

AFTER MUGABE MNANGAGWA'S CHOICE

We have removed a tyrant but not yet a tyranny, argues **David Coltart**

For the last two years I have warned that Zimbabwe was facing a perfect storm—the unique convergence of several factors that could tear the country apart.* The eye of that storm hit Zimbabwe in mid-November and although it tore down the house of Robert Mugabe, it left remarkably little other damage. What I didn't anticipate was the level of unity within the military. I feared that the divisions within the ruling ZANU PF party were reflected in the military and that the removal of Mugabe would result in a firefight within the armed forces. Although there was serious tension between the police and the army, the army and airforce stood together causing remarkably little loss of life.

Whilst with most Zimbabweans I rejoiced in the end of Mugabe's ruinous tenure, I remain appalled by the illegal and unconstitutional manner in which it was done. Aside from anything else section 213 of the Constitution states that armed forces are only to be deployed with the authority of the President, something that clearly did not happen. That alone made the entire exercise unlawful. The only lawful way to remove Mugabe was to impeach him. I have argued that consistently since 2000 and ironically it was only the real threat of impeachment that eventually caused him to resign.

Many Zimbabweans were so delighted by Mugabe's removal that they were willing to overlook the coup, and some even praised the military for

what they did. Others have criticised those of us who complained about the illegality, saying that we were purists and out of touch with the need to remove the biggest evil, namely Mugabe. However, it is not my main purpose here to argue why the coup was wrong. Let me rather quote the words of the great philosopher John Locke who wrote in 1690 that 'wherever law ends, tyranny begins'. Tyranny, not Robert Mugabe, was our greatest evil, and the breach of our laws and Constitution has merely entrenched and perpetuated tyranny.

If there is any doubt about this one needs only to consider the composition of the new Cabinet. Since 2008 Robert Mugabe was in essence a fig leaf—the thin veneer of a civilian ruler over a military regime. The military engineered both his run-off election 'victory' in June 2008 and 2013. That fig leaf has now been removed and the inclusion of three military officers in the Cabinet is confirmation of where the real power lies.

ZANU PF apologists point to the fact that US President Donald Trump has several ex-military officers in his Cabinet, but the difference is that none of



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* See, for instance, 'As Mugabe Fades: Zimbabwe at the Crossroads', Robert Forsyth talks with David Coltart, *Policy* 33:3 (Spring 2017), 30-34 especially page 34.

those officers played any role in Trump's election. In Zimbabwe President Emmerson Mnangagwa owes his new role to the very same officers he has appointed to Cabinet: Constantino Chiwenga delivered the army, Perrance Shiri the airforce and Sibusiso Moyo had the guts to be the public face of the coup. Without their actions Mnangagwa would still be in exile, and would certainly not be President now. Mnangagwa is beholden to these men, whereas the ex-military officers in Trump's administration hold their offices solely at his pleasure.

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Appointing Chiwenga as Vice President and putting him in charge of the Ministry of Defence demonstrates where the real power lies. In making this appointment Mnangagwa has breached the Constitution—section 215 states clearly that the President 'must appoint a Minister of Defence' while section 203 states that a Vice President 'cannot hold any other office'. In other words, Mnangagwa is obliged to appoint a substantive Minister of Defence and cannot appoint someone who simply oversees the Ministry. Mugabe stretched the meaning of the Constitution to appoint Mnangagwa as Vice President and the person who oversaw the Ministry of Justice, because there is no Constitutional obligation for a President to appoint a Minister of Justice. But there is no ambiguity in the Constitution regarding the Minister of Defence.

So Mnangagwa finds himself between a rock and a hard place—he could not politically appoint Chiwenga to the position of a mere Minister of Defence or a Vice President without any real power, and yet he cannot lawfully appoint Chiwenga to be both Vice President and the person in charge of the military. So he has decided just to brazenly ignore the Constitution. There is a further political footnote to this move: in making this appointment Mnangagwa has stripped ex-ZAPU member Kembo

Mohadi of the Ministry of Defence and Security role (a powerful position) and made him a weak co-Vice President with responsibility for national healing. Put simply, this is the illegal concentration of enormous power in the hands of Chiwenga.

Having risked so much to remove Mugabe, the architects of the coup are not then going to be prepared to relinquish that power lightly. These are the same men who organised the military to brutalise the opposition in 2008 and who cunningly organised the electoral fraud in 2013. Accordingly, for all the platitudes about holding free, fair and credible elections it is unlikely that will happen—unless Mnangagwa himself determines otherwise.

This is all the more so given the current political environment. For all the wave of goodwill seen since mid-November towards Mnangagwa from the middle class and business sector, it remains to be seen whether that translates into votes in certain key constituencies. Despite the electoral violence and fraud in 2008 and 2013, Mugabe's presidential victory still needed the core support he got from the highly-populated regions of Mashonaland Central, West and East provinces. In addition, Mugabe, because of his historical stature, enjoyed a modicum of support in Matabeleland South and North provinces. Without that support it would have been difficult for Mugabe to win even with the violence and fraud.

Mnangagwa, on the other hand, can only be assured of grassroots support on a similar scale to Mugabe in Midlands and Masvingo. Whilst unprincipled politicians within ZANU PF changed their loyalties overnight from Mugabe to Mnangagwa, the same will not automatically happen amongst die-hard Mugabe supporters. These rural men and women, who have supported Mugabe for 40 years and who do not understand why he has been treated in the way he has, may not shift their support to Mnangagwa. It is significant that the mass demonstrations of the 18th November were only held in Harare and Bulawayo, both Movement for Democratic Change (MDC) strongholds.[†] There was no such outpouring of joy in most rural

[†] **Editor's note:** Sadly, on the 14th February, longtime opposition leader and MDC president, Morgan Tsvangirai, died of cancer in a South African hospital. He was Prime Minister in the unity government from 2009 until 2013 when he lost the fraudulent 2013 elections to Mugabe.

areas. And therein lies Mnangagwa's problem. Furthermore, there is also no doubt that some G40[‡] leaders and supporters will be actively campaigning against Mnangagwa in those areas.

Compounding the problem for Mnangagwa will be the attitude of rural voters in Matabeleland South and North. Mnangagwa, Shiri and Chiwenga were even more directly involved in the crimes against humanity perpetrated against civilians in Matabeleland between 1983 and 1987 (known as the Gukurahundi) than Mugabe himself. Mugabe used all his political cunning and his position to distance himself from the Gukurahundi at the time. However, Mnangagwa was Minister in charge of the Central Intelligence Organisation at the time, and made damning statements in affected areas. Shiri was commander of the 5th Brigade, and Chiwenga, then known as Brigadier Dominic Chinenge, was commander of 1 Brigade based in Bulawayo which provided nearly all the logistical support to the 5th Brigade. As a result, they are all part of the folklore of Matabeleland.

Some may complain that raising this issue is an attempt to stir up old wounds. That is not the intention. It is simply stating a political fact that is hard for people outside of Matabeleland to understand. These three men (who are all now in Cabinet), even more so than Mugabe himself, are held responsible for what happened, and people have not forgotten. The Unity Accord itself is dead for all practical purposes. The Accord was signed in 1987 by the two original nationalist movements, ZANU PF and PF ZAPU, to end the political violence in Matabeleland, with both sides agreeing to form a single united political party to promote peace and stability. Historically, Mugabe included former ZAPU cadres in leadership positions each time he formed government. Although Mohadi is ex-ZAPU he is now in a very weak position and there isn't a single other ex-ZAPU leader of any consequence in Cabinet. Mohadi's effective demotion from the powerful position of Defence and Security Minister to a Vice President responsible for National Reconciliation has sent an unequivocal message about the state of the Unity Accord.

Against this is the opportunity provided to Mnangagwa by the disarray in the opposition which has left many of the opposition's traditional supporters—namely urban workers and the professional and business community—disillusioned and more inclined to support Mnangagwa than they did Mugabe. There is no doubt that Mnangagwa's pledge to tackle corruption, make government more efficient, and repeal certain legislation such as the Indigenisation Act has struck a chord amongst many who historically have supported the MDC.

There is also no doubt that many Zimbabweans are afflicted by the Stockholm syndrome—they have been held captive for so long by Mugabe and the ZANU PF regime that they have fallen prey to the condition that causes hostages to develop a psychological alliance with their captors as a survival strategy during captivity. People have been so delighted to see the back of Mugabe that they have embraced the very people who have kept Mugabe in power for so long, and who have been the willing executors and beneficiaries of Mugabe's violence, corruption and abuse of law for decades.

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Despite this, Mnangagwa remains in a honeymoon period and it will be difficult for him to deliver on his promises in the short time left before the election which is due to be held between July 21 and August 22. To secure the votes of urban working class people he has to convince them that he is serious about tackling corruption and cutting back on government expenditure. In that regard he has already failed in two key respects.

First, his retention of a few extremely corrupt Cabinet Ministers—one in particular whose name I will not mention because of our defamation laws but whose identity and deeds are widely known—has given the lie to his promise to tackle corruption.

[‡] **Editor's note:** The so-called G40 or Generation 40 is a political faction within the ruling ZANU PF party consisting of younger members promoting generational change. It was fronted by former First Lady Grace Mugabe.

Most people are of the opinion that the arrest of certain ex-Cabinet Ministers on corruption charges has more to do with settling factional scores than with genuinely tackling corruption.

Second, his pledge to pay civil servants' bonuses—whilst popular with civil servants—means that the chances of restoring the economy are greatly lessened. Unemployed people and most people employed in the private sector have not received bonuses this year and the payment of bonuses sends a powerful message to urban workers that this new government isn't serious about cutting back on government expenditure.

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These problems place Mnangagwa in the ultimate Catch-22. Mnangagwa's greatest strength is that he understands economics better than Mugabe ever did. Because of this he understands that unless he is able to attract foreign investment he will not be able to deliver on his promises, particularly to urban workers and the business sector. Foreign investment will come if he can project Zimbabwe as a stable country where investments will be protected, and key to that is the holding of free and fair elections. He also desperately needs to hold free and fair elections so that he can restore his own legitimacy, for despite all the hoopla the fact remains that he came to power on the back of a coup.

If Mnangagwa holds free and fair elections, however, it will be extraordinarily difficult for him to garner the 50% +1 he needs to win the Presidential election. If he doesn't achieve that he then faces the prospect of standing in the run-off election against the one opposition Presidential candidate who gets the most votes amongst all the various

opposition Presidential candidates who stand in the first round. That will be an unattractive prospect because this Constitutional provision will force the opposition to put aside their petty differences and rally around one candidate. This will result in a formidable convergence of political opinion. If those in the Mashonaland rural areas—unhappy with the way Mugabe and the G40 have been treated and others unhappy with the way former Vice President and now the National People's Party leader Joice Mujuru has been treated—join hands with traditional opposition voters, die-hard MDC supporters, supporters of the Alliance for People's Agenda leader Nkosana Moyo, the people of Matabeleland and others it will be well-nigh impossible for Mnangagwa to win a free and fair election. That will then place him in the dilemma of choosing between bludgeoning his way to power, and in the process undermining his attempts to attract foreign investment, or being prepared to allow a smooth transfer of power to an opposition candidate.

In all these circumstances Mnangagwa has a unique opportunity in the coming months to choose between becoming one of Africa's greatest statesmen or just another tyrant. He has to choose whether he wants to be a Gorbachev or a Milosevic. If he chooses the former as his role model then he faces the possibility of losing power but of going down in history as a man prepared to put Zimbabwe ahead of his personal interests. Somewhat paradoxically, if he chooses this route he may well make his path to actual electoral victory easier because he will be able to exploit the undoubted amount of goodwill shown towards him by many and convert it into real votes. However, if he chooses to be a Milosevic he may retain raw power but destroy his legacy and any prospects Zimbabwe has to recover in the short term.

I am praying that Mnangagwa chooses to be inspired by Gorbachev.