoro at last week's Pan-Africa Lecture at SAPES. He posed the notion that Zimbabwe suffers from three interlocking tragedies:

- A crisis of leadership and followership;
- Leaders with power have no ideas and those with ideas have no power;
- A country that runs on memory and not imagination.

We do not have to explain these in any detail as the three tragedies are evident to all and played out every day. They underpin almost every aspect of the collapse that is taking place around the citizenry daily.

The big question raised by Kagoro is the need for radical reform of the state–regime conflation: the need for a comprehensive and sustainable political settlement, far beyond Lancaster House, the Unity Accord and the Global Political Agreement. And the question is how will an election do this?

Firstly, we must be the sceptics and suggest that this crisis has emerged irrespective of the results of any of the elections since 2000. Power has never changed hands, even when the ruling party lost, and it can be plausibly suggested that the ruling party has no intention of losing an election, even in the face of a “grand coalition”.

Secondly, the prevailing facts suggest that the fractured state of the ruling party predicates against them going to an election. The deep divisions within ZANU-PF, and the failure to organise an agreed succession for the presidency, mean that the party is locked into being dependent upon Robert Mugabe being their only plausible contender in 2018. This is clearly a very dangerous situation for the party.

Assuming that Robert Mugabe is unable, for whatever reason, to be the candidate of their “choice”, who can ZANU-PF put forward that could meet the double jeopardy of both winning a “popular vote” and being plausibly acceptable to the region? So, despite all the rhetoric of giving us 2 million jobs, we would suggest that the party must be considering options other than an election.

We would suggest four alternatives to the current preoccupation with the mooted poll in 2018. We would also suggest that these are alternatives being actively canvassed by factions within the party.

Firstly, there are strong indications that a “silent coup” is being prepared. As is well known, Africa no longer tolerates the overt coups of old, and hence the only strategy can be to take over structures of the party and the state. However, the constitutional mechanism for this is highly problematic in the absence of the president dying or being infirm, or the party, defying the president, deciding to elect a successor.

Secondly, there must be serious consideration being given to the possibility that the president either dies or becomes too infirm to continue to govern. There will be 90 days before the ZANU-PF, being the party from which the president was elected, will announce to the Speaker who its candidate is, and that person shall then be president for the duration of the remaining term of the presidency.

This option has been explained in detail by Derek Matyszak in *Succession and the ZANU-PF Body Politic*. Since the replacement of the president lies within the party and not the parliament, those that control the party will control the succession. In fact, this will mean the successor will only govern only until August 2018, being the latest time for the holding of the general election, but it may also be that this scenario leads to the setting up of a GNU and the postponing of elections.

Thirdly, the succession crisis could be resolved through the president pre-emptively calling an elective congress and electing his successor, something he has alluded to on several occasions. The successor, whoever he or she might be, would then be the candidate of choice for the 2018 poll. It is not so clear that this approach to succession necessarily aims at fighting an election: it can also be argued that it is a preliminary to setting up a government of national unity. A possible modification here is that the arrangement may also create a GNU, with an arrangement similar to that of the GPA, except with a titular presidency and an executive prime minister, a reversal in roles from the previous Inclusive Government.

Finally, there is the option of calling an early election and hence pre-empting the difficulties of an aged and frail candidate. This would be a sensible strategy, but may be unworkable due to the serious divisions within the party over succession anyhow, and dangerous in the memory of the 2008 poll.

For all of these scenarios, it is possible that they can aim at avoiding elections, at least postponing them in the interests of “stability”, and it is clear that “stability” is becoming the strong desire for all – national, regional and international. And for those that argue that this will be unconstitutional, we would point out that constitutional niceties frequently fly out the window when there is a crisis of sufficient magnitude to threaten the existence of both the state and the international order. Remember both Lancaster House and the Global Political Agreement: constitutions can be amended when the need is too pressing!

In none of these possible scenarios, does the critical solution to the three tragedies appear. They all, and including the high possibility of yet another unacceptable election, result in a flawed political settlement. They all leave the crucial reforms necessary to the reformation of the state-regime conflation to some future process. They all lead to political manoeuvring by existing elites, and take no cognisance of the mass of the Zimbabwean polity, reduced either to mere voters or passive onlookers.

We submit, as we have done several times before, that the only viable route to a sustainable political settlement will be a National Transitional Authority, underpinned by rigid compliance to constitutionalism, undertaking the critical reforms necessary for the beginning of a transformational process for the country, and able to lead the country into an election that

all – winners and losers, and the international community – will accept has having given a mandate to a political party to govern. The only decision to be made is whether we want a soft landing or not, but, in the end, the crisis in the state will force negotiations for a political settlement, and it is hard not to see that this will require some form of transitional arrangement.

Resolving the post-coup crisis^{viii}

Zimbabwe has drifted into deeper and more dangerous waters, with the “non-coup” coup and the attendant constitutional crisis. The internecine political party fights, the paralysis in policy making, the absence of active governance, the spectre of increased violent repression, and, above all, the serious disappearance of livelihoods and a safety net for citizens are driving the country into further chaos. Above all of this is a total absence of any real vision for the future as well as nationally-minded leadership, and this not cured through a factional coup.

The likely outcomes of the current crisis are difficult to predict, but there are some that seem more likely than others. The events of the last two weeks change many of the previous speculations, and the sustained peaceful demonstrations by the citizens of Zimbabwe indicate the need for an inclusive solution to the crisis.

The current crisis in Zimbabwe is the product of outmoded and predatory politics, and only a radically new approach will be able to reverse the inevitable march to domestic collapse. A recent discussion on the way forward, at the Platform for Concerned Citizens (PCC), reached consensus that a number of scenarios were possible, even probable, but also that only one has the likelihood of achieving a credible political solution and a stable, democratic state.

Whilst some might see either a reformed ZANU-PF or a Government of National Unity as a path to stability, we believe that the political problem is not just the power of the presidency, but the attitude of ZANU PF as a whole in demanding an entitlement to political power, the suborning of all state institutions to narrow party interests, and the maintenance of political power through unfair elections. Such conditions cannot lead to any credible political settlement.

A prerequisite for moving towards a more sustainable future is the realisation that the current regime itself represents the most destabilising element in Zimbabwean politics, and it seems unlikely that it is capable of the internal reform necessary to drive national reform and the creation of a developmental state.

It is our view that this will also be the same problem in any new GNU, and we are certain that no credible political solution can emerge from any power-sharing between the political parties. We are also certain that any elite pact such as the Global Political Agreement will not only fail because of the internal instability of a GNU, but also because no sustainable way forward can be crafted without the endorsement of the citizenry as a whole.

It is our view, and has been since July 2016, that a National Transitional Authority, preceded by an inclusive National Dialogue, is the only realistic solution to the crisis that Zimbabwe finds itself in, and we believe that this is the view that a majority of Zimbabweans, irrespective of political party allegiance, see as sensible. Here we acknowledge that similar views have been put forward by churches and some civic organisations. The PCC has also made our views known to SADC ahead of the recent Troika meeting.

Any transition must deal in a realistic manner with both political and economic reforms ahead of any election. These reforms need to concentrate on four key areas:

- Returning the country to unequivocal civilian rule;
- Adherence to the constitution and institutionalising the principles of constitutionalism;
- Reform of key institutions that impede the above, and suggested already in the sub-council structure adopted in the South African Transitional Executive Council Act;
- Reform of the electoral process, with the guarantee that the elections ending the NTA are genuinely free and fair, and devoid of all controversy;
- Stabilising of the economy and the setting in place of an Economic Reform Agenda aimed at the following:
 - Debt Clearance;
 - Recovery of all stolen assets;
 - Sound macro-economic fundamentals;
 - Policy consistency;
 - Land policy and property rights;
 - Revival of productive sectors;
 - Mobilise the diaspora into the economic life of the country.

These are all critical for a successful NTA, and it is our hope that they will be analysed, critiqued, developed and altered, but also that the opportunity to move our country into peace, development and democracy is not wasted again. It is thus critical that political parties, churches and civil society come together with urgency to formulate an inclusive and sustainable way forward.

Can SADC redeem its failure to solve the Zimbabwe Crisis?^{ix}

As we recover within Zimbabwe from the startling experience of the army on the streets without the President's permission, the so-called "non-coup" coup, and face the prospect of a prolonged stalemate between state and military, SADC will once again debate what to do.

The question that arises is whether it will cross the minds of any of the worthy leaders that will assemble for this high level summit, whenever it is convened, that they are as much a part of the problem as they might be of the solution. A brief history of SADC's engagement with Zimbabwe since 2000 illustrates this.

In 2000, a bloody election was held that SADC, dissenting from the view of the SADC Parliamentary Forum, the Commonwealth and the EU, held was a "legitimate expression of the people's will". This was an election unlike any other seen on the SADC region previously, and was not unique for Zimbabwe as elections in 2002, 2005 and 2008 demonstrated. It is also the case that Zimbabwe, within SADC generally, is the most politically violent and especially around elections.^x

Violence apart, it can hardly be the case that Zimbabwe has been a stable member of the SADC community. It has become an international pariah, subjected to both restrictive conditions and sanctions, and seen the massive withdrawal of foreign investment. It has seen a very large number of its citizens migrate, legally and illegally, and SADC states have been those mostly afflicted. It has now nearly destroyed a once-vibrant economy, gone through

one of the most dramatic periods of hyperinflation seen anywhere, and may even be heading back there.

None of this suggests a good neighbour, and, in SADC terms, does not suggest a country striving to adhere to and implement the Principles of the SADC as amended in 2001. Does Zimbabwe strive for the following?

- solidarity, peace and security;
- human rights, democracy and the rule of law;
- equity, balance and mutual benefit; and
- peaceful settlement of disputes.

It is common cause within Zimbabwe that ZANU-PF has failed on all the first three, and now, with the “non-coup” coup, has failed on the last.

From the Constitutional Referendum in 2000, it has been evident to all that the deep problem in Zimbabwe has been the adamant refusal by ZANU-PF to contemplate ceding political power at all. Every election result from 2000 has been disputed, with considerable evidence that the elections were flawed. Yet SADC, with the most minor of reservations, and with polite recommendations, has accepted all the results of virtually all of these elections.

The exception to this timid dealing with a deviant member of the community was in 2008. Whatever the legal and constitutional niceties around the result of the first poll, and the margins of victory, Morgan Tsvangirai and the MDC-T won that election. Instead of applying pressure on Robert Mugabe and ZANU-PF to hand over the reins of power, SADC allowed the re-run of the Presidential poll, and then, shocked by the violence that accompanied this, would not accept the result. It can even be argued that SADC’s failure to insist on the result of the first poll standing was a contributor to the massive violence that then followed.^{xi}

The logical step in rejecting the result should have been to return to the first poll and insist on Tsvangirai and MDC-T assuming power. The peace treaty that was the Global Political Agreement led inevitably to the result in the 2013 elections, a result that defied all political sense and even SADC had to concede that there were many defects. Incidentally, apart from the preliminary report of the SADC Observer Mission, there has never been a release of the final report.

Behind all of this, and evident since 2004, has been the brewing problem of succession within ZANU-PF, a problem that SADC must have been aware of, particularly because of the advanced age of the president. Additionally, the steady growth of the securocrat state was evident to all. When the purges began, beginning with the probable murder of Solomon Mujuru, the ousting of Joice Mujuru, and finally the long, slow purge of Emmerson Mnangagwa, few in the SADC corridors of power could avoid wondering where this would end.

Now, it is evident that the failure to broker comprehensive talks between the political parties, the engagement of the support from the churches and civil society, and the provision of the inclusive scaffolding of the international community now leaves Zimbabwe on the edge of a precipice.

Zimbabwe and the region have been here before, but only in 1979 was a comprehensive international engagement able to pull the country back from collapse, and usher in a political settlement that was sufficient to create a new state. South Africa has been in such a situation

before, as have other countries in the SADC region. The key in every case has been a national dialogue, and, in South Africa's case, the detailed discussions under CODESA that led to one of the more successful transitions and long-standing stability.

On Saturday, the Zimbabwean citizenry demonstrated their joy at the prospect of change and reform, and with many different voices and opinions. Central to the joy was the demand for Robert Mugabe to resign, but there is no clarity about what can follow this resignation, and the process and the outcome will be crucial to deciding both stability and development.

This is what Zimbabwe needs now: not the papering over the cracks by avoiding the uncomfortable conclusions about invalid elections, or the timid peace treaty of the Global Political Agreement. It needs a carefully designed and mediated negotiation process leading to a broadly accepted transitional arrangement (maybe a National Transitional Authority), a range of fundamental reforms (both political and economic), and then an election that leads to no dispute over the result. It also needs not to be another elite pact, but a process in which the views of the ordinary citizens are taken into account. This is especially the case if the transitional arrangement will postpone elections.

This is the task that faces SADC today, and we hope that this time they are up to it.

An analysis of the recent political developments in Zimbabwe.^{xii}

Background

This is the second time in this country's history that the country has been precipitated into a constitutional crisis. The first was in 1965 with the Unilateral Declaration of Independence (UDI) by the Smith government, and second is the coup that took place in November 2017.^{xiii} Whilst both looked innocuous at the beginning, the long-term consequences might not be so. UDI took a long time before the real consequences became apparent, and a bloody civil war emerged. It is to be hoped that this new constitutional crisis will not have such serious long-term consequences.

The conditions leading to the coup

It is crucial to any understanding of the current crisis to recognise the growth of the *securocrat state*. This was described in considerable detail last year in Ibbo Mandaza's analysis of the "securocrat state",^{xiv} and we do not need to go into all the details and the lengthy history, but merely deal with the process of military capture of the state in the past decade.

The period following the Unity Accord in 1987 through the 1990s was largely a period of peace with an absence of political violence. This period saw the growth of an increasingly assertive civil society, a powerful labour movement, and the emergence of a variety of human rights groups. This was quickly followed by a very assertive and popular citizen-driven constitutional process under the NCA, and finally the birth of the MDC. The military were not an obvious factor in dealing with the increasing threat to ZANU-PF's hegemony.

To all intents and purposes this ended in 1998 with the Food Riots, and the mass expression of dissatisfaction of ordinary citizens with the state. This saw the army on the streets and against the citizens for the first time since 1987, and severe human rights violations were

recorded.^{xv} This was followed by the defeat of ZANU-PF's constitution in 2000, its first major reversal in 20 years. The regime now faced a very serious challenge, and rapidly moved to eliminate the threat, and it did so in several ways:

- The neutralising and finally capturing the judiciary;
- Releasing paramilitary forces, undoubtedly under the control of the various branches of the security forces, to ensure electoral victories in 2000 and 2002;
- Beginning the general deployment of the military into civilian positions;
- Smashing the human resource of the MDC through Operation Murambatsvina;
- And, finally, a sustained assault on human rights defenders, journalists, and all potential opposition forces.

Whilst this strategy ensured victory in the 2000, 2002 and 2005 elections, it is evident that a combination of Operation Murambatsvina, the total melt-down of the economy, and the moves to create an electoral crisis by factions within ZANU-PF and their allies, resulted in the remarkable defeat of Robert Mugabe and ZANU-PF in the 2008 elections.^{xvi} The crisis could have been easily resolved by forthright action by SADC and the AU: it merely required them to insist on the result standing, demand a transfer of power, and Zimbabwe might have developed very differently in the next decade.^{xvii} This did not happen.

Whatever the speculation about whether Mugabe wanted to step down, or he demanded that he be protected from stepping down, the fact is that the military took charge and “won” the result of the presidential re-run. Some have called this the first coup, and even senior ZANU-PF officials are candid that the military took charge and ensured the result. This result was rejected by everyone.

Thus, this action was only partially successful, but it did produce the peace treaty known as the Global Political Agreement, and the creation of the Inclusive Government. Whilst this was euphemistically called a transition, and major reforms were supposed to take place, little really changed. ZANU-PF kept the major organs of power, and the security forces refused to accept the civilian authority of the MDCs. The statements of senior military officials refusing to accept the civilian authority of the part of the government occupied by the two opposition parties are notorious and common cause.

During the life of the Inclusive Government, civil society became obsessed once more with constitutional reform rather than reform of the state, and this became highly divisive within civil society, taking the focus off the reform of state institutions. This is not to denigrate the achievement of the amended constitution, but rather to point out that the cynics were right: **this was a peace treaty and not a transition**. The constitutional process took right up until the gate of the 2013 poll, too late to have any effect on reforming the state, and ZANU-PF, through its prevaricating and obstructing, merely bided its time and energy in preparation for the 2013 elections.^{xviii}

The 2013 elections came as a thunderbolt to everyone, even to many members of ZANU-PF who could hardly believe that they had won their seats. But the effect was dramatic: Robert Mugabe and ZANU-PF were re-elected by a landslide, won back their two-thirds majority, and opposition parties were thrown into total disarray. It seemed irrelevant to all that the election result defied political reality: Robert Mugabe got more than a million more votes than Morgan Tsvangirai, and careful analysis could not establish how this was possible.^{xix}

Furthermore, the basis for the alleged swing in the loyalty of the voters was subsequently shown to suggest rigging.^{xx}

The obvious next step for the victors was to build on the advantages given them by the GNU, make the small, but obvious decisions that would produce re-engagement with the international world. The steps were easy and all were agreed at the SAPES/Ned Conference in 2014 that only a few essential steps would be necessary:

- Create policy consistency;
- Clear commitment on the protection of property rights;
- Re-define the conditions for investment by changing the indigenisation theology;
- Undertake a land audit;
- Rehabilitate and rationalise the parastatal sector.

None of this happened. Rather ZANU-PF went into a sustained conflict over succession, a conflict that had been brewing ever since Dzikamai Mavahaire raised the issue in 1999, and exacerbated in 2004 with the Tsholotsho Declaration. However, it now appears that the most recent internal conflict was less a faction fight between Lacoste and G40 than a sustained purge to remove the over-weaning power of the military that had been gaining in power since 2008.

The story of the last stages of the inevitable coup are now commonplace.

First, it began with the purge of the Mujuru faction. This started with the death (or murder) of Solomon Mujuru, culminated in the expulsion of the entire Mujuru faction, and almost decimated the party. However, this purge obviously opened the space for Mnangagwa and the military, and the deeper problem began to manifest itself.

Then began the slow and relentless campaign against Mnangagwa, and the attempt to limit the power of the military. This has led inevitably to the events of the past few weeks, and the unfolding of a strategy that clearly was a long time in the brewing. It is very hard to believe that the events of the past few weeks were a spontaneous response to the sacking of Mnangagwa and Chiwenga: the process seems far too well-organised to believe this.

Here we are today and facing the overthrow of the constitution.

Has there been a coup?

It seems to be the fact that no-one is willing to face this publicly, and derives quite simply from the actions of the military. Whether we call this a military assisted transition the enforced resignation of the president, a “soft coup”, or even the “non-coup” coup, the military came onto the streets in defiance of the constitution. We might all celebrate the removal of Robert Mugabe, but the manner of his removal violated the constitution. Any cursory reading of the Constitution will tell you this. Furthermore, support of the people, after and not before the coup, was not for the army but against Robert Mugabe, and, without the guarantee of safety by the army, it is extremely doubtful that there would have been mass demonstrations. Recent work by MPOI and RAU strongly indicates how “risk averse” Zimbabwean citizens actually are.^{xxi}

Lest there be any doubt that a coup took place, look at the Constitution. **Section 110** gives the responsibility only to President to deploy the defence forces. **Section 113** gives power only to the President to declare a state of emergency. Section 208 requires the security forces to act within the constitution, be wholly non-partisan, forbids them to act in support of any political

party or cause. **Section 212** requires the Defence Forces *to protect Zimbabwe, its people, its national security and interests and its territorial integrity and to uphold this Constitution*. **Section 213** gives only to the President the power to deploy the Defence Forces. And, finally, **Section 214** requires the President to expeditiously inform parliament when he deploys the Defence Forces.

Here it is worth a careful reading of Alex Magaisa's last two Big Saturday Reads, and note also the number of violations of the Constitution that still continue. The first draws attention to the one very dangerous judgement by Justice George Chiweshe, which suggests, possibly drawing on Section 212, that there are conditions in which the Defence Forces can determine for themselves when they need to protect the country, etc.^{xxii} He points out that the basis for this judgement requires the most urgent challenge. The notion in this judgement that the military can determine for themselves when the constitution or the state is under threat creates a power outside the executive, parliament and the courts. This most certainly is not what the constitution intended, bluntly allows legal coups, and seems manifestly unconstitutional.

Even if the judgement did attempt to draw upon Section 212 as justification for the intervention of the army in civilian affairs, it seems unlikely that a superior court could uphold this, as Section 212 would have to be read together with all the other Sections indicated above. Taken all together, it is evident that the Constitution envisages the military remaining wholly under civilian authority, only deployed by civilian, and nowhere suggests that the military have any independent power to deploy themselves ever.

Magaisa's second article point out the number of other ways in which the Constitution continues to be violated: both in the delay in the appointment of a Vice or Vice-Presidents, and the more serious problem of the military remaining in civilian space in the absence of an order by the President under Section 113, and/or the failure to notify Parliament under Section 214.^{xxiii}

The only conclusion that can be drawn is that the government that is now in place is illegitimate, and what will be the consequences.

Moving forward from the coup

The first, and this is what is generally being spoken about, is that this coup may be a good thing, and the means justifies the end. The rule of Robert Mugabe has ended, and we can look forward to good governance, sensible economic policies, an end to corruption, and perhaps the opening of the political space, adherence to human rights, the opening of the media and press space, and so on.

However, it is now clear that ZANU-PF will continue to govern until the next election. They have rejected all calls for inclusivity, and interpreted the incoherent support of the people as a mandate to do so, cushioned by the unwillingness of opposition political parties and other internal groups to challenge the assumption of power, and bolstered further by the unwillingness of the international community to call the coup a coup.

The consequence will be that elections will happen, and ZANU-PF will win this election (**because they always do**). Here there have been less-than-reassuring indications with the resignation of the Chair of the Zimbabwe Electoral Commission and the continuance in office of the Registrar-General, Tobaiwa Mudede. The latter's continuance reveals yet another contradiction: the Minister of Finance states that all civil servants will have to retire at 65, but another Minister states that we cannot discriminate against the elderly, and Mr Mudede is

long past retirement age. We can only hope that this kind of policy incoherence, which was such a feature of the past years of Mugabe's rule, will not become a feature of the new regime.

The opposition parties seem too fragmented to offer a serious challenge (or expose the illegalities if these are present), and need rapidly to move beyond the rhetoric of alliance to the actuality of a real, policy-driven alliance and electoral pact. If not, then we can only hope that the dreams of the citizens on the streets two weeks ago will be met. We can hope that ZANU-PF is willing to reform internally and turn into a bona fide modern political party, as suggested by Emmerson Mnangagwa at the Extraordinary Congress.

In general, and using a medical metaphor, this scenario is like hoping that the patient will heal him or herself, and generally this is the position of being unable to offer any treatment at all. Prayer might help, but little active intervention.

The most serious implication is that, failing any challenge to the coup, the military will have a direct hold on the state, and in a way that has not been there so overtly before. It is almost impossible in the short-term to roll this back without massive internal and external pressure, which seems wholly lacking. Here it is worth reading Phillip Roessler's piece in the *Independent*, which is also available on NewZimbabwe.com.^{xxiv} This puts very succinctly the problem and why the AU (and SADC) is failing Zimbabwe. It also must be pointed out again that the lack of clarity by internal forces to call this a coup is allowing the externals to avoid this decision.

The impact on civil society

The first impact to consider is that, in the very short term, it is highly improbable that this election will be free or fair. When the military take charge of the state, this is exceedingly rarely the preliminary to establishing democratic rule.

Consider the conditions at present. The chair of ZEC has resigned, the Registrar-General will remain, "Command Agriculture" will be put in place, soldiers will be deployed to *help* with farming, and voting will be "polling-station specific". The possibilities of the system seen in 2008 being in place seem very high,^{xxv} although it is unlikely that there will be much violence.

This will be backed up by some progress on the economy. The recent budget has received moderate critical approval, but it should be noted that over 50% of the expenditure is for only four ministries: the Office of the President, Defence, Home Affairs, and Education (*Primary and Secondary Education*). Ministries dealing with security get 27% of the budget, while Health gets just under 9%! Related to the election, it seems doubtful that there will be serious cuts in the number of soldiers or the police, and it is commonplace how critical their role has been during elections.

The key issue, post-election, will be whether the victory for ZANU-PF "cures" the coup. This seems to be the hope of all the externals: that an election that cannot be contested will allow all to accept the new regime. This will allow re-engagement, helped immeasurably by the disappearance of Robert Mugabe, and a modicum of state reform, together with the low-hanging fruits for economic reform, will enable everyone to get on with life. One very unhappy prospect will be the demolition of opposition political parties, and then will begin a lengthy process of re-organisation, probably taking a decade.

However, if this does not work, and the elections are unsatisfactory to both internal and external forces, then things could get very tricky. Failure to win approval for the elections will undoubtedly exacerbate the crisis, especially the economic crisis. Investors are unlikely to be excited by continued political conflict, and the international community, while being unwilling to call regime change a “coup”, are equally unwilling to change their position in the absence of the rule of law, observance of human rights and good governance. This seems to be the position that the US will adopt, irrespective of whether they are lobbied by opposition political parties and civil society. The *sine qua non* of good governance in modern politics is good elections, and even better electoral alternation. “Command” elections are unlikely to find international favour, and thus it can be predicted that the current crisis will continue. Furthermore, the predilection for the curative power of elections is also supplemented by the requirement for good governance, the rule of law, and respect for human rights, as in, for example, Article 9 of the Cotonou Agreement.^{xxvi}

This will place civil society in a very difficult position, and especially because the military will have a much stronger say in government than ever before. Here bear in mind the dramatic increase in the power of the military after the 2008 “coup”, and think a little about the power that the military has now. Regionally, the rhetoric about NGOs being agents of “regime change” has been growing strongly in the past few years, and it might be expected that this become more pronounced should ZANU-PF find itself still embattled on the international front. This, of course, will be selective as in the past, with human rights groups and other civic groups dealing with governance being the primary targets. And, of course, this a sector deeply weakened already by the funding crisis of the past three years.

There are signs of this even now. Minister Chinamasa’s comments about the impossibility of devolution are not merely about costs, but more seriously about the intention to maintain strong centralised power. This is so evident from the complete lack of movement towards devolution in the past four years, and the continuance of the Provincial Ministers.

However, there will remain one pressing problem that the government, whether it wins approval through an acceptable election or not, will find very difficult to resolve. Nearly 70% of the population is under the age of 35, and this will continue to grow. Virtually all are unemployed, and it is hard to see how the dissatisfaction of the youth can be easily met. This is the powder keg for the future, as considerable evidence around the world demonstrates.^{xxvii}

In the short-term, the prognosis is not entirely grim, and there are steps that can be taken to deal with the current crisis.

- Challenge the coup – call it a coup, go to court to challenge Chiweshe’s judgements, and demand the removal of the soldiers from civilian life (there are no grounds for martial law). Although the government and the military claim Operation Restore Legacy is over, there are still reports of soldiers behaving in illegal fashion;^{xxviii}
- Demand an inclusive national dialogue on the way forward. This has been the call already from many civic groups and churches, and seems to be a view that may have some resonance within both SADC and the AU. It certainly provides a way to resolve the problems of the coup;
- Demand a transitional arrangement as an outcome of the national dialogue. As far as we have been able to establish, this might have been the preferred solution for SADC (but pre-empted by Mugabe’s resignation). Such a suggestion has

been proposed as a solution for the crisis that would be inevitably precipitated by the contradictions within the regime for more than 18 months^{xxix}.

Conclusions

For the second time in 50 years this country has been precipitated into a major constitutional and international crisis. The Unilateral Declaration of Independence in 1965 caused a major international problem, and resulted in a very bloody civil war. Even though there was a strong international response to UDI, it can also be argued that the failure of the colonial power to immediately crush the rebellion was a very weak response to the constitutional crisis at that time. It was easy for the international community to repudiate UDI as the action was purely in support of 250,000 white settlers and against the interests of the vast majority of the population, virtually all of whom could not be citizens in any meaningful consideration of the term.

The second time, this coup has not produced a similar response by the international community, and the difference would seem the absence of internal repudiation of the coup. The lack of response seems to be predicated on the basis that if the coup is good enough for Zimbabweans then it is good enough for us. It is doubtful that any international government denies that there has been a coup, but they will be reluctant to say so if there is no internal disapproval. However, it is very hard to accept that a coup did not take place: even harder when the military remain in civilian life, the constitution continues to be violated, and there is little meaningful engagement between the “government” and the international community.

While everyone sits and watches, Zimbabwe moves into an uneasy stasis, where the “government” makes policy, passes budgets to implement the policies, and prepares for an election. Perhaps it is just the short time left before elections must take place that produces the inertia around condemnation, and the rather pious hope that elections can cure coups and not adherence to a constitution. Here we seem to have moved backwards in Africa, as Phillip Roessler has pointed out. The old model for regime change, military takeover followed by elections for a civilian government, was supposed to be a thing of the past: Zimbabwe has just re-invented a new way to go back to the old model. It seems like a case of old wine in new bottles!

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ⁱⁱ Matyszak, D (2012), *Après moi le Deluge: Succession and the ZANU PF Party Constitution*. July 2012. Harare: Research & Advocacy Unit.

ⁱⁱⁱ RAU (2014), *The Mortal Remains. Succession and the ZANU PF Body Politic*. Report produced for the Zimbabwe Human Rights NGO Forum by Derek Matyszak, Senior Researcher, the Research and Advocacy Unit [RAU]. July 2014. Harare: Zimbabwe Human Rights NGO Forum.

^{iv} Matyszak, D. A (2015), *Robert Mugabe Way: Constitutional Amendments and ZANU PF's 6th National Peoples' Congress*. 25th February, 2015. Harare: Research & Advocacy Unit; Matyszak, D. A (2015), *COUP DE GRÂCE? Plots and Purges: Mugabe and ZANU PF's 6th National People's Congress*. July 2015. Harare: Research & Advocacy Unit;

^v *Published in the Zimbabwe Independent, 21st October, 2016.*

^{vi} *Published in the Zimbabwe Independent, 16th December 2016.*

^{vii} *Published in the Zimbabwe Independent, in Analysis, Comment, Opinion, 2 June 2017.*

^{viii} *Published in the Zimbabwe Independent, 1st December 2017.*

^{ix} RAU (2017), *Can SADC redeem its failure to solve the Zimbabwe Crisis?* November 2017. Harare: Research & Advocacy Unit.

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- ^{xi} Kwinjeh. G (2008), *Staring a gift horse in the mouth. Death Spiral in Zimbabwe: Mediation, Violence and the GNU*. 18 June 2008.
- ^{xii} RAU (2017), *An analysis of the recent political developments in Zimbabwe*. December 2017. Harare: Research & Advocacy Unit.
- ^{xiii} That this was a coup remains the position of Zimbabwean civil society. See Crisis in Zimbabwe Coalition, *CiZC Statement on SONA*. 21 December 2017.
- ^{xiv} Mandaza, I (2016), *Introduction*. in I Mandaza, (2016) *The Political Economy of the State in Zimbabwe: The rise and fall of the Securocrat State*. Harare: Southern African Political Economy Series.
- ^{xv} Zimbabwe Human Rights NGO Forum (1998), *Human Rights in Troubled Times: An Initial Report on Human Rights Abuses During and After Food Riots in January 1998*. Harare: Zimbabwe Human Rights NGO Forum; Zimbabwe Human Rights NGO Forum (1999), *A Consolidated Report on the Food Riots 19–23 January 1998*, Harare: Zimbabwe Human Rights NGO Forum.
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[<http://researchandadvocacyunit.org/publication/future-zimbabwe-4>]
- ^{xviii} This conformed to the “most likely scenario”; most of the predictions were correct save that the election in 2013 was not violent. Here see RAU (2010), *What are the options for Zimbabwe? Dealing with the obvious!* Report produced by the Governance Programme. 4 May 2010. Harare: Research & Advocacy Unit. [<http://researchandadvocacyunit.org/publication/activism-20>]
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- ^{xxiv} *How the African Union got it wrong on Zimbabwe*, Phillip Roessler, *NewZimbabwe*, 5 December 2017.
[<http://www.newzimbabwe.com/opinion-40518-How+African+Union+got+it+wrong+on+Zim/opinion.aspx>]
- ^{xxv} Sokwanele (2010), *the Anatomy of Terror*.
[http://archive.kubatana.net/docs/demgg/sokwanele_anatomy_of_terror_110612.pdf]
- ^{xxvi} RAU (2015), *Zimbabwe, the European Union, and the Cotonou Agreement: An Opinion*. January 2015, Harare: Research & Advocacy Unit; Zimbabwe Human Rights NGO Forum (2006), *Zimbabwe’s Failure to meet the Benchmarks in the Cotonou Agreement*, November 2006, Harare: Zimbabwe Human Rights NGO Forum.
- ^{xxvii} See Urdal, H. (2006). *A Clash of Generations? Youth Bulges and Political Violence*. *International Studies Quarterly*. Volume 50, Issue 3, 607–629. [http://www.un.org/esa/population/meetings/egm-adolescents/p10_urdal.pdf]
- ^{xxviii} For example, the incident where a soldier believes that he has powers of arrest and arrests a civilian for a perfectly acceptable inquiry. See ZLHR HRD Alerts, *ZIM AUTHORITIES ARREST MAN FOLLOWING ALTERCATION WITH ARMY OFFICER*. 19 December 2017.
- ^{xxix} Platform for Concerned Citizens, *Towards a National Transitional Authority (NTA)*. 16 November 2017.