

The ZANU-PF Musengezi court challenge: Implications for the state of Intra-Party Conflict

night holy melody
Greetings to you all.
To all our participants, our viewers across the across the globe. At home in the diaspora. Greetings view. We have a a very unusual policy dialogue today. Which is looking at the recent court challenge. By M Senge. Against the process. leading to the housing of Robert Ngabe in twenty seventeen Their patent questions. The first is why now? Way, way, way, way, would this case not brought up earlier? It's four years since the coup. The second is, what are the possible implications? given the what is known in Zimbabwe has captured judiciary. Thirdly, to what extent does this reflect the state the party, inter party conflict. Ehm we know that tomorrow the cases before the courts And we know that the Zelo PF is taking it very seriously. To be interesting to know from the panelless what is the likely line of defence of response, And today we have Brian Kagoro. A lawyer. His own right but also an activist. Uh to moderate the the discussion. regrettably and the Musenge himself is very ill. I spoke to him. He might join us but he can hardly speak. He's lost his voice. Very bad bout of flu. I

was laughing because he's with us and he stands his ground. Uh the other participant Shima Hoover. He don't have to ah why is not on the programme but eh due to unforeseen don't use the word unforeseen but to due to foreseen. Circumstances is unable or has been disabled from participating. So here we are and so we we depending us. indicate to me whether you are able to say a few words eh after the so Brian I'll move it to you take it up Sabbath his name Segezi he may want to ask whether you can say a few words or just remain a an observer Thank you doctor Mandaza Let. me just remind us what the SAPS dialogues are about. there are about surfacing matters of national interests. Uh and ensuring that we here a diversity of views. And within the context of these dialogues we always see and endeavour to stay respectful but to differ robustly. Uh so for those who are on the call, the encouragement is the is that on this platform we recognise that we are not a political choir. And that's must be a divergence of views that need to be serviced. The issue we're discussing today is broad. it's varied, it has many, many nuances, eh, after, I've heard from Sengezi and eh, Kilani's Amchia, I will get into some of those nuances as we, as we try

and get a discussion going. Uh, Msengezi, I'll invite you, my brother to say a few words, I understand that you are not feeling well, but it will be just to hear a few words from you. What is this case about? And why now? Uh whatever you can afford to do, even if it's a hello and then we'll hear from Doctor Zamchia. Please go ahead Saibeth.

Sabbath you muted You muted cyber.

Sabbath, you're in Mutant Can you hear me now? Yeah, now I can hear you. Yes, I was saying thank you, but as you can hear, my voice isn't that good, I have a terrible flu. So, I'm just going to give a few words. I will leave the the discussion.

So pertaining to what you were asking, this case basically it's about the illegal ascendancy of Comrade Mingangagwa to the position of the first secretary and president of our party. Uh he was elected in an illegal meeting. The one that was held on the 19th of November 20 seventeen. So that's what prompted me to approach the high court. So that the issue can be addressed. An election can be held where we will be able to choose the person that we want to to lead the party. And so the question was, why now? Why? It's a 2017 is four years ago. That's when we realised that the meeting was

illegal. I was too going through the constitution and seeking advice from lawyers and now that I had a a tangible application. That's when I decided to approach the courts. how do Simons is that I don't want to finish your voice? Do you have any other comments then I'll turn to doctors I'm sure because I think I'll come back to you later on. Anything else you want to say at this stage? I at this stage nothing. Thank you so much for your questions from you. Yeah so there's a one small bit. I know that those who read newspapers now know this. Just confirm for us that you are a bonafide Zanu PF member. and that you are a Zimbabwean. I'm in Zimbabwean and my membership to Zanu PF is undisputable. There is a lot of evidence. I've worked with a lot of people. I've worked with a lot of leaders. So for someone to come and say that I am not a member. I don't know what the agenda is. But I am a fool. PF member. A bonafide. Thank you so much Cybert. Um I'll ask you to sit, relax and we will hear the analysis from pilanism chair, doctor Zamchia. Uh please you can share your screen. Uh we have the time we've agreed to and then I'll come in and we do Q&A. Thank you. Thank you very much Brian and good evening viewers. It's always good to be on this platform. And I would also like to recognise my my fellow

panelist YM Senge.

I think I will just try to take 20 minutes and then I will see whether we can move to to to questions.

eh we will talk about this ah this court challenge. But I'm more interested in the political aspects of it.

Especially the implications for the state of intraparty conflict. So perhaps first I will just try to give eh flashback. Because we had an almost similar debate about the state of Zanu PF a month ago.

Uh then from there I I will look at what I think are the big propositions today about internal party democracy IPD. Uh and then look at the court case itself. And the political forces that might be interested in this. Both within Zanu PF and within the state. Then from there I'll try to talk about the implications. And hope I will be on time. Uh it's unfortunate that my brother Richard Good will make it to today. So first is is just the flashback That on the ninth of September 2-one I I did a thorough analysis of the state of Zanu PF as a party. Right on this platform and I forcibly argued that Zanu PF at this interagnum actually faces serious internal contradictions from the presidium to the cell. Uh but you got a very coercive state machinery that keeps it breathing. Hence you have a party state. But some became

the proverbial doubting
Thomas's. But what has happened
ever since the ninth of
September 2021 when we had this
discussion right this service
platform. Uh you know this is
what the state media has not
been telling you and for the
sake of time I'll just be
running through. For for
example, look at this
headlines. We won't get into
detail. Uh Zanu PF is Gomwe in
court over hitting Mass Miriam
Gua with chair over Rodrigue.
This is a rally province.
Violence breaks out at Zanu PF
meeting Under fire, Zanu PF
Manika and provincial chairman.
Uh Mike Madiro. Police, tear
gas, Zanu PF, protesters at
party PC C. And I've
interviewed these people
already. I was in Zimbabwe. Uh
breaking news. Chaos at Zanu PF
district headquarters as rival
factions clash in Kwekwe. Zanu
PF Youth Angry over party
chaos. And have also
interviewed these these youth.
Zanu PF tussling disrupts Rimba
RDC twenty twenty-two budgetuh
meetings. G heavy in PF.
Planning to top home Nangawa.
This was Ziambi Ziambi. Eh.
Minister of Justice and
Parliamentary Affairs. Just on
the on sixth October twenty
twenty-one. Zanu PF suspense
provincial elections. This is
from the Zanu PF website. Zanu
PF Big Wigs. Question.
Munangagwa's legitimate.
Munangagoli legitimate

conundrum explodes in court battle. So this court case is therefore a culmination of deepening and widening elite disc cohesion within Zanu PF. And I think more is still to come before the political ah climax. Okay. But will. Ah the context of this court case. I think the big proposition I want to make tonight is that internal party democracy is important because the practice of political parties help to structure public deliberations, and to foster a health democracy for the nation. And also these political parties in Zimbabwe, not just Zanu PF, they are there to provide linkages between government and the citizens and platforms through which you you have the aggregate interests of society. Uh being articulated. But more incisively. The process by which decisions are made within political parties can also impact on the establishment of a democratic or oligarchic culture. Uh in the wider society. And to me it is clear that parties that practice democracy. Whether you talk about ah MDC alliance led by Nelson Temisa, NCA by Professor Love Mo Madraku, transformed Zimbabwe by Jago Bungaru Vome, MDCT, ah by Douglas Monsora. Ah they are likely to select more popular candidates. Have less conflicts, more cohesion, wider scope and enjoy greater democratic election success and

governing performance. But we have we have been seeing a deficiency of internal party democracy and why? And I think the iron law of polygag helps to explain this deficiencies. And by this I mean a rule by a few eludes to protect their power, personal interest at the expense of members that they represent and the broader party goes. And this English inclination towards PF. I think largely explains what we are seeing today. But let me clear that party members are not passive victims. They also have urgents. Some do it covetly. Through what James Scott might call everyday forms of resistance. And others might do it more overtly. As Musenge has done to challenge such an democratic internal practices. And coming to the court case I've read the application and according to me it is actually pregnant with facts. There's no doubt that this will open a Pandora's box to lay bare the illegalities associated with president Munangagwa's rise. I think it is actually much richer than the Mashawire's application that led to Nelson Chamisa being declared an illegitimate leader of the MDC in March 2020uh by the Supreme Court. But just like the Mashavira case there's no doubt that this is not a product of one wizkid who has just discovered the illegalities. Here I'm inclined to agree to a

certain extent with Magaisa's proposition. That perhaps we have a tortoise on the wall. And from my view the application is a combination of legal minds. From within the party and from without. Even involving some lawyers who have handled similar cases before. And it's also a product of people with inside information and unlimited access to Zanu PF's internal documents. Including sen minutes. And it is an act from people who have been guaranteed some level of state security protection in the dangerous world of of Munangagwa's rule. I think the merits of the case I'm not a judge but I think they will be difficult to dismiss. Especially given the precedence of the Mashawire case. But knowing the party state that Zanu PF is it can widely conjure some technicalities to nip it in bud. Like number one, locust and issues. They can desponge. You know, if they can delete people in the voters row, they can even delete his name in the same registers. Number two, they can argue that Musenge's must first exhaust internal remedies. They did it with the basket case. However, in the Machari case, the judges were clear that Mashawira had no chance of getting justice within the same system him he was fighting. So why not follow the same logic? And number three, they can wildly say

three years have passed since
twenty 17 Where do you submit?
Where were you to submit
your grievances? But whatever
the technical way out is not my
main argument. It is very clear
that this will not cure the
public interest and the
political storm generated by
this case. And I think given
the state of elite disc
cohesion internal strife and
contradictions within the
elite. The case is now of
political interest to more than
just one man. To more than just
Musenge. Whether he likes it or
not. And that interest might be
expressed poverty of oral
covetly. I'll look at some of
the political forces that might
be interested quickly. The
procedure itself in Zanu PF,
Mao Standia Professor from
university has written
extensively on VP Juenga's
presidential ambitions. There
has been a verbal agreement
that Munanga was going to be a
transitional leader. But this
is now being shredded. Uh
almost everyday. Some has
skeptical about this verbal
agreement. Whether it was
really there or not. But if you
listen carefully to Farah, the
daughter to Mnangagwa, she was
very clear on 28th July that
Munangawa had agreed, I caught,
to serve one term, to avoid
making mistakes made by
Mungabe, ah, close court. And
I'm also told in various
interviews that the general is

not happy, and so are his people. So five more years, will affect his long held ambition, and his health is not helping matters. You also have senior political bureau members, number two, who feel that they have been dumped at the Shak Shack building, without direct access to state patronage. These are former ministers, the likes of Obe Tumpov, who said we have chaired the Kangaroo Court, the likes of Patrick Kinamasa, Engog Betro Gejo, Paul Manguana, and perhaps the court case might give them a chance to correct this. Three, you have the war veterans of the 1970s liberation war. We were arrested for demonstrating for the improvement of their welfare. 31 August and now 25th of October. And what the chairperson of the war veterans welfare pressure groups said is very interesting. Let me quote. There's nothing new to tell Munangagua. Unless of course you'll be coming to tell us the answers to our grievances. This grand standing has to be stopped. They talk of shares in mining and a lot of other projects. The speck from affluent hotels. Yet a war veteran on the ground is suffering. Then you also have the G forty as a political force. And I don't think they have been give they have given up despite that they are subdued. They haven't given up

the political fight. And from my my research, they would prefer to either take over, or to ensure a more Amicable leader is in place. We have already seen that during the DCC elections. And in fact, In fact, a Chiwenga president is more ideal to the majority of the G 40. At least those I have spoken to. ED presidents. Then you have your paged military commanders who were very crucial during the coup. Likes of Major General Sanya Atwe Eh and and so forth. And eh you also have the neutralised central intelligence organisation itself. Uh the likes of Mzonzini, Changata, Nyakuri, Maudin, Mazowe, Tachiwe, Nira, Gweshe, who has spread all over the country. They were neutralised by the military intelligence during the succession battle. Here you can also read Tendi's works. But they were later asked but still with links and interest. And the CIO remains largely neutralised and in the corridors they are whispers of discontent. And most actually days. Then you have the non-karanga ethnic groups. Who are complaining about the primitive politics of appointments. That are based on blood, ethnic and communal ties. To an extent that if you look at the top bras of a of the Zimbabwean security. You can be mistaken to think that it's a moyo and a private

security company. So other ethnic groups they actually feel excluded. They think M team have a winner take it all mentality. What do they coach in Uchelo? Then finally you have China. I can tell you that China in my view is not so enthusiastic about the five more years. Formulagu has been inconsistent. Trying to please the waste which is supposed to be seen as the author of his problems. Prioritising paying western deaths rather than Chinese deaths. And China is mainly men in Harare. Has not been enthusiastic about re-engagement with the west. And that main man Chiwenda. China might not mind ED but will be happier with Kiwenga. What then are the implications in short? I think the failure to uphold internal party democracy in Zanu PF. Whether this court case is heard or not. Whether Msenge wins or not. Whether Msenge disappears or survives. Uh going whether he keeps being ill or he recovers, will continue to widen part disunity. Deepen and lead this coercion, intensify intrapart conflicts, lessened party scope towards twenty twenty-three and beyond. And this is not only confined to Zanu PF. I hope other political parties in Zimbabwe are also taking lessons from this. And this is likely to be expressed through one or a combination of these four Ds.

One, deviation. Where Zanu P of part members can deliberately vote for another presidential candidate as a way to express this ground moment. We saw this in two thousand and eight. Uh when there was the so-called Boram Sango after Robert Mgabi refused to step down during the 2006 Goromons conference. But we have also seen this more recently in the 20 eighteen general elections. When chairmis got more votes than Munangago but lesser votes than than Zanu PF. Then you have the alignment as an implication. Where party supporters can converge around a younger person, more charismatic, but deep roots in Zanu PF to run either as an independent or through another vehicle. Uh those who remember can think of the Zimbabwean scenario in 2000. You know PF and with great links in the party has already written that I quote your excellence given your advanced age and the workload required to turn around the nation. A nation as broken as ours. It is advised that you do not seek re-election as state president in twenty twenty-three Close court. By then Munangago will be 82 years old officially. If you want the full you can read Dengui's book. The the bridge. Pathway to New Zimbabwe. And Diangu is Chiwenga's homeboy. Then you can have three defection. Where part

supporters can openly adopt new
part identification for a
pre-election coalitions are
likely to emerge from Jamisa's
citizens conversions for
church. And fourth is the
branding. Where you have the
part leaders who can
continuously and systematically
legitimize Mnangagwa. And
question is integrity in the
public eye. We have already
heard strong words from war
veterans apologising for
terrorising citizens. And this
is script we have heard it
before being played by Mathema
Danda Mahia and Mutangwa among
other war veteran readers. We
have also heard from former
Youth League members on corrupt
like Senegal. We have also seen
internally devotees of
rejection by children of
Munangagwa. Good living in a
sea of poverty. Primitive
attacks on the opposition.
Misogynistic and barbaric
attacks on the girl child like
Joanna, Netsa, Cecilia. All
meant to see systematically
delegitimize Munangaba till he
is politically.
team will not sit down and be
swallowed like the proverbial
fish with their eyes wide open.
Remember he's a crocodile. His
KGB train knows how to capture
and manipulate state and
non-state institution.
Institutions including the
judiciary, which is very
crucial here. He's also shrewd
and a dangerous political so

any political fight will
therefore be blood in my view.
And for some of his opponents,
life will be short, nast and
brutal. So that is why in terms
of way forward, I say, Zimbabwe
needs an urgent, all inclusive
national dialogue, to find
solutions, based on the
founding values and principles
enshrined in the constitution.
Before an before our very eyes.
Thank you very much. Try.
thank you so much the Zamshia
for a tour divorce that looks
at at various issues. Um I want
to press you on a few things.
so that and also I see there
are one or two lawyers and
others political scientists on
here. Uh that I will ask to
chime in.
when we're looking at the
grounds you say it may be the
basis for for challenging the
application. Uh so if I
understand correctly the the
application is based on the
argument that an illegality
cannot found. A legal outcome.
Right? And that anything based
on any legality is itself
either avoidable or void having
issue. So the events as I
understand them is that you've
got the twenty seventeen coup.
And then you had the opposition
joined the medical round with
the purported impeachment. Then
you had supposedly concurrent
with that process that
purported to recall
Mugabe. Uh at the and then
later on the extraordinary

congress. Cost those processes there's been an escortini conference which may not have been elective. But where Mnangagwa was confirmed as candidate for twenty twenty-three Then you had the bloody July 30 election. As a political scientist, does the confirmation by the constitutional court of Mnangagwa's victory within the eh twenty eighteen election. Have any significance Is that tainted by the illegality eh that eh the applicant is raising? Or is that a separate matter?

Uh thank thank you Brian. Um I agree with you in terms of your chronicling of of events. Um in terms of your question I think that Munangagwa has has been challenged before in the courts. But it was best on the national constitution in terms of whether he had respected the national constitution. But if you look at this case, it is actually the first where the applicant is focusing on the Pentecost itself. is the party constitution that was abrogated. So I don't think that it will be fair for the courts to then say to them relate this case to those other cases and and say that this issue has been resolved. Uh I think we still need to hear the merits of the application because he's using this NUP constitution and not and not the national constitution. And

you said that as well the fact that Nangaba went into a general election and then he became president Uh even if we are to stretch it to that extent I don't think that It's convincing. Why? Cos if you look at the Mashavira case ah that was brought about in order to dislodge ah Nelson Chamisa as the MDC president as the legitimate NDC MDC president. A general election he has had also occurred. And the judges were very clear in their ruling that Nelson Chamisa had entered into a presidential election. He had popular vote and that one day he might actually become the president of Zimbabwe. But they went on to say the very fact that he might become the president of Zimbabwe means that he must learn to respect internal party democratic processes. And if you look at this case it actually then becomes worse. Because Nangawa is not even assuming to be president. But he's actually the president of the country at the moment and I think then it becomes worse. Uh sorry. So my question was not clear. My question is from your understanding of the case. It essentially only applies to his legitimacy in the and not his legitimacy as state president. That's it. You may have a situation where if this case in the unlikely situation succeeds and Nangagua will be declared no longer as an president but

he would still be the president of Zimbabwe. We should take you to the second beat which was I advised that they attempted with respect to Ngabe. Which is a recall. So I'm asking you, describe to us how this would play out. So that when Zimbabweans are engaging the case, they understand the full implications. If this case succeed, and let's assume all the chickenary that we have, is not there, there is no question around, locust, standardai, no question around the fluctuation or expiry of time and et cetera. But because it succeeds What result should Zimbabweans expect? I think we have to look at it ah not in a unit dimensional manner but it possible ah scenarios. Cos this is politics at play. I think the first thing that we have to understand is that ah the current constitution does not allow Zimbabweans to elect eh a president eh midterm directly citizens. It is the political party ah that he has to elect its own candidate ah to to finish off the term of April decessor. So given that context if then Nangago is said to be not the legitimate leader of of Zanu PF. Uh it then it then becomes very difficult for him to claim to be the legitimate president Zimbabwe. Uh because initially he was put in by the very same political party processes. Which would not which would have failed the

constitutional and democratic test. So where will he be able to stand on? And I'm sure given the the the political forces that I have spoken about. once they start ruling. There is a very big possibility ah that ah his party will definitely ah recall him. Ah in in in one way or the other. So it's a big case. He has to fight for his political life. Okay. So just one more one more small questions then we open it up to the audience. Um if you reflect on it in the most ideal of circumstances.

the internal process that made him leader was ill constituted. It also means that the process by which those who were removed post his attendancy occurred was also illegitimate. It also means eh the selection of a replacement from Gabe was illegiti that therefore the defect of factor position or the dejure position would favour Mpoko. Uh or some such character. So play this out for us. We are taking the most idealistic position from your the scenarios you gave. Okay? You are saying the applicant saying all the processes around. So the party processes were many that were ill constituted. And not conve on the basis of that constitution. What does as you as you unravel and scramble this omelette? Uh what other dimensions come into play? Yeah, the dangerous part here is that there is

presidents and I think that our legal system does pay due diligence to to to precede as unlike in Mozambique for example. Uh look Damasha Vira case. Uh it played out almost the same way. Nelson Chamisa is appointments. We declared nullian void. Uh everything that he had done was declared nullant void. You know legally. And this is the Supreme Court of of of Zimbabwe. So I don't think that ah the Supreme Court should try to veer away from that from that precedence if they arrive at the decision that Ngagu is a sentence to power was unconstitutionally within the party. Then everything else also become null and void. And you know the funny part of it here is that everything we have revert to the 2014 party structures that were there. And the same applies to the MDC. I don't know what's magical about 2014 as well. Because in that case everything he had to revert to 2014 and yes you you have then focus supposedly coming in. But if you listened to to to my slide on the response. here you are dealing with very should political operators who only pay lip service to democracy and constitutionalism. And when politics and law clash you should expect a vicious response from the Mnangagwa camp. That is not only based on the legal nice cities. Uh I

think should come to the for a possibility where the window. The doc will come to the Mgawa case. We'll come to the more realistic position. I think that for political discourse because you are an academic, let's play out the ideal, eh idealistic position, right? And so help Zimbabweans understand the idealistic position, where does it land the nation and what would be its implications? Then we can have a discussion, open up to the floor about what people think is the more realistic position. It's ja. The idealistic is that you go back if there's such a ruling in the favour of Musenge. You go back to the 20fourteen structures. And obviously will be called on to hold the proper party congress. And there's presidents. We have seen this happening within the MDC. Uh despite that when he played out actually it wasn't just about the the the cities but about the politics. It actually means that all the explosions of the so-called G forty. Uh Ubi Nala and Void and they will be begging the fort. And hence your sense that. So what we will have is you will have Grayson Gabe back in the fold. G forty back in the fold. Uh Chombo the Casu Cuerres, Pro Jonathan Moyes, all these people back in the but here is my question. What would the decision since the court

pronounced itself? Or would the decision taken to expel the current president of the country who is legitimacy in Zanu is being questioned Munangagua. Eh what will be the position on that? What is likely to be the position? I'm just saying if you put everything

Can you come again? You're seeing the position on I didn't no I'm saying before we went to to yes I take the point. Mnanga was not trained by the KGB but by the Chinese. Uh if we take the point is this. At the point until the point that you hold this meeting that Senge says he was wrongly constituted or unconstitutional. Certain precipitous facts had all events had occur Amazon Nngagua had been kicked out of Zanu suspended whichever is the structural position. So when you say we go back to 2014, that means we use Zanu PF 2014 structures and those elected at the Congress. But going back also means you go back to what the position was before the illegal or unconstitutional actions were taken. I'm asking you what would this mean expulsion from Zanu and others who had been suspended. yeah, what, what, that would mean is that, Mnangagwa was suspended post the twenty fourteen structures. So he was ah suspended by ah Robert ah Mugabe. Hi himself. Eh he was still in charge as the as the

first secretary of the party
though his his power was
beginning to to well. So if you
go back to to the 2014
structures you then have to to
go back to to to the 20
fourteen structures of the and
Mnangagwa is probably somebody
in there. But he is not as
powerful as the person who then
gets suspended. Uh by Robert
Mungabe. And remember that
Mnanga was issue has been
brought before the cause. I
mean in terms of state. And the
courts also ruled that the the
that his suspension was if if
if you remember very well
you're a lawyer. I think it was
worship but he then didn't go
on to give the substantive
reasons. As to why he made such
a judgement. So what I'm trying
to do here Brian is to to say
that we should not conflate
these cases. or commute the
ideal And trying to build an
ideal. The doctor Yes. Ja no.
Hear me out talk. Uh I think
that you have a position and
but trying to match it Msengezi
may limit what the issue is.
The issue is, if you say the
meetings that determined
Mnangawa's leadership were
unconstitutional. That means
those meetings could not have
readmitted him. Yes. You are
saying, you are saying. Yes.
Toast's judgement until it is
challenged. Answers my question
that as long as Tuisha says the
suspension was unlawful and
there was no coup, the position

is this, whatever comes of this case, will not question the legitimacy of the coup, will not question Mnangagwa's judgement. So I think it's what we are trying to do is for Zimbabweans who don't daily engage this issue. To make sure that these gaps are filled. That's the only thing that therefore makes Mnangagwa part of the caste is the judgement. If it had not been for the Jewish judgement, Ncube would have been lawfully suspended by his party. Right? But the Jewish judgement because there is a questioning of that suspension. So that's the point I was asking you to clarify eh for the audience on what is ja. Brian but I also want to say if the judgement is in favour of Mugabe I think we should admit that ah power, real power goes back to Zanu PF. Okay, that's what I was trying to get at you. Okay. So now, you've given us your ideal. What is your most reality? Zanu PF is the one which we have the power they decide to recall him based on, on whatever the court would have prescribed. Then I think even the Jewish the Tuohy rulings becomes inconsequential. Because we, we don't elect, we don't directly elect president, halfway, no matter what happens. So Zanu PF becomes the key major player here. Okay. In terms of what might happen, it depends on the convergence of the political

forces that I have spoken about. if they are going to converge what might happen is that reclaim its power. Mhm. And they will recall him. And as I told you there there are so many many centres of power that are not happy. Both within the party and within the state institutions. So there's a real possibility there. That ah Abu Nagaba might be recalled ah by his own party few singers wins ah this case. Okay. But this is different ah from the ah scenario whereby ah Mugabe had lost completely control of the entire state operators. Mnangagwa hasn't completely lost that at this political junction. And therefore if they going to try that there will be a fight back. And the fight back this time we will be bloody because both factions have access to the armory. Hence my area my earlier quote that what is needed is sustainable solution before before an implosion happens. It's not going to be a walk in the park. Okay. So the last question is what are you calling an inclusive dialogue? in the context of this case. Eh if Nngagua wins the case, why would he be dialoguing and with who? my call for an inclusive dialogue is not in the context of this case. I'm saying what we have been seeing happening in Zimbabwe, not just within Zanu PF, even outside it. It's actually shows that there are

there's a deep-seated crisis in Zimbabwe. Deep-seated political crisis in Zimbabwe. And these are just but massive problems. Those are just but listen. Can I push you back. I hear academics say this a lot. Mhm. Nineteen 63 Zanopeeve splits from Zapu. Big crisis. None of them dies. Nineteen seventy-two post the PS Commission. 1977 thereabouts for a Lizzy. Eh Nari rebellion. Eh first 1980s clashes 1985. Eh the standoffs. The pre-cool standoff. What has been consistent is not withstanding the depth of the perceived crisis the governing elite have somehow found a minimum platform for building consent. Uh and some form of to continue governing. Even in hostility. Is your sense that the other moments are different? And if so why? Because they have been deep. They've been bloody. They've been threats of violence. Ja. Yes, that's, that's a very good intervention there, Brian. Uh, let me say that, this is not our historical Zanu PF, as always had internal divisions, if you read struggles within the struggle, by Merciful As Tole, you would understand that better in addition to what she has said. But I think what is happening in this juncture is for the first time that you are in a constitutional democracy. And we have heard, military coup. Not in the bushing courts, but in a constitutional

democracy. And Zan PF has to deal with this ah for the first time and that military coup has not been cured. And ah from studies across the globe whose biggest schools. How you bring stability is the is is then very very important. But we also should also understand that when you had divisions. You also had Robert Ngabe trying to contain until a certain point where there was an implosion where he couldn't. And we haven't seen even Mugabe in a constitution or democracy being challenged than in a court of law that is legitimate and so forth. Despite the divisions I spoke about the government's conference in 2006 when Mugabe wanted to extend his tenure by two more years and so forth. But have the authority, the power, the legitimacy and even the charm to contain these divisions. I've also given the context in terms of, you know, what they've been trying to, to agree to or not. We probably cannot answer that decisively at this moment, because it remains an open research person. But, that is what Mecca Theatre different at this at this historic juncture. Yeah because you could you could take the Nari rebellion, put them in a pit, just bury them there and that was it the end of it. The context is quite different. Does Munangagu have the authority, the power, the

legitimateness, even the charm to contain this. Okay, so let's so clearly what you are saying is deeperly disc cohesion as Troni says in the chart. And you are saying the power is almost evenly balanced militarily. Uh the battle will be for the souls and hearts of Zimbabweans. If with this level of disc cohesion you go to an election you've given the four Ds of what might happen. My last small question to you and I open for the floor. I'd say last last the last time. Is all this big drama is only possible because of the military factor. the military participating openly overtly in the internal affairs of the political party in violation of the constitution. And in your listing of which forces you listed security or the secure threats. Uh whether it goes from Senge or it goes against Msengezi. Where are you locating the military factor? Both in terms of conclusion of the Zanu PF internal question and the broader national dialogue that we're talking about. Okay. Yeah. If we look at the the military coup that happened in twenty seventeen I remember very well, she went saying it clearly that the military would not hesitate to step in. And that meant into part affairs. So I think there's no way in my analysis that that historic juncture could have been president of

the Republic of Zimbabwe.
Without the military
intervention without with you
know without the military
actually abrogating what I
think ah it's constitutional
duties with all due respect ah
to which situations ruling of
which we haven't seen the
substantive reasons you know
why why he made such a such a
ruling. So yes ah the military
is key and the military is
actually ah to blame for this
state of ah for for this state
of affair affairs and I don't
think that ah the military
should ever step in to resolve
civilian civilian issues. And
then when we talk at the the
the military at the moment the
fact that they they are
divided. You have Munangagwa
who has appointed individuals
to whom he has ethnical and
communal ties to. And even
family ties to a certain
extent. As the top brothers the
of the military. Uh the Moi was
eh, and so forth. Uh, but the
military, the institution,
itself, remains a headache to
both Nangago and the appointed
commanders. Some of them had to
be recalled from, from
elsewhere. There's no doubt
that Chiwenga, he tried to
build a military institution in
his own image, for a long long
period. I think since two
thousand and three up to now.
So the question will be with
the military if they decide to
move as an institution or move

as the elite commanders. Either way it will be blood. And I also want to say that most of the coups that we have we have witnessed on the global stage. Usually come from below. That is from the institution. Uh the Zimbabwe one is one of those outliers where you have about hundred and ninety-eight people elite commanders ah deciding ah deciding deciding the fact. Eh then lastly about ah the military and and dialogue. I I think that ah there are two ways militarized states like Zimbabwe. Uh based on my studies on Latin America. You know if if you look at at South America. It's either you have to resolve the military question from below. You have to mobilise the civilians to defeat the the military. A revolution. In short. Or you have to sit down and have a negotiated parks. Um with ah ah with the generals. Which way can Zimbabwe go? The most ideal you know now cutting from your Oasis of Wisdom in terms of the the scenarios. The most ideal would be for the civilians to say enough is enough in a peaceful non-violent manner. As provided for by section 59 of the Zimbabwean constitution. And and resolve this question once and for all. But if I do an analysis of the balance of forces in Zimbabwe at the moment. I not see a revolution happening tomorrow or the day

after. Therefore contrary to most of my colleagues I still think you need to sit down. you need to sit down with those military elites who have vast fears. Which they need to be addressed and have some kind of updated transition. Thank you Brian. Thank you doctors. I'm chair madam. Colleagues who have joined the call. You are all experts. Some of some of you with deep knowledge of the military, deep knowledge of civil society. I'd like to open the conversation up to the rest of you. Uh fascinating conversation with doctors and cheer about his take on the balance of forces. Please do indicate if you want to speak indicate in the chart, or you know, raise your hands so that we can avail you the opportunity. The floor is open. Uh administrator please help us open the floor as soon as people you know, indicate. I don't like silence. So what I'm going to do with his back. Maybe want to see something? Cybers please go ahead. You're on mute, Sabbath. Can you hear me now? Yeah, I can hear you now. I I didn't hear the question. you've listened to doctors and chair. So the question was whether you have any comment, something you want to say after listening to to Zam Chia's Pilani Zamchia. I'm not going to make any

comments today. Okay.
Comments, attaining the, the,
the matter that is still be,
before the courts. It's before
the courts, yeah. Mhm. So I,
unfortunately, I'm not able to
give any comments. Uh, in
relation to what you are
commenting about. Okay, so
Cyber, thank you so much. Thank
you, man. Allow to ask a a
question maybe is ehm the the
case is in the court tomorrow.
I believe the clear case is in
court tomorrow. ah not not
tomorrow we are still waiting
for tomorrow.
said. ah we are still waiting
for the respondents to file
their happy duties.
What what's in your as a lawyer
that you are and also Brian as
a lawyer. What is the like line
of defence that Zalu PF will
take in this matter?
Um can simply say for example
it's unlikely it was a that's
it. I've yet some fellow
comrades. Most of them I have
actually worked with them. They
are trying to disown me. So I
don't know how they are going
to do that. There is a lot of
evidence eh supporting that I
am a member of the party. so I
think they will try to use the
technical but I don't think
that there is a lot of
evidence. supporting a
membership
Brian Mag is my is is it am I
going to to say that whether
whether they disown Sengezi or
not. The papers are before the

court. On their own matters.

The the court challenge is there.

the attempt which has broadly made of disowning work in this case. No. So there are basis which is what Zamchia was saying and I think what I'm saying is he's saying If a litigant brings a a matter to the court, the first basis to determine is whether the litigant has a legal right. Uh on the face of it. That's what we call ear legal standing.

Locust standard in Judicio. On judicial. Eh if it is with respect to internal processes of a party. The first line of attack is whether or not you are a bonafida, paid up member of the party. Uh and if you are a Bonafida paid up member of the party that falls away. The second line relates to whether the unlawful action was ever condoned. And if it could in terms of the constitution be condoned by subsequent duly constituted gatherings of the party. Eh but you know we don't want to preempt these arguments, otherwise you keep, you end up giving people things to argue. Uh, if they didn't have the, the, the, those sort of arguments. Either way, there are many technical reasons why a dispute can be raised. The fact that a dispute is raised does not mean it will succeed. Uh litigants always try to raise technical issues as a way of avoiding the merits of the

of the case. Ja.

Igbo, if you allow me, I don't know, I see Freeman here.

Freeman and I see reward and I also saw

Professor Moyo, do you care to make one or two observations, as observers and people who've listened to Zamsia, on what your take would be, either on the balance of forces, what implications are for the judiciary, for civil military, party military and state relations and et cetera. Reward Freeman or Professor Moyer.

Hello, I'm trying to see if any of the colleagues here are going to take up my offer.

What are you asking exactly? Uh I mean we all have come here to listen. When you ask a trio it's very difficult for a trio to give you an answer. Uh in some chorus form you know. But I'm not sure I think thank you for for for for giving us me an opportunity but I, I, I, I'm not sure Uh, given the topic, that, you know, I, I take it, it is about, the case in relation to interparty, politics, more that than its legal aspects. but I'm I'm I'm also very interested person. Uh having been affected by the circumstances. Uh giving rights to this application. Uh so I'm not sure exactly what what you want us. Uh the the three of us you are inviting to address.

But

in in in in general terms. I,

I, I think this is a very interesting development, and we have the, eh, eh MDC or the Supreme Court eh judgement eh in the MDC case to thank for this situation. Ah I think it's a very interesting development ah ah because really ah in in in in Zimbabwe from my experience ah where eh for all the years I was active in Zanu PF there was no single occasion I felt that the party was eh illegal or a constitutional entity. I was always very struck by the ignorance of our collective selves. Either the ignorance or of the constitution or the contempt of the constitution. Uh I I I really honestly don't remember either as a member of for a cell, a branch, a district, inter district, a province, central and Polite Bureau or even Congress the highest policy making body. I don't remember an occasion when we were seized with legal issues or when we were worried and bothered that what we are doing has legal implications. First and foremost within the party. Uh and secondly against the backdrop of the constitution. the national constitution. So when you look at the eh minutes that ehm Senge has eh put or attached to his application of the eh nineteenth of November 20 17 meeting. What is very striking about that eh or those minutes is that there is absolutely no

concern or even thought that the momentous decisions that are being made have eh constitutional implications. There's even an attempt to raise any constitutional question. Or to say we are taking decision A, B, C, D in terms of for this or that section of the constitution of the party. It's like a a group, let's get together, now that we have come together, let's find one of us, who is the most senior among us, to chair this meeting. Uh, let's make this decisions and so forth. And in a way, for me, that is very consistent with the practice, the political culture of political parties in Zimbabwe. They they are political parties. They are not legal entities. They are not constitutional entities. They act with political authority and so forth. So I find this a very interesting eh eh case Uh for that reason that finally this culture that is very deep seated in Zimbabwe in political practice. Uh is coming under legal spotlight. And for me I I see the MDC case as having been made in anticipation of this one. And I think the judgement of the Supreme Court is more applicable to this one. These are the facts relevant to that eh that judgement. Than the MDC facts. There may be some similar facts there but I find this very interesting Because hopefully it will help us deal

with a very serious problem in our political culture.

Especially given that the national constitution makes certain assumptions about the political party that provide the the candidate or the person who ends up being the president of the country. So I'm not sure Brian what if if there are some questions. I but since I'm I'm I'm talking I I I had planning referring to the ruling. Uh and raising questions in response to what you were probing as to it's likely implication on this case. As far as I'm aware, there is no ruling and there will not be a ruling because it was an order by consent. I mean, the whole thing was just A friend, there was a, there were no parties that were, you know, having in any dispute, they, they just made that application in order to, to say that Mnangagwa, expulsion as vice president of the country, had been of no legal force effect. But it was a very clear judgement about his eh eh vice presidency of Zimbabwe. It had nothing to do with his vice presidency of the party. Ah and the issue of his vice presidents of the party did not arise. And one does not necessarily have to be a member of a political party to be appointed vice president. The constitution of the country is very clear as to how the president eh appoints a vice president. So his issue of the

the vice presidency was not addressed. That's why the minutes which have been attached to the application address that question eh upfront. The the that meeting of the central committee purports first and foremost. Uh it does two things before they get into the various issues they did. One they say who should chair the meeting? It's an important question because the constitution of Zanu PF is very clear about first who should convene a central committee meeting And second, who should chair a central committee meeting? Uh, it's not a bamboozonke. So they then address that issue by simply saying, we will appoint Mpofo because he's the most senior among us. And then secondly, they decided to find that, the expulsion of Mnangah vice president of Zanu PF and first secretary of Zanu PF and a member of Zanu PF. was well they don't even say it was illegal. They actually say we are reinstating him. So they reinstated him as a member of Zanu PF, reinstated him as vice president and second secretary of Zan PM. There was no deliberation. They didn't even say he has applied to to to be reinstated you know. They just moved to, to, to, to, to reinstate him. They did that because they were aware that the national, the, the court eh, eh the situation case on

the 23rd of November. Uh which which had not even happened by the way. When they met to do this the the Jeweshe ruling was not there. The the meeting is on the nineteenth of November 20 17. and it was case or the Jewish order is on the twenty-3rd of November. Uh so they didn't I think in their view they wanted him to be eligible to to to for the presidency as a successor, as a as as a as a sitting vice president Uh and and and and, and they were, they moved, you know, on that day to dismiss Mpoko. So they just wanted to leave one person, Nangawa, as the one qualifying for, for, for, for, for, for the presidency. Uh, but there is no ruling. Uh, we won't get a ruling on that, the, there is, there, there is a, there, there is a, an order. I think what is significant. Uh I heard you brand raising what I thought was an interesting point as to whether subsequent if if they are if it is found that the meeting was the central committee meeting was convened illegally. It was conducted illegally. And it made illegal resolutions. We were there subsequent structures of the party. Uh or meetings that could condone or did condone the these illegalities. Well what is interesting at least in terms of from Nangawasi leadership of the party is that there has not been any such

meeting since that central committee. even the extraordinary congress of December that same year of twenty seventeen was not called subsequent to this central committee. Uh it had been called already and it had been called in terms of the constitution and extraordinary congress has called for a specific purpose. Uh so that one had already been convened and it had not been convened to condone a central committee appointment. They they were even so I don't know whether one would say audacious or, or, crazy. Because they didn't say that the central committee elected Mnangagwa. And that election was going to be condoned by a letter eh Congress. They said they were appointing him. And and and the minutes used the word appointing. That eh the central disappointing. Now the concentral committee can't be in terms of the Zanu PF constitution and appointing authority. But it purported to appoint him and and and Mnangagwa when he was addressing the eh extraordinary congress that had been called by Mugabe for a different purpose. Thanked the central committee for appointing him. President And said eh he was hoping expecting the extraordinary congress to use the word ratify that at that appointment. But what is

significant is that the president and first secretary of Zanu PF can only be elected by a congress. And it's an election. The process requires nominations from the provinces. Uh and an election at the Congress at an appointment. Uh appointed time. Uh this didn't happen there was no province that even purported to nominate him or even to eh eh ehm recommend the eh eh endorsement or ratification of of of of his appointment by the central committee. Eh the the reason this goes back to 2014 is because that's when there was the last Congress. Ah and the Zanu PAF in terms of his twenty fourteen constitution is a one power. I mean a one cent of power party. Uh the powers for the to to bring to to to the the vice presidents are no longer elected as they were before 2014. Since 2014 they are appointed by the president and first secretary of the party. and and the expectation from twenty fourteen was that in terms of the constitution of Zanu PF, the next Congress was scheduled scheduled for twenty nineteen And they have not had Congress since 2014 Even the 2019 Congress, which in answer to your question the the the question whether the illegalities could have been subsequently condoned. I think the 2019 Congress would have done that if it had been properly convinced by his NOPF.

Uh Mzan PF being the first respondent in the case. But didn't convene a congress in 2019. And what we have since 2017 since the 19th of November. Twenty seventeen. You have a series of continuing illegalities and to borrow a phrase I learnt from you Brian. You have a festival illegalities continuing festivals of of of legalities up to now. Eh and and I think my my last comment eh eh would eh

Yeah, Brian, I just on, on, on, irrelevant in a in a Sorry. Sorry, I thought you have finished your husband, carry on. No. I was just reaching my last point to say that Brian asked a very important question about why now? He was asking the the the applicant. Uh in fact I I just want to make two quick points. One is on that one and the last one I want to make an I'm just thinking about now. Is this lump this tortoise on a lamppost theory which I I heard Pilani talking about. But Brian person, why now? I, I, I think, eh this is someone who who found himself part of these issues. Uh and and and although the application came when I myself was not available. I was not active taken time off to remember my daughter. But I since have found myself in conversations with colleagues and and so forth. Clearly. Quite clearly. it would have

been impossible to imagine this application coming at any time eh before last year's Supreme Court judgement on the Mashavila case. Uh I I I think it could only have been after that case. Uh But eh if there is eh any illegality there is no time set to a remedy illegality. Ah and eh you can seek to remedy a a illegality because this is eh I heard somebody talking about three years and I think it was Pilani. When you look there's no prescription for a declarator. Uh there's no prescription to correct illegality. You you correct it when you become aware of it. And you should not only be aware of it. But I think you should also have reasonable expectation that if you approach the court, you will be heard. Uh, in, in, in this case, it will really be, I know that, Zimbabweans have become this illusioned and really given up on the judiciary in Zimbabwe. But this case will any court. I mean it will be very interesting to see which courages judged. Uh to confirm that they are compromised eh eh eh are happy to make some political decision or to to to, to, to prove eh, that they are indeed compromised. I, I, I, I think this is as good a time as any, to correct a, an illegality. It's a continuing illegality. And a continuing illegality can be stopped at

any time, in its continuum, you know, along the, the line, that is the, that is my view. Ah, lastly, think and I've read this from Magaisa and and I heard from from Doctor Zamcheer. This idea that when Zimbabwean brings a legal action, they have been sent by someone. Uh is unhelpful. Uh we cannot look at each other as citizens and describe ourselves or or call other citizens tortoises. I I think this is completely unhelpful. Um I, but I understand the spirit that when eh, in, in, in action that has, implications for all of us, comes up and then, all of us as citizens, then, and we express interest, it doesn't mean that there was a big room somewhere where people and planned and eh conspired and then they sent this one courageous guy. Uh for me I really I'm so thankful that we, this application has someone like, eh, ehm, ehm, Sengenge, who speaks for himself. Uh, who is more, so far, hê has been the most articulate person, eh, to, in explaining the case, I, I, I, I, I, I, I, I was eh, really eh, eh, you know, I felt proud as a Zimbabwean, eh, listening to him in eh, his interview with Peter Doro on SAPC. And that interviewed disproved or at the very least challenge these prototypes theory. That you know somebody has just put a tortoise on on

on a lamppost and then we have to find out who this person is and so forth. Uh you might as well call anyone who brings any litigation in might as well call them a tortoise you know. So no doctor Zamta I don't think we are dealing with the tortoise here. Uh I I think we are dealing with one out of many members of Zanu have current and former who've been affected by a major development in the party. And there is a a natural meeting of minds or meeting of interest. You didn't bargain for this Brian when you asked me to speak eh but there you are. You took a risk asking a politician.

Competition. Always a politician. Igbo. I'm glad Brian that Jonathan is coming on this. But also I want to echo his point. Um I also I too was very impressed cybers.

Senge's interview with Peter Ndoro. That was the first time I saw the young man in action. And certainly he's no tortoise. Uh since spoken to him a number of times. Um he's a serious young man.

Eh I think that we have to respect and extol brave citizens especially young ones such as SES and this it was really indifference to him Representing as it does the youth and eh people who want things done correctly. That will help the session. remember Brian on our platform. You

talking as Jonathan, let's go to do this is a celebration of illegalities and what have you. The one thing I remember very clearly on the nineteenth, on the nineteenth of of November 2017. Was this central committee meeting? Harried recalled people very emotional number of people like Manguana and Msangua dance and you know it was the end of Mgabe so to speak. But then that night the Sunday night, a Sunday, Sunday night.

to be brief, the input of that was this, that, the statement that Mgabi read, that was twofold in in in import. One was to say look the or by implication the coup was a misunderstanding. A misunderstanding which has now been dispelled. And secondly, that I as president of the party, and First We'll be chairing a Congress to exams. and all else will be put in order on the occasion. Now for you lawyers and indeed for cyber series there and for Jonathan

my point though that this central committee meeting on the Sunday afternoon was Ipso Factor declared null and void by that statement. A statement which it appears of the prepared by the military itself.

I don't know what extent that that detail is contained in the in the court application. I thought it was it would be a

very significant detail anyhow in terms of what happened on that day the nineteenth. Your comments please.

Thank

you Igbo. There are several lawyers here. Any comments I'd eh I'd asked a few people including Freeman, lawyers, political scientists, eh street scientists like myself. Uh A level students, AK level student.

Uh Jonathan, are you coming back on this point? Uh for Which point? Thank you Brian. Uh thank you Brian. Uh Let me try to Can you hear me Brian? Loud and clear. The spotlight was was on professor Jonathan. No these are interesting

I just want to say I think With all due respect to Alex Magai. So I think he's still about to twice on the lamp. Uh does not necessarily mean that he's demeaning citizens. As to choices without urgents. I think what what he's trying to say is that perhaps there are convergence of forces. Uh from behind. And I I am very, very ah, confident, and I'm also very aware, that there are other people who are interested in these case, ah, who have been working, eh, with Musenge's as well. But that doesn't literally mean that is it or twice, it remains a a citizen, there are meetings that have been held in some avenue, we've done research, we

have no who has made in puts,
you know, into this. But, Hey,
hey, hey, just wanted to, to,
to, to make it clear that it's
not about demeaning citizens,
it's just a matter of saying
perhaps, there are other people
who are interested, and I know
there are other people who are
interested, who have been
working with Msengiazi by name,
maybe we can say it another
day. And I think that, I made
it very clear also, that I've
read the application. And that
based on the merits of their
application and my own
understanding of political
events It is very clear that
Msenge has a very very strong
case. It actually puts the
judiciary's credibility to
test. You you cannot dispute
the facts that he actually
raises. Uh but the point I was
trying to put across in term it
was in terms of what Zanu PF
can conjure. You know, they can
make up things. they've done
that they they have done that
before. They can actually
dispone him, to say that he's
not our member, we have already
seen Tafazwa, the the director
of information, George
Charamba, all trying to, to
despon him, but the evidence
where his them, because if you
look at the same registers, his
name is there, he is
anticipated in Zamu PF primary
elections before. And though he
lost that that doesn't make him
not a member of Zanu PF. He

also has got his membership cars before twenty seventeen and post twenty seventeen. But I'm talking here in terms of when politics clashes with law. Uh according to Zanu PF politics must always ah must always prevail. And also just to

I I was clear that this is unprecedented case. And it will be unfair for the judges to make reference to the Jewish order or rule whatever you call it. Because this is about the party. And not about ah about ah about the state. And eh as a citizen even though they might condure some technicalities. I still think that this is a matter of great public interest. And that it must be heard based on its merit merits rather than being dismissed on condured technicalities. Uh let me then say that what I see here is not necessarily the league of fights. But the political fights that are unfolding within Zanu PF. What I said the ninth of September 20 twenty1 That there's elite disc cohesion within Zanu PF. Serious internal contradictions. And this case whatever happens to its legally. It's going to lead to one or a combination of the four Ds that I spoke about. The deviation D alignment. Defection. And the system cinematic ah deep branding of ah of of of Amazon ah ehm Nangagua. Eh as the president

and I agree with professor Jonathan Moyo on the point that there was not even any consideration of whether what Zanu PF was doing during the coup was constitutional. Or or or not. Certain individuals became a law unto themselves. And this aspect of internal party democracy. very very important. Especially in your context where midterm citizens are not allowed to to elect their president directly. I think internal party democracy is very very important. Across all the the the political parties. Then lastly I think we should not also Miss interpret each other. Cos when I said ED is a KGB trend, I meant that and I still mean that. I mean in terms of the style of his politics in terms of how he deals with his enemies in terms of how he understand the intelligence. To me is KGB trained. I wasn't making reference to the to the to to the physical the physical training. And of course because Brian was saying lastly lastly And Professor Jonathan Moi was saying lastly lastly I I'm also glad that professor Jonathan Moyo has brought out an important point that he also has an interest in the matter because he was definitely affected by it. And I think what was done to them. Uh was unconstitutional. It was it was injustice. But then it brings in the bigger point I was

talking about earlier. That we got all these political forces that are now interested in this case whether covidly or overtly. how they will react Uh it's going to shape and define the the the the political future. So this case is now beyond the brave brilliant young citizen who is Msenge. I applaud him for that. It has generated massive political interest from serious political forces but don't forget Is a master of of capturing some of these state institutions.

Thanks Prior.

You know. Igbo, I had asked Freeman, I can't see Freeman anymore. Uh Freeman, there's Tony there and he's up. Okay, please Tony, go ahead.

Thank you. Bye. I'm I'm I'm sad that this is not being listened to by a very very large audience because I think it's raising a range of issues that are very important. Some of those that you raised Brian. Uh Jonathan's raised in Phil's race. But we we tend to as a nation we kind of walk past our head six weeks after some event we forget it. But I'm looking at your your your comment that that you made to Phil. Here's if the court ruling says let's go back to two thousand and fourteen And then we now have to begin to start thinking about constitution, the national constitution, to ashes, judgements which as I understand from Jonathan

follows the decision by an ad hoc committee within Zana PF to reinstate him that he can then use to say that he's no longer a dismissed from the and therefore it's a legitimate vice president and then to actually subsequent judgement that says actually constitutionally, the military have a legal right to intervene instead of in affairs when they think civilian affairs going on. All of a sudden around this case, all of these issues are beginning to emerge. And in in my and I'm no lawyer and I'm certainly no political scientist. But I think what Chills beginning to say is that we are in a massive constitutional political crisis. And as the judge in favor of Muslim. Then all of these other things are going to start to unpack rapid very quickly. We didn't challenge nobody's challenge the two actually judgment on the coup. Malaba dismissed it on a technicality but nobody's gone back to say actually can we have a proper constitutional ruling about where the military are entitled to intervene in this particular way. So all of a sudden what we thought we packed away is history very neatly. He's beginning to bubble up in a particular way. Right? With serious and dangerous implications and I understand what what Phil's saying that sometimes when

these things happen, well force just becomes the only way out of this mess. And that's a very frightening prospect. But it's, it's, it's a complicated issue that I think too few people are understanding. For me, it's a bit like the understanding of what happened in the two thousand and eighteen election. You know, I mean, I think Jonathan impacted extremely well. And we're running into another election where everybody seems to assume that all of the things that were observed in those things have been resolved and they haven't. So all of these things are bubbling under the surface and it's sad that we're not beginning to generate the energy around not just Muslim but how its implications are for internal democracy in political parties. Our political parties capture constitutions. What's the relationship between the national constitution and political party constitutions. And this really a lot of unpacking and unpacking for the ordinary citizens. Because they need to know this is the background in which they're marching to an election. And a and a very very dodgy elections is coming up you know. It's it's it's it's very much a make or break election for quite a long time you know. So I want to thank all the speakers who who there yourself

and everyone else for beginning to unsurface these issues. And I hope that you know I wish the journalists were here were picking it up and beginning to spin this out there particularly in in in much simpler ways for everybody. Thank you.

I think colleagues the Igbo tell me when we are due to close Um I I think we'll take one or two other 10 minutes to go. Yeah. We'll close in 5 minutes. We can start winding up. Ja. Okay. Um we've got several colleagues here. I have called on a few. I saw Sundano. Uh Sungano, when you look at across the region. At political internal party democracy. And its implications for national governance. Uh how do we compare?

Thank thank you so much Brian. I I think first of all I want to thank for bringing this case. Um I think for me what is of greater interest in terms of where I'm coming from in terms of the work that I do on the continent is political parties. Uh institutions that we have neglected. In terms of focusing on interparty democracy. And if look at most ruling parties across the continent. Most of them are in ICU. Uh either they are confronted with interparty democracy challenges. Or they are confronting problems of leadership, renewal, succession. And these are challenges that are dodging

that are that are that are affecting most of these countries. The other unfortunate incident is that this is not only confined to railing parties. It's also affecting opposition political parties. And therefore an academic question that I always contend with is how then do we or how why are we surprised with how our countries are governed. When in essence the political parties themselves are failing to deal with interparty democracy issues. And therefore the case that has been brought here brings to the fore the key challenges that are there in terms of the interpart issues with the Mzama PF. And while I am known for expressing my reservations in terms of the efficacy of bringing political matters to the courts. For once I believe that there is a real opportunity here and this is where I take what Tony has said seriously. I see a real opportunity where our journalist and most key people within the civil society can take an interest in terms of just unpacking these dynamics. There are a lot of layers that this case brings to the fore. And if you even look at it comparatively in terms of the dynamics within our opposition. This in instance raises critical questions on political parties in nature. And what are some of the problems that we

are settled with. And we are not unique. This happens across the continent. But however what is now happening is that this also raises issues on political parties themselves. Uh they're still relevant. Or there is no need for us to evolve into coalitions or as a mode in which one can be able to deal with transfer of power and contestation for power. So this is a very interesting case and thank you so much for honing this discussion. I I have really learnt a lot and I appreciate. Thanks Brian. Before you go just one quick question for you.

Well

this case succeeds. and things play out as Doctor Zamchia has said. given where he has located the military factor and that there are factions

do you foresee an election in twenty twenty-three or do you foresee a a coalition built before the election? Uh and where might such coalitions go? Like who might win coalition with who? In your estimation. I know this is speculative. So so in my estimation I like I take what Doctor Zamchi has presented. I I foresee the outcome of this election being ah ah of the capturing and the interparty fighting with Mzano BF. So so my issue is whatever court decision that comes out of this. Obviously there will be the hand of the military or

some function within Zano BF. And looking at how the facts are in terms of how clear they are. If the decision is made that obviously confirming the illegality and the legitimates of that he is illegiti it.

Those who are on the side of it or supportive of it in terms of the military or factions within OPF. They will take it as an opportunity of them deposing Munandawa. And that presents an opportunity for them through the courts for them to move their agenda. The critical person that we need to ask ourselves is how far are they willing to go? Are they willing to go to check that as an opportunity of them giving an opportunity for him to take over. What sort of estate architecture are we going to get under Chiwenga? Is he going to present himself as a reformist? Is he going to draw in Nelson Chamisa and other entities. That remains to be to that remains in terms of how he looks at it. If the court case fails the reality is the status quo remains but interparty functionalism persists.

Regarding 2023 elections The 2023 elections either faction sees it as an opportunity. But in my estimation if I'm to be asked by the Chewenga faction if they take this whether they should go for an election or not. My argument would be to basically say come up with an arrangement in terms of dealing

with the key parties within Zimbabwe. Particularly in also in Chamisa who go into a discussion with him in terms of how we can be able to address key reforms within Zimbabwe that can allow a free and fair election. Remember all the other entities outside of Nelson Germans are scared of elections. They know fully well that if they go for an election a free and fair election will get it. And I think that's a fact that we need to contend with. So they are all scared for for scared with an election. So they also in Chamisa has to be able to make concessions with them to say okay fine. Since you are you've got a higher appetite that you want to be given an opportunity to run this for a couple of ah years I am willing, I have got edge on my side that we have a reformist agenda, a coalition government that deals with critical questions that have dodged Zimbabwe, reform, address those issues and then we go for an election. So twenty twenty-three election, if there are no reforms, we are likely going to have a recycle of what we have heard over and over again, because every, any other entity or institution that is not, no socialisa is schedule an election and we will have the same outcome both to the court and the similar judgement. That's how I look at it Brian. Thanks for those

encouraging words. I was hoping that you would tell us and encourage us. Let me Doctor Mandaza refer back to Cybeth for his putting short and Doctors Amsir for a 1minute teaser and then we hand back to Doctor Mandaza to close this out. Um Cybeth, your parting shot.

Yeah, you're on mute. Sorry? Okay, Cybeth, you're still on mute.

I think Sabbath can come back if are you able to? Go ahead. You can hear me now Rachel? Yes I can now. Yes my connection is a bit bad here. Ja it's only that my voice betrayed me today. Like I said I have a terrible flu. I would have contributed. But I would just would like to dispel some rumours. That I'm doing this for certain factions. Or for certain people within and outside of Zanu PF. I'm doing this so that our leaders who follow the constitution of our party. So that as members of Zanu PF, we are given a chance to choose the leadership of our choice. Like I said in my SABC interview I don't have a problem with Amazon Munangagu. Being a re-elected in a properly constituted meeting But for as long as it is done outside of the dictates of the Zanu PF constitution, I will continue to have problems with the leadership that we have. We don't like the kind of leadership imposition that that

we have right now. I want us to have a situation where we select our own leadership. My brother, thank you so much. I'm quite sure there are many Zimbabweans who admire both your courage and your commitment to constitutionalism both within the state and within your political party. Um Um and I think if I understood doctors I'm chairing others. They are saying this is a perverse problem. Not just in your political parties and beer but across many political parties. Um Doctor Zamchiayo one minute. Quotable courts. Oh, yeah. thank you. Uh thank you Brian. I I just want to say that to me, this is a culmination of the deepening and widening internal contradictions within Zanu PF, since post November twenty seventeen, where there was an uncommon takeover in my view, of both the party, and, and the state. And, I think that ah internal party democracy is very important. Not just within Zanu PF but across the board. Because the way that decisions are made within this political parties they do impact on the democratic or autocratic nature of the wider society. So I think it's it's it's very important for citizens to keep on fighting for in party democracy. And that this case is now beyond Msenge. There are other forces that are interested covetly or over

that. How they are going to act will decide the next step.

Thank you Brian. Thank you Ibo. Doctor Mandaza ah and and colleagues conveners of this. Um let me thank you for the opportunity to facilitate and for a riveting discussion. I would have hoped that more people would shed light on this. But I learnt Doctor Mandaza through President Obasanjo when he was accused of for making third term bid. And he asked the journalist did you for one time for one minute any minute hear me supporting those who demanding that I stand for third term. The journalist said no. But you didn't stop them either. And his response was throughout all this time. I kept studied silence. So I learnt that eh something called studied silence and I trust that those who were listening both from ah state security and those from other political parties informative. Well eh not doctor Madaza. Thank you. Thank you so much. Over to you. Thanks Brian. Thanks very much. Before I thank you formally. Just to first and foremost betray her confidence. This this was a short notice. Uh at the prompting of Glenn Mpani who you whom you heard. Speak at length. So Glenn thanks very much. For pushing us this way. it wasn't heavily attended but with enough people. And we spent the two hours fully on the subject. And more important

the young man Mister for whom
this this this was held. In
support of young citizen. Brave
enough to stand up. As he has
is under extreme pressure. And
we feel that the public size in
his case the way we have. He
provides a level of protection
for him. Uh against force that
might be. And we must keep be
that way. We must protect him.
We must stand by him. For his
the law categorise to stand up
as he has. But Graham Pani
thanks very much for this
initiative. Uh without which we
would not have had it. Uh we
knew suggested it last week. Uh
Friday should build us we
thought it was a grand idea.
And then of course to thank
Sabrit himself Uh thank you
very much Sabbath. I know
genuinely you were not well.
but your case is self evident.
The papers are there. Uh we
know what might happen now and
the front but at least a
statement has been made. And
it's an important statement.
It's alright.

Thanks for coming to the party
as usual. And doing a good job.
Brian for recruiting you a last
minute. Regimenting you as we
have and thank you very much
indeed. And my brother Jonathan
out there wherever you are.
Thanks for coming on board.
Tony and everybody else. Thank
you. We meet again next week.
Whatever the topic is but thank
you very much.
the funny bus