

ZIMBABWE BRIEFING

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Allow The Referendum to Take Place

Zimbabweans in Johannesburg are eager to see the constitutional making process progressing to the referendum. Through a Crisis in Zimbabwe Coalition platform which had Professor Madhuku from NCA, Douglas Mwonzora from MDC-T and Qubani Moyo from MDC-N as speakers the main message that came out is: allow the referendum to take place. The two MDC formations clearly showed their unity and agreement on taking the draft constitution to the referendum. NCA which had been vocal in dismissing the COPAC led constitution making process is also in agreement that the draft should be taken to the people to decide. ZANU PF remains the main hindrance for the referendum to take place.

ZANU PF is opposing the draft constitution on the basis that it does not carry the people's views. According to Mwonzora,



Part of the crowd that attended the Crisis Coalition meeting. Pic by Crisis SA Media team

Zanu pf is now asking for the release of the national report which at this stage is not necessary as the process is not yet finished. "A national report is just like a school report, it starts from teaching the syllabus, setting exam, marking the exam and then produce a report, you cannot have a report of some-

thing that is still in the process said Mwonzora". ZANU PF has been involved in all the Copac processes and phases. It is a blatant lie for them now to claim that they are not supporting the draft because people's views are not included. Both Mwonzora from MDC-T and Qubani Moyo agreed that the current draft

constitution by Copac is not the best of the documents but it is a much better constitution than the current one. Whilst Madhuku agreed that the draft should be taken to the referendum, he cautioned Zimbabweans that they should not vote blindly supporting their political parties. He urged Zimbabweans to read the document, understand it and then make informed decisions. Madhuku also informed that there is great danger of losing the idea of making a constitution by confusing it with removing Mugabe from power. The unfortunate snub of the meeting by ZANU PF's Paul Mangwana at the very last minute did not make the meeting less productive as the party members were represented in the crowd. However, the overarching message remained that a free and fair referendum should allowed to take place.

By Crisis SA Media Desk

Draft Constitution An Incremental Step Toward Democratisation: MDC Formations

Johannesburg- The Movement for Democratic Change formations conceded that the proposed draft constitution was not a 'perfect document' but presented the best opportunity to move the country in the right direction towards democracy.

Hon Douglas Mwonzora of the MDC led by Morgan Tsvangirai and Qubani Moyo of the MDC led by Professor Welshman Ncube acknowledged flaws in the draft constitution addressing a constitutional meeting in Johannesburg Sunday afternoon.

The meeting organised by Crisis in Zimbabwe Coalition regional office gathered members from Zanu PF, MDC-T, MDC-N and various civil society with the intention to allow political representatives to give feedback to the diaspora community on the current status of the constitutional making process.

Moyo urged the diaspora community to support the process arguing that "Zimbabwe was yet at another crossroads in constitution making" that requires citizens to actively support the draft as it provides incremental



Left, Qubani Moyo and right, Douglas Mwonzora showing unity of purpose on the Constitution. Pic by Crisis SA Media Team

gains not reflected in the current constitution.

Mwonzora who is also the Constitutional Parliamentary Committee co-chair supporting Moyo said "the draft constitution contains a bill of rights, extended women representation in political life, devolution of powers," aspects that Zimbabweans have been fighting for in the past decade.

However, leading constitutional law expert and chairperson of

the National Constitutional Assembly Professor Lovemore Madhuku rubbished the draft constitution saying "the means that yielded the document was flawed and consequently could not lead to an all inclusive constitution".

Madhuku warned that his organisation that has been fighting for a people driven and democratic process will soldier on with its 'Take Charge' campaign that will campaign for a

No vote.

ZANU PF is reported to have penned its own constitution after it registered over 250 complaints in the current draft.

Some Zimbabweans who attended the meeting in South Africa say they will vote for the draft constitution if brought to a referendum as it is a better document than the current one.

Speaking at the same meeting Gabriel Shumba from the Zimbabwe Exiles Forum said he was disappointed that it is still not clear whether Zimbabweans in the diaspora will be able to vote in the next election and that the issue of dual citizenship is to be determined by an Act of Parliament.

A significant number of Zimbabweans who attended the meeting were in agreement that there should be a clause in the constitution that will allow it to be amended in future as the current one does not save their total interest but is a first step to a better one.

BY CRISIS SA MEDIA DESK

“Copac Draft is Flawed But Bring it to the People”: NCA

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Professor Madhuku of NCA presenting at the Crisis Coalition meeting in Johannesburg, pic by Crisis SA Media team

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BY CRISIS SA MEDIA DESK

ZANU PF Is Putting Personal Interests Ahead of National Interests: MDC N

The Movement for Democratic Change led by Welshmen Ncube has accused the liberation party, Zanu PF of putting personal interests ahead of national interests.

The MDC representative Qubani Moyo raised the allegations whilst addressing the Zimbabwe diaspora community in Johannesburg Sunday afternoon at a meeting organised by the Crisis in Zimbabwe Coalition under the banner of “Reconnecting with the diaspora, debating Copac draft constitution”.

“The constitutional making process has reached a deadlock due to problems arising from disagreements caused by personal interests ahead of national interests”, said Moyo.

“It is a factual reality that the Copac team covered



Qubani Moyo of MDC-N responding to questions from the people. Pic By Crisis SA Media Team

every inch of Zimbabwe collecting the people’s views, hence its time citizens must be allowed to make a decision on the draft constitution through a referendum”, added Moyo.

Moyo who is also director of policy and research and a member of the Joint Monitoring Committee

(JOMIC) accused President Mugabe of manipulating democratic processes so as to retain political power and urged the “ageing leader” to allow the draft constitution to go to a referendum for Zimbabweans to decide.

“Copac managed to interact with 1.5 million Zim-

babweans and received over 100 million responses that were employed in compiling the draft constitution”, said Moyo.

Moyo noted that “Zimbabweans used the Copac process to express themselves” adding that “the draft represented what people said during the outreach exercise”.

Taking a swipe at Zanu PF, Moyo said, “Zanu PF’s central committee and politburo can no longer assume collective wisdom by deciding on what is good for the country but rather allow citizens to make their own choices”.

By Crisis SA Media Desk

COPAC Draft Is Not Negotiable: Mwonzora

Johannesburg- Movement for Democratic Change (MDC-T) spokesperson and Copac co-chair Douglas Mwonzora has dismissed prospects of making further concessions being demanded by Zanu PF in the current draft constitution.

Mwonzora dismissed Zanu PF's 29 paged report detailing grievances from ZANU PF over 'misrepresentation' of what it says is carried in the national report saying, his party was not going to negotiate with Zanu PF over the draft constitution.

"As MDC we have already launched the 'Yes vote' campaign and if Zanu PF feels the draft constitution it appended its signature to does not represent views carried in the national report then it should allow Zimbabweans to make that decision through a referendum", said Mwonzora.

Mwonzora alleged that the Zanu PF 29 paged report carries over 266 changes effectively altering the COPAC draft con-



Douglas Mwonzora, MDC-T Spokesperson making his closing remarks . Pic By Crisis SA Media team

stitution.

"We will not allow Zanu PF to write the constitution for Zimbabwe as the GPA states that it is Zimbabweans and not Zanu PF that are mandated to write a new constitution under the leadership of three governing parties," added Mwonzora to a rap-

porous applause.

Mwonzora noted that the draft constitution carried term limits of a President, depoliticized the security personnel and state institutions and extended women representation in parliament.

The MDC-T spokesperson said, "President Mugabe and Zanu

PF are fighting to allow free political participation of the security forces, compulsory youth service, judges to be guided by ideals of liberation war when presiding over cases and to retain monopoly by the President in appointing judges".

Zimbabwe's security personnel are accused by the civil society and former opposition parties of being partisan and using coercive tactics so as to assist President Mugabe to retain power.

BY CRISIS SA MEDIA DESK

Zimbabwe's Constitutional Reform And the Diaspora Issues

While the current constitutional debate wages on, the challenge is to be able to go the specifics and nail the current COPAC on the content of what it has produces. The process in itself had serious challenges which three political parties acknowledge. The negotiations which the three political parties entered into were a clear realisation that the process was too political to allow for the obtaining of the authentic views of the ordinary Zimbabweans.



Gabriel Shumba, Executive Director of Zimbabwe Exiles Forum, making a contribution on the issue of the diaspora vote. Pic By Crisis SA Media team

the Zimbabwean question will need all Zimbabweans big and small political and non-political to be engaged. The Diaspora which happens to have a huge population of the productive age of the Zimbabwean population will need to be accorded full uncensored rights just like any citizen if Zimbabwe is to realise its full potential.

BY Munjodzi Mutandiri,

While the COPAC draft on the surface provides all Zimbabweans with equal "rights privileges and benefits of citizenship and are equally subjected to the duties and obligations of citizenship" on ARTICLE 3.1 the politics on the ground seem to suggest that the diaspora has been neglected by all the three parties in their negotiations.

At a public meeting organised by the Crisis in Zimbabwe Coalition's Regional Office in Johannesburg three of the key voices on the ensuing constitutional debate had interaction with the Zimbabwean diaspora (based in South Africa). The two MDCs through Douglas

Mwonzora (MDC-T) and Qubani Moyo (MDC-N) struggled to respond to questions relating to the two key issues the diaspora raised namely the dual citizenship issue and the diaspora vote.

Obviously because the issue of dual citizenship is one that an Act of Parliament will have to address it gives much room for the politicians to skirt around direct questions on these topics. However what the two MDC speakers managed to be clear about is that ZANU-PF does not want a diaspora vote and that they also do not want dual citizenship. The question that then remains is what will become of the Zimbabwean dias-

pora.

Gabriel Shumba (Zimbabwe Exiles Forum) who also attended the Crisis meeting (who had also done a lot of work in trying to push for the engagement of the diaspora by the Inclusive government `said there is no clarity on the diaspora vote. `` He also believes that it is ``an abnormality that some Zimbabweans will have children who will not be Zimbabwean. ``

The real deal is to ensure that platforms that allow Zimbabweans to meaningful engage in genuine debates that can carry Zimbabwe forward should be the key priority. The reality though is that the resolution of

COPAC Draft Brings New Dawn

By Tendai Biti, Finance Minister and MDC-T secretary general

THE debate around the new constitution has become bastardised and wallowed in mediocrity and downright ignorant adulteration. Salubrious, incoherent and non-germane issues have been brought to the forefront which has clouded the substance around the constitution and in the process confused the public and deny the public of an honest genuine debate on the content of the constitution.

In this regard, the chaos faction of Zanu PF must take full responsibility of high-jacking the constitutional process in pursuit of their megalomaniac and bottomless factionalism. A scorched earth policy, reminiscent in the *Solomonic* parable of the mother who declared that the baby must be cut in half is mercilessly being pursued. The chaos faction now dominates the public media in particular the columns of *The Herald* and *The Sunday Mail* and the shallow, incompetent and clueless commentators euphemistically referred to as analysts on ZBC.

The press too, consciously or unconsciously has unabated the murkiness by failing to expose the key issues and by being sidetracked into side shows like running mates which is not a broad issue in the constitution making debate. Great responsibility too must be taken by the academic and civic movement which has remained mute in the current civil war and has failed to articulate and even expose at a mere descriptive nature the contents of the current constitution and what each one means to the people.

As a result, the majority of our people remain in the dark on issues at stake. At least in Matebeleland the people are clear on the issue of devolution and attempts by Zanu PF to annihilate this principle in their own demonic draft. Most people having watched Zanu PF shenanigans in the last three weeks and their endless meetings have come to the simple conclusion that if Zanu PF is rejecting the Copac draft when their signatures are on it, then the Copac draft must be supported. It is an unscientific way of decision-making but one which in the black and white scenario of Zimbabwe works well. If you are in doubt, go the opposite of Zanu PF.

In this article I propose to highlight the key milestones of the Copac draft that was signed on the 18th of July 2012. In doing this, let me underscore from the offset the fundamental point that the constitution of any country is primarily a contract between and amongst citizens on how they want to be governed. It thus represents, the highest codification of the social contract. In making this point, it should also be understood that like in any other contract, the bargaining positions of the contracting parties is a key consideration. In short, in addition to being a contract, it is also a power document representing at all material times the interests of the dominant or ruling class.

Modern constitutions negotiated under more democratic matrixes, thus, have a more democratic people orientation reflecting the victories of the working people against power and abuse. The whole history of modern constitutions starting with the Magna Carta, the America Declaration of Independence and the French Revolution predicate that in general terms constitutions are the outcomes of revolutionary protests against power and its abuse thereof. The same is true of the American constitution of 1774 as it true of the Zimbabwean constitution of 1979 as it as true of the South African constitution

of 1994. Thus, if a constitution is a product of a struggle, the question that arises is, does it create a new legal and political order and does it represent a break from the past? In short, is it a new beginning?

In my respectful opinion, there are six principles that we must use to judge the Copac draft of the 18th of July and should it pass this criteria then it must be an acceptable document. These are the principles:

Does it break with the past and establish a new order?

Does it protect the people against imperial power?

Does it establish and protect a clear separation of power and authority in state structures?

Does it create independent institutions, particularly, those bulking against power and big government?

Does it articulate the developmental aspirations of the people?

Does it create mechanisms for state and generational succession and regeneration?

I now unpack this criteria.

Does it create with the past and establish a new order

The current Zimbabwe state is based on the values of corruption, violence, hooliganism and predation, that in any event is the DNA of Zanu PF. The preamble to the Copac constitution makes it very clear the in the determination to create a new Zimbabwe underpinned by the values of the rule of law, democracy, the dignity of hard work and the supremacy of God almighty.

More importantly, the Copac constitution in the founding provisions, seeks to create a new Zimbabwe founded on uncontested founding principles that are a departure from the current crass of autocracy and vicious cycles of predation. The founding principles include; a. the supremacy of the constitution above any individual organ or law; b. the rule of law; c. fundamental human rights and freedoms; d. gender equality; e. good governance; f. orderly transfer of power following election; and g. the recognition of all languages as official languages of Zimbabwe. More than anything else, the many new concepts and layers that this draft seeks to create as devolution and independent commissions underscore that break with the past.

Does it protect the people against imperial power?

The Copac draft deals with imperial power in four respects. The first is the creation and definition of citizenship that is broad and inclusive. Citizenship is acquired through birth, descent and registration. The definition of citizenship by descent is wide and more importantly all citizens have equal rights. Another issue dealt with decisively is the question of citizenship in respect of third or fourth generation Zimbabweans born from great or grand parents that came from SADC countries as immigrant workers, the so-called aliens from Nyasaland or Blantyre. The Copac constitution now makes these so-called aliens citizens of Zimbabwe by birth.

The second and more decisive issue is a comprehensive bill of rights providing for both first generation and socioeconomic rights. The bill provides for exciting rights such as the right to personal security, the right to life, equality and non discrimination, the right to demonstrate and petition. In Article 4.7 the bill provides for comprehensive rights for arrested and detained persons which are revolutionary in our law whilst in article 4.24 it bestows comprehensive political rights on citizens. With regards to rights to education and health, the State is obliged to

provide a basic state-funded education and access of basic health services including reproductive health services. The third and most important manner in which this constitution protects the people is by creating a democratic and accountable president. The mischief that we have lived with as Zimbabweans is that for the last thirty-two years this country has been run by an imperial president that has had more powers than the philanderer Henry the VIII. Mugabe has and still exercises such autocratic *de facto* and *de jure* powers that make many imperial presidents envious. He makes laws, appoints judges, appoints government and its officials, dissolves Parliament willy-nilly and has absolute control of the securocrats.

The Copac draft creates an Executive President that shares power with Cabinet that cannot make policy without Cabinet, that does not substantively appoint judges, that cannot dissolve parliament, that cannot unilaterally declare war or a state of emergency. It creates a president that does not have immunity for any crimes or omissions committed during his or her term of office. Furthermore, it creates a president and a Cabinet that can be recalled by Parliament. This is a new thing for Zimbabwe and for Zanu PF. This is why the biggest cry from Zanu PF has been against this new democratic president.

The fourth manner in which this constitution protects the people is by creating a security service that is subordinate and subject to the constitution, parliament and an elected executive. That constitution even creates a public complaints body against the omissions and commissions of the security services that include the CIO. More importantly, security chiefs like the president are now subject to a limited tenure of office of two five year terms. There are limited terms of offices for permanent secretaries, heads of parastatals and those heading government bodies.

Does it establish and protect a clear separation of power and authority in the state structures?

Indeed the Copac draft creates traditional organs of state power that is to say judiciary, legislature and executive. However, unlike the current constitution, where one office and one individual totally subordinates the other chambers, the same is not the case. There is a judiciary consisting of a Constitutional Court, Supreme Court, High Court and other courts. Judges are appointed nominally by the president but only from a list provided by parliament following a process of public interviews. There is a legislature consisting of a Senate and the National Assembly. Unlike the present position, the president does not have the power of unilaterally dissolving a parliament save when an election is due. The existence of executive commissions such as a public service, police and correctional service commissions, which are more structured than now also reinforces this doctrine of separation of powers.

Does it create independent institutions, particularly, those bulking against power and big government?

Yes it does. This constitution creates important institutions in our law which include an independent anti-corruption commission, auditor general, gender commission, human rights commission, media commission.

The most important commission is arguably the National Prosecuting Authority that is created to ensure that the prosecution of criminal justice is de-Zanunised and depoliticized. This is an important break with the past. It is thus

not surprising why Zanu PF is fighting against this clause.

Another important commission is the National Peace and Reconciliation Commission which among other things will deal with our past and our future given the periods of hard and soft genocides we have seen in this country from *Gukurahundi* to the death of Solomon Mujuru to mention a few. Again not surprisingly, Zanu PF does not want this.

Does it articulate the developmental aspirations of the people?

Yes. Firstly, one of the founding principles of this constitution is that of equality and inclusivity. A nation cannot develop when other citizens are innocent bystanders and onlookers. By creating strong and clear provisions dealing with the issue of gender equality, the Copac draft makes women central players in our discourse. The gender provisions in this constitution even go far than those in the South African constitution.

Secondly, by creating a devolved state, which now operates through the mediums of provincial and metropolitan councils, the Copac draft is recognizing the right of communities to manage their affairs and to further their development. This is reinforced by the obligation in article 17.4 of the same of ensuring that there is an equitable allocation of capital grants to provinces and that not less than five percent of the budget is allocated to the provinces.

An important developmental issue dealt with the constitution is the land question. Whilst in article 4.29 the land reform program is made permanent, in chapter 16 of the same, the land reform program is now democratized that all Zimbabweans irrespective of race, tribe or colour can be beneficiaries of the same. Thus security of tenure is now bestowed on everyone and any person in Zimbabwe has the right to own, sell, lease, hypothecate or transmit any land right.

From an economic point of view, this is critical. The constitution now allows the restoration of a private property market in Zimbabwe that will transform current agricultural land from a dead asset into a live asset. Farmers will now be able to capitalize their farms and the majority who are now farmers can sell or lease to better-equipped Zimbabweans of any race or tribe who can use this land productively. Chapter 16 thus allows this country to put a decisive full-stop on the land question.

Does it create mechanisms for state and generational succession and regeneration?

Yes. The constitution provides for harmonized elections every five years. Unlike in the present position, the election can only be held in the last thirty days of the term of office of the existing parliament. Thus no one can be taken by surprise.

In addition, by defining free and fair elections and the orderly transfer of power as a founding principle, this constitution is predicating stability and evolution of state power.

More importantly, by placing terms of limits on the president, securocrats and top government heads, this constitution is guaranteeing evolution. More so given that these provisions cannot be amended without a referendum and even when they are amended they will not benefit the serving incumbent.

By providing for two running mates, the constitution is also dealing with the fundamental disease in Africa. The founding fathers of Africa, be it Siad Baare, Hassan Mwinyi, Jomo Kenyatta, Robert Mugabe, Kwame Nkrumah, had and have one disease that of

predatory permanents. The issue of a running mate thus provides the basis for an orderly transition as we happily saw in Malawi, Ghana and now Ethiopia. Where Africa's big men had no orderly succession, the

nation state hardly survived after them. Somalia, Ivory Coast and the Democratic Republic of Congo are living examples of the "big-men void". The long and short of the above is that whilst the Copac draft is not the best

constitution Zimbabweans could have written, it represents a major starting point and a point of departure from the status quo. That is why some of us who have spent all their life fighting for a new order in Zimbabwe will sup-

port it. In the next article, I will present the heresy and infamy presented by the Zanu PF amendments to this draft constitution.

50 POINTS ON THE STATE OF THE CONSTITUTION MAKING PROCESS IN ZIMBABWE.

By Qubani Moyo

The process of crafting a new constitution in the country dates back as early as 1997 when initiatives were started by the Zimbabwe Council of Churches and later on the creation of the National Constitutional Assembly(NCA) as the national body to coordinate all the pro democratic forces who were interested in seeing the country have a new constitution.

In the early days of its formation the NCA was dismissed as a grouping of people with no mandate or locus *standi* to write a new constitution. Many of you will remember the words of the late Edison Zvobgo who dismissed the NCA as mere grouping of a few people who had illusions that they could just sit under a tree to write a new constitution

However the tide became heavy as the NCA became the centre of mobilisation for a new constitution. Most of the key players in today's politics of the country were actually founding executive members of the NCA. For instance two of the three principals in the GPA namely Morgan Tsvangirai and Professor Welshman Ncube held the positions of Chairman and Spokesman respectively

In fact it was actually Professor Ncube who drafted the NCA constitution.

As pressure continued to amount with the NCA becoming the key centre of mobilisation of pro-democracy forces in the country it became clear to the government that they had to act quickly or loose relevancy

As a response they established the constitutional commission in 1999 which subsequently produced what came to be commonly known as the Chidyausiku draft. This draft was a fairly progressive draft at first but was later mutilated by Robert Mugabe who used his sweeping Presidential powers to change most clauses that provided for fair sharing of executive powers between the President Parliament and the Cabinet

I have heard some people say that the Chidyausiku draft with benefit of hindsight was better and we should have voted for it

But the truth of the matter is that in 2000 we ended up literally with two drafts the **CONSTITUTIONAL COMMISSION DRAFT** which was fairly progressive and the **ROBERT MUGABE DRAFT** which was retrogressive in that it gave

back all the powers back to him.

In the end what was taken to the referendum because of the use of Mugabe's sweeping Presidential powers was the Mugabe draft and the people voted NO because of this draft was not the product of the commission but an individual political party.

This background is very important because his is about to repeat itself in exactly the same way.

Those who have studied criminology know that the behaviour of criminals is repeated in a same format from time to time

That is why today we see the repeat of the same criminal behaviour by Robert Mugabe and his gang. This line will be explained in depth in the later parts of this presentation but for now I want to start deliberations on the COPAC process

The vote NO in the referendum however did not stop the appetite and agitation for a new constitution

It therefore did not come as surprise that when the Government of National Unity was formed the issue of crafting of a new constitution was one of the priorities and a key deliverable to holding of a free and fair election

The process was done through the creating of a parliamentary committee called the Constitution Parliamentary Committee(COPAC) which consisted of parliamentarians from the three parties in the GNU

The committee had power to create outreach teams that were to collect data from the citizens and in the composition of these outreach teams 70% of the members had to come from civil society

The outreach teams collected data from citizens for a period covering June to October 2009 and everyone in Zimbabwe will agree that the programme was so extensive that it covered every part of the country.

At the end of the programme around 1,3million Zimbabweans had participated in the outreach programme and expressed their views on what they wanted contained in new the constitution.

The outreach instrument of enquiry had more than 100 guiding talking points effectively meaning that what the raw data that was presented to the select committee was more that 100million responses

Effectively you had over 100 million responses on what the people wanted in the constitution.

Also in a number of occasions the outreach process be-

came more of healing programme in that many Zimbabweans saw it as an opportunity to vent out their frustrations about many years of subjugation and oppression by the Mugabe regime.

The programme in more ways than one became therapeutic and more of a national healing programme.

The COPAC drafters were therefore faced with the mountainous task of sifting through the more than 100million responses that represented in many respects complaints about the way people were being governed than constitutional issues

The drafting team of neutrals consisting three credible legal minds Brian Crouzier who had worked as a drafter in the Attorney General's office, Priscillar Madzonga from the same office and Justice Chinengo and High Court judge in Botswana did their job exceptionally well.

These were neutral and in their selection process unlike the select committee members and the outreach teams, they were not seconded by political parties. They were constituted through a system of veto.

This was done through putting into a hat ten names and all the three parties in government were told to veto the persons they did not want until in the end three were left.

The three that were left effectively were favourites of all the parties combined and therefore the most suitable and the most neutral.

These drafters did their work assisted by a technical team of five people from each party. For instance in MDC there were people like Matshobana Ncube and Josphat Tshuma in the MDC T Professor John Makumbe and Dr Alex Magaisa, In Zanu PF Goodswill Masimirembwi and Jacob Mudenda

The drafters managed under the difficult conditions and continuous assault by the ZANU controlled media to come up with a credible draft

However but when it was about to be presented to the select committee ZANU PF came up with a new set of demands that were contained in in a 29page document

The parties felt that now that the ZANU PF party had brought in new demands it was no longer an issue of the drafters to deal with but rather an issue of the management committee of the three parties to deal with the new demands

The management committee is composed of negotiators

from the three parties namely Ministers Priscillar Misihairabwi Mushonga , Minister Moses Mzila Ndlovu and co-chair Edward Mukhosi from the Professor Welshman Ncube led MDC. Ministers Elton Mangoma and Tendai Biti as well Hon Douglas Mwonzora from the MDC T and Ministers Nicholas Goche and Patrick Chinamasa and co-chair Munyaradzi Paul Mangwana from ZANU PF. Also sitting in the management committee was Eric Matinenga the Minister of Constitutional Affairs

The management committee sat to find ways in which they could compromise in the light of the new demands contained in the 29 page document by ZANU PF.

In the process of negotiations the teams were given an opportunity to continuously refer to their party organs and principals whenever a contentious issue arose

And indeed in more occasions that one, the ZANU PF team asked for a time out to ask their superiors on how to approach certain issues for instance on the issue of running mates they went to ask their principal Mugabe on how to deal with it and they came back saying *Mudhara abvuma* and Mugabe being the President and Secretary General at the same time because he is the first secretary it was assumed that all was in order.

At the end of the negotiations a friendly compromise emerged and was signed by the three members from the three parties

Even before they signed they sought clearance from Professor Ncube, Morgan Tsvangirai and Robert Mugabe

Their signatures therefore represented their own confirmation, their party confirmation and their Presidents confirmation of their agreement with both the process and content of the draft.

After the signing the constitution was presented to the select committee as the parliamentary body tasked with facilitating the constitution making process and that meeting was chaired by Munyaradzi Paul Mangwana of ZANU PF

If ZANU PF had any objection to the contents it was their opportunity in the select committee to raise objections but the document was unanimously passed without amendments but with pomp and fan fare

There after it was taken to the Presiding officers of Parlia-

There after it was taken to the Presiding officers of Parliament the Speaker of Parliament Hon Lovemore Moyo and the President of Senate, Senator Edna Madzongwe because they are the ones who established and oversee the operations of parliamentary committees.

Therefore what is before the country now is a draft constitution that has been endorsed by a legal committee of parliament and ZANU PF seeks to undo what has come out of the parliamentary process

Their new sets of demands will not be accepted because what they are against amongst many other is ;

Devolution of power

- Promotion of the status of women
- Official status for all languages
- Governors from a party with a majority
- A president accountable to parliament
- Creation of independent commissions
- Provisions for equitable distribution of resources and the national cake
- Accountability of Security organs of state

45. The demands by ZANU PF are worse off than the current constitution or Kariba draft and will not be accepted by the MDC

46. We are saying that the political parties have had their say and now it's the time to allow the people to speak

47. The draft constitution should be taken to a stakeholder's conference and then to a referendum so that they people will decide through a vote whether the draft contains their views or not. ZANU PF cannot pretend to that it is the only party that knows what the people of Zimbabwe want and as such should not deny them that opportunity to express themselves

48. Alternatively if ZANU PF strongly feels that their amendments reflect the people's views more than the draft signed by the three parties then let's take the two documents to a referendum and let the people decide which of the two they want.

49. We have expressed this position officially to President Mugabe and SADC facilitator President Jacob Zuma and await their feedback we understand that a meeting of

the troika is set for early October to deal with this issue.

50. Also whenever the three Principals President Welshman Ncube, Morgan Tsvangirai and Robert Mugabe, Professor Ncube will emphatically tell Mugabe that there is no changing of the people's views and that no devolution no constitution, we will rather go to the election using the old constitution than betray the people of Zimbabwe by accepting a Mugabe's notorious demands.

Let the people speak for themselves in a stakeholder's conference and referendum.

Qhubani Moyo
Director Research and Policy Coordination
Constitutional Hill, Braamfontein
Johannesburg.
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