



Zimbabwe Draft Constitution input, September 2012.

25th September 2012.

PEOPLE DRIVEN CONSTITUTION - INPUT FROM ECONOMICALLY DISADVANTAGED

To: CIVIC SOCIETY ORGANISATIONS IN ZIMBABWE.

Cc COPAC

ZUPA which represents the interests of millions of economically disadvantaged people acknowledges the expressed intention of the Zimbabwe Government to craft a people driven constitution through COPAC. Having consulted our wide and diverse membership, it is clear that the new constitution for Zimbabwe must preserve the legacy of the liberation struggle, ensure a 50-50 gender balance in all elected offices, facilitate devolution in a single state, allow dual citizenship and Diaspora vote and create a Senate independent of political parties that will be the oversight chamber. All independent commissions must be committees of the independent senate that must not have any member of a political party but independent professionals able to hold politicians to account. There is also a call to raise the quality of elected officials.

We welcomed the public outreach process in good faith hoping that the input of the people would form the content of the new constitution of Zimbabwe. On that note, we welcome the decision to avail the National Statistical Report at the Second All Stakeholders Conference.

We are however concerned that the current draft done in July 2012 by COPAC appears to move away from the expressed views of the Zimbabweans and instead favours a negotiated approach between the parties in the GNU.



Zimbabwe Draft Constitution input, September 2012.

We believe the original intention was not another negotiated Kariba Draft but a new Constitution for Zimbabwe informed by the undiluted views of the ordinary Zimbabweans.

We are also concerned that whereas an estimated 4 million Zimbabweans in the Diaspora made contributions in a compiled document submitted and officially received by COPAC, Diaspora views do not appear to have been factored in the National Statistical Report percentages. The Diaspora clearly asked for dual citizenship, devolution of power and Diaspora Vote.

ZUPA is working to seek support from delegates attending the 2nd All Stakeholders conference for the following views from ordinary Zimbabweans including those in the Diaspora to be included in the new constitution of Zimbabwe.

1. Gender Balance –

- a. Both Parliament and Senate shall have 50% Male and 50% Female elected officers.
- b. How
 - i. Neighbouring constituencies shall be paired. The 2 constituencies together shall have 2 lists, 1 for male candidates and 1 for female candidates.
 - ii. Voters shall elect 1 male and 1 female candidate by alternative vote.
 - iii. The winner from the male list and the winner from the female list shall be the Members of Parliament for the 2 constituencies, working together.



Zimbabwe Draft Constitution input, September 2012.

- iv. 4 neighbouring constituencies shall be combined for the purposes of Senatorial elections.
 - v. A male and a female list of candidates shall be provided for senate elections for the 4 constituencies.
 - vi. A male winner and a female winner shall be the senators for the 2 pairs of constituencies.
- c. Rationale
- i. Zimbabwe has a 50-50 comparable ratio of males and females. It is only democratic and fair that there is equal representation to ensure that the laws of the country and Government reflect the issues of the population.

2. Senate

- a. Candidates for Senate must not be members of political parties.
 - b. All Commissions in section 12 of the draft e.g. Human Rights Commission, Anti-Corruption Commission etc shall be committees of the independent Senate.
- c. Rationale
- i. Senate must be there to hold Government and Politicians to account.
 - ii. In order to do this effectively, Senators must not be whipped by political parties. A junior senator can not hold their party president to account. This is why some leaders getaway with human rights abuses and corruption.

3. Diaspora Vote

- a. Zimbabweans in the Diaspora must be allowed to vote.



Zimbabwe Draft Constitution input, September 2012.

- b. Each country that has more that 100 000 Zimbabweans shall have two Members of Parliament, 1 male , 1 female who are resident in those foreign countries.
- c. Zimbabweans in the Diaspora shall pay 5% tax to sustain the logistics of their vote and for the upkeep of their MPs and their programmes.
- d. The Diaspora MPs shall attend Parliament electronically by video conference at all parliamentary sittings and attend a physical meeting in Zimbabwe once a month.
- e. Voting shall be at the embassy in the country where the Zimbabweans are resident.
- f. Rationale
 - i. There are approximately 4 million Zimbabweans in the Diaspora who need representation.

4. Dual citizenship

- a. Dual citizenship must be allowed.
- b. Rationale
 - i. There are about 4 million Zimbabweans in the Diaspora. These Zimbabweans have helped Zimbabwe through remittances to their families during the economic crisis. They should never be denied the right to be citizens.
 - ii. The Zimbabweans in the Diaspora demanded to be allowed dual citizenship and COPAC had made a mistake in not including this view of some 4 million people in the National Statistical Report.

5. Founding



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- a. Zimbabwe was founded on grounds of sacrifice and a bitter liberation struggle. Like any other nation, we have to acknowledge and be thankful to the heroes that brought us political freedom. This must be clearly defined and expressed in the constitution.
- b. A ministry and a fund must be set up to assist war veterans as is the case in America.
- c. The rights of our people have suffered in the journey of nationhood. We suggest that the constitution provide for the creation of a compensation fund for victims of politically motivated violence. This is necessary for national healing and justice.

6. Traditional Leadership and cultural values

- a. The constitution must enshrine and respect the role of our traditional leadership and traditional shrines such as the Njelele.
- b. We appreciate that cultural values and norms are dynamic. We therefore suggest that an act of parliament should provide for the cultural and social values that reflect the life and values of the Zimbabweans of the day. The constitution should not bind the future generations of values but allows this to be the remit of the Parliament of the day.

7. Devolution of Power

- a. The majority of Zimbabweans want one nation that is devolved. There is no conflict here. The Diaspora overwhelmingly wants devolution of power within one Zimbabwe.
- b. Zimbabwe should have the five original Regions of Mashonaland, Manicaland, Masvingo, Matabeleland and Midlands.
- c. Each of the 5 Regions shall elect its own Governor by alternative Vote.



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- d. Each of the 5 regions shall have at least 40 constituencies and 40 MPs.
- e. Each of the 5 regions shall have at least 20 Senators
- f. The smallest constituencies shall be the reference for the number of constituencies in other Regions after making sure that all constituencies have similar populations.
- g. All MPs in a Region shall comprise a Regional Parliament.
- h. All Senators in a Region Shall comprise a Regional Senate.
- i. Each Regional Senate must include 3 Chiefs elected by the chiefs in the region.
- j. Each of the 5 Regional Parliament shall elect 20 males and 20 females from amongst them to sit in the National Parliament.
- k. Each of the 5 Regional Senate shall elect 9 Males and 9 females and 2 Chiefs to sit in the National Senate.

I. Presidency

- i. Each of the 5 Governors elected by the Regions shall be a member of the Governors' Council or Presidency.
- ii. All the Powers and authority of the Executive Presidency shall be vested in the Governors' Council.
- iii. The 5 Governors shall take turns in rotation so that in year 1 of the term of office, Governor 1 shall be the President and the other 4 his or her deputies, in year 2, Governor 2 shall be the President and the other 4 his or her deputies and so on. This way, all the Regions have an equal share of the running of the country.

iv. National Cabinet



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- v. Each of the 5 Governors shall appoint 3 males and 3 females who are residents of their regions to be in the Cabinet.
- vi. The Cabinet candidates need not be members of parliament.
- vii. The appointments must be ratified by the National Senate.
- viii. Once approved, the Cabinet members shall be non constituency MPs and if they were representing a constituency, the candidate that came second shall be the MP for the Constituency.
- ix. The 30 Cabinet Ministers shall be allocated ministries by the Governors' Council (Presidency).
- x. Regional Government**
- xi. Each of the 5 Governors shall appoint a Regional Government including a Regional First Minister who shall be premier for the region and effectively deputy Governor.
- xii. The Regional Government appointments shall be ratified by the Regional Senate.
- xiii. In the event of the death or removal from office of the Governor, the First Minister shall take his or her place until the end of the term of office.
- m. A list of Regional Government Responsibilities and National Government Responsibilities shall be provided in a schedule of this constitution.
- n. Qualifications of Governor**
- i. The candidate for Governor must be under the national retirement age prescribed in an act of parliament.



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- ii. The candidate for Governor must be a holder of a university degree valid in Zimbabwe.
- iii. The candidate must be at least 40 years of age.
- iv. One shall be ineligible to be a candidate if their name has appeared on previous ballot at 3 elections for Governor (or President in the past,) win or lose.
- v. Where a sitting Governor reaches national retirement age, they shall automatically retire from office on the eve of their birthday.
- vi. No unspent criminal convictions.

8. Empowerment

- a. The constitution shall protect the economic right of the citizens who were previously disadvantaged.
- b. In line with devolution of power and economic empowerment, the following shall apply as a minimum
 - i. 10% of shares in all extractable operations, such as mines and conservancies shall be donated to the local communities through community shared ownership Trust.
 - ii. 10% of shares in all (i) shall be reserved to the Regional Government
 - iii. 10% of shares as in (i) shall be owned by the national Government.
 - iv. All Mineral rights, unless transferred shall be owned by Government.
 - v. No private company except owned by Government shall be allowed to undertake mineral exploration.



Zimbabwe Draft Constitution input, September 2012.

- vi. An act of parliament shall provide the issues of land ownership.

9. Alternative Vote System

- a. Zimbabwe needs an alternative vote system to avoid violence in run – offs and to save money during elections.
- b. An alternative vote is when a voter chooses their number 1 and number 2 choices. If a candidate gets more than 50% first choice votes, then they win otherwise those with the lowest votes are eliminated and their second choice distributed until someone has more than 50%. No run off. It is cheaper and faster.

Other organisations with constituencies like ours may want to work with us to make the 2nd Stakeholders' Conference reflect the wishes of the people of Zimbabwe. We have to move away from being a nation that spills blood at election. All Regions must share in the national interest. A 5 man Governors' Council or Presidency guarantees that all Regions of the country are equally represented.

This contribution reflects the views of the people. It respects our founding and the place of tradition chiefs and war veterans, dual citizenship and Diaspora voting for our citizens abroad, a 50-50 gender representation in parliament, empowerment and one Zimbabwe that is devolved.

Yours faithfully

Thamsanqa Zhou (Patron)

Innocent Ndibali (President)



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ZUPA (meaning a small self governing unit in Slavic language) is an international grassroots organisation representing the interests of economically disadvantaged people. ZUPA seeks to, so far as may be lawful: organise, recruit and represent people seeking economic freedom; defend and assert its members' right to economic opportunities, and to work, defend and improve the social and economic well-being of members and their families and promote equality and fairness for all, including actively opposing prejudice and discrimination.

Zupaism is the ideology based on devolution of economic, social and political power to local grassroots communities. It is them who understand their problems better and how to solve them. ZUPA believes with overwhelming evidence that once communities have economic freedom, they will have capacity to assert and access all other United Nations Charter rights without depending on others.

Zupaism occupies the space between capitalism and socialism where a community unselfishly pursues wealth for the benefit of the community as a whole.

For media and other enquiries please contact us on email zupanational@gmail.com.