

THE CENTRE FOR PEACE INITIATIVES



COMMUNIQUE

SECOND MEETING OF THE GOVERNANCE IMPLEMENTATION COMMITTEE

CARIBBEA BAY HOTEL, KARIBA

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27 – 29 JUNE 2007

THE CENTRE FOR PEACE INITIATIVES IN AFRICA



SECOND MEETING OF THE GOVERNANCE IMPLEMENTATION COMMITTEE, CARRIBEA BAY HOTEL, KARIBA, 27 – 29 JUNE 2007

COMMUNIQUE

The Second Implementation Committee meeting on Governance was held at Carribea Bay Hotel, Kariba on 27 -29 June 2007. Participants included political parties, civil society, trade unions, farmers, churches, war veterans, business, academia, students and the youth.

Following a resolution passed at Nyanga meeting held on 21 May 2007, the Kariba meeting focused on the draft Constitution rejected in 2000 in terms of areas that could be improved or refined to make it acceptable to the majority of stakeholders. The meeting noted that:

1. No constitution is a perfect document.
2. A constitution is a result of compromises that people of a nation make in the national interest. Zimbabwe is going to be no different from other countries. Our document shall always be a result of compromises that we make for our nation and shall not be a perfect document.

We have taken time to consider the 2000 draft Constitution, and we have consulted widely with constitutional experts, political leaders, members of the Civil Society. Many of the people we have consulted were involved in the constitutional consultations that preceded the referendum of 2000. These views have led us to believe in the following;

1. We must not reinvent the wheel.
2. We must build on our experiences.
3. That the 2000 draft Constitution, imperfect as it was, was as a result of compromises, but our people in their wisdom rejected it.
4. In view of the events of the past seven years, since the referendum of 2000, it is our strong belief that the Implementation Committee has made the right recommendation that the draft Constitution of 2000 be considered as a working document and that appropriate amendments be made to it.

The Committee recommended that the same adjustments be made to the 2000 draft constitution as follows:

General Principles

- That there should be no reference to entities of people in a Constitution.
- All appointments by the President should be approved and or ratified by Parliament.
- Legislators to both the lower and upper houses should be elected and no one should be appointed.

National Objectives

- There should be provision for youths to be clearly spelt out as is the case with children, elderly people and the disabled.

Bill of Rights

- Zimbabwe should abolish the death penalty and have it enshrined in the Constitution.
- All matters before the Supreme Court should be dealt with timeously.
- The bill should provide for rights that are justiciable.
- There should be no room for abrogation by any law.
- The bill should provide for the rights of women modelled on Section 41 of the NCA proposal.

S.41 – (1) Every woman has full and equal dignity of the person with men and this includes-

- (a) equal opportunities in political, economic and social activities; and*
- (b) equal rights in civil law*

(2) All laws, customs and cultures that infringe the rights of women are prohibited.

(3) Women have a the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom

- The bill should provide for the rights of the disabled modelled on Section 42 of the NCA proposal.

S.42 - Every person with a disability is entitled to respect and human dignity and the State must take appropriate measures to ensure that disabled persons realise their full mental and physical potential including measures:

- (a) to enable them to become self reliant;*
- (b) to enable them to live with their families and participate in social, creative or recreational facilities;*
- (c) to protect them from all forms of exploitation or abuse;*
- (d) to give them access to medical, psychological and functional treatment;)*

The Constitution should have a section on duties and responsibilities of the citizens.

Executive

- Zimbabwe, like other African countries, should have an Executive President with checks and balances provided by Parliament.
- The proposed office of Prime Minister should be abolished.
- Cabinet appointments should be ratified by Parliament.

- Parliament should recommend and the President should appoint people to various Commissions e.g. Parliament recommends a list of names from which the President chooses Commission members.
- The President's tenure to be two terms of five years.
- The President should not be allowed to dissolve Parliament except by two-thirds majority of the Parliamentarians.
- Major decisions such as declaring war or making peace also require approval of two-thirds majority of Parliamentarians.
- The doctrine of separation of powers and checks and balances should be adhered to.

Elections

- The Electoral Commission to be truly independent and only answerable to Parliament.
- The Electoral Commission to be as representative as possible.
- Provincial Governors should be elected and not appointed.

The Committee further noted that, the ruling party, ZANU PF, has proposed certain amendments in Constitutional Amendment 18 which should be taken as a contribution to the process just as we hope that the amendments we propose to the draft constitution of 2000 will be considered in good faith.

With the adjustments referred above incorporated in the 2000 draft Constitution and any other made by fellow Zimbabweans the Committee recommended;

1. That the new draft with the amendments be put to a referendum in March 2008, mindful of the fact that between 2000 and today there is a whole new generation of Zimbabweans that since 2000 have become voters who need to be consulted. Therefore a referendum is required.
2. That Parliament, being sovereign, should pass legislation which would delay the holding of elections which are supposed to be held in March 2008, for a period of six months that is to September / October 2008.
3. That should the referendum of March 2008 accept the draft Constitution put before it, the President of Zimbabwe form a Government of National Recovery and National Reconstruction, a government composed of suitable Zimbabweans, until September/October 2008. We must accept that our nation is facing problems that were never envisaged at independence. Only we Zimbabweans can rescue the nation by joining together in searching for the way forward.

The process outlined above should be accompanied by certain visible actions from Zimbabwe and the international community. We therefore;

1. Call upon the Government of Zimbabwe to create space which allows all Zimbabweans to freely participate in political activities such as elections.

2. The proposed September/October 2008 elections should be held strictly in accordance with SADC Principles and Guidelines for Democratic Elections. The present Parliament of Zimbabwe should review at least five sets of Laws:
 - a) The Public Order and Security Act (POSA)
 - b) Access to Information and the Protection of Privacy Act (AIPPA)
 - c) The Citizenship Act
 - d) The Electoral Act and the Zimbabwe Electoral Commission Act
 - e) Broadcasting Services Act
 - f) Criminal Codification Act
3. We request that the President and the Ministry of Justice take action to remove all bureaucratic institutions that may inhibit the holding of free and fair elections.
4. We call upon all sympathetic governments to immediately provide assistance to our education and health structures which are in the process of collapsing. These are essential services which men and women of conscience all over the world should not allow to collapse.
5. We call upon the private sector to immediately begin to make contributions towards assistance to our education and health structures so as to sustain them.
6. We call upon the international community to begin the process of lifting sanctions which have been imposed against Zimbabwe and/or individuals living in Zimbabwe. We do not want to quibble whether sanctions are being applied to Zimbabwe or to individuals living in Zimbabwe. We are calling for the lifting of all sanctions.
7. We call upon the Government of Zimbabwe and all other Governments to declare their intention to recommit themselves to agreements and assurances that have been made at different fora as well as bilaterally since 1979. These declarations should demonstrate that the Government of Zimbabwe and all other Governments are acting in good faith. They should shortly demonstrate their good faith by action.
8. The Government of National Recovery and National Reconstruction we are recommending above would call for an International Conference for the national recovery and national reconstruction of Zimbabwe.
9. After the elections of September/ October 2008 the new parliament should declare a general amnesty. General amnesties have been called a number of times in our short history. This would not be the first time. It is indeed in line with our Zimbabwean and African culture of forgiveness and reconciliation.
10. The Parliament of Zimbabwe should set up a National Reconciliation Commission where all Zimbabweans, perpetrators and aggrieved alike, with grievances would come to tell their stories without fear or favour.

We would want to suggest that after this meeting, we submit our views to the Government of Zimbabwe, to the Speaker of Parliament, Deputy Speaker of Parliament, to the President of the

Senate, to the ruling party, to all other political parties in and outside Parliament and to the Cabinet Office for transmission to the President. We accordingly recommend;

The process we have outlined above should be undertaken in a peaceful environment. We call upon the Government of Zimbabwe to protect all the citizens of Zimbabwe and refrain from any acts that unnecessarily threaten them. At the same time we call upon all political parties, trade unions, the civil society and any other elements in Zimbabwe to refrain from provocative actions. We rededicate ourselves to the stability and prosperity of Zimbabwe. We owe it to our country, we owe it to each other, we owe it to our children and we owe it to their children.