

Phil N on behalf of the Zimbabwe Transitional Forum

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LEGAL COMMENTARY — NATIONAL TRANSITIONAL AUTHORITY (NTA)

For constitutional scholars, legal practitioners, and policy experts

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1. Constitutional Basis for the NTA

The NTA framework is grounded in:

- **Section 2** — Supremacy of the Constitution
- **Section 3** — Founding values: rule of law, separation of powers, good governance
- **Section 281** — Non-partisan traditional leadership
- **Section 62** — Access to information
- **Section 67** — Political rights
- **Section 155–157** — Electoral principles

The NTA seeks to restore compliance with these provisions.

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2. Unconstitutional Amendments

Amendments 2, and CAA3 raise constitutional concerns:

- Lack of public consultation
- Violation of Section 328 (amendment procedures)
- Expansion of executive power
- Weakening of judicial independence
- Politicisation of traditional leadership

The NTA proposes their repeal to restore constitutional integrity.

3. Separation of Powers

The NTA strengthens separation of powers by:

- Limiting presidential appointment powers
- Reinforcing parliamentary oversight
- Restoring judicial independence
- Establishing independent commissions

4. Electoral Reform

Key legal reforms include:

- Transition to Proportional Representation
- Diaspora voting mechanisms
- Independent ZEC appointment process
- Transparent results transmission
- Compliance with Sections 155–157

5. Transitional Justice

Re-establishing the TRHC aligns with:

- Section 252 (National Peace and Reconciliation Commission)
- International human rights norms
- AU Transitional Justice Policy

6. Land Reform Rationalisation

Legal priorities include:

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- Publication of land audits
- Resolution of double allocations
- Establishment of tenure security
- Compliance with Section 72

7. Conclusion

The NTA provides a constitutionally grounded, legally coherent mechanism to restore rule of law, institutional independence, and democratic legitimacy.