

Women and gender

- 1.1 The Constitution must provide for political and socio-economic equality between women and men.
 - 1.2 The Constitution must provide for a Gender Commission.
 - 1.3 The State must ensure gender balance and a fair representation of marginalised groups on all constitutional and other governmental bodies.
 - 1.4 The State must promote full participation of women in all spheres of Zimbabwean society on the basis of equality with men.
 - 1.5 The State must take all practical measures to ensure that women have access to land and other resources on the basis of equality with men.
- 2 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
- 2.1 All laws, customs and cultures that infringe on the rights of women are prohibited
- 2.2 Women have the right to affirmative action for the purposes of redressing the imbalances created by history, tradition or custom.

3 Rights of Children

- 3.1 The State must adopt reasonable policies and measures, within the resources available to it, to ensure that children -
- (a) have a nationality from birth;
 - (b) enjoy family or parental care, or appropriate alternative care when removed from the family environment;
 - (c) receive shelter and basic nutrition, health care and social services; and
 - (d) are protected from maltreatment, neglect, abuse, exploitation, corruption or degradation.
- 3.2 The State must take appropriate legislative and other measures -
- (a) to protect children from exploitative labour practices; and
 - (b) to ensure that children are not required or permitted to perform work or provide services that
 - (i) are inappropriate for the children's age; or
 - (ii) place at risk the children's well-being, education, physical or mental health or spiritual, moral or social development.

Defence forces

1.1 The Defence Forces of Zimbabwe consist of an army, an air force and any other branches that may be established under an Act of Parliament.

1.2 Primary function of Defence Forces

1.2.1 The primary function of the Defence Forces is to defend and protect Zimbabwe, its people, its Constitution, its national security and interests and its territorial integrity.

1.3 Deployment of Defence Forces

1.3.1 With the authority of the President, given in accordance with the advice of the Prime Minister, the Defence Forces may be deployed in Zimbabwe -

- (a) in defence of Zimbabwe;
- (b) in support of the Police Service in the maintenance of public order; or
- (c) in support of the Police Service and other civilian authorities in the event of an emergency or disaster.

1.3.2 With the authority of the President, given in accordance with the advice of the Prime Minister, the Defence Forces may be deployed outside Zimbabwe in fulfilment of an international commitment or in defence of Zimbabwe's national security or national interests.

1.3.3 A deployment of the Defence Forces must immediately be rescinded unless it is

- (a) approved by a resolution passed within seven days of the deployment by at least two-thirds of the full Membership of Parliament at a joint sitting of the Senate and the National Assembly; and
- (b) within 30 days thereafter ratified by the people of Zimbabwe at a referendum;

1.3.4 Approval and ratification may, and, whenever possible, must, be sought before any deployment.

1.4 Political accountability for deployment of Defence Forces

1.4.1 When the Defence Forces are deployed the President and Prime Minister, jointly or severally, must cause Parliament to be informed, promptly and in appropriate detail, of -

- (a) the reasons for the deployment of the Defence Forces;
- (b) the place where the Defence Forces are deployed; and
- (c) the period for which the Defence Forces are expected to be deployed.
- (d) the financial implications thereof.

1.5 Command of Defence Forces

1.5.1 The President, as Commander-in-Chief of the Defence Forces, has power to determine their operational use, but must consult the Prime Minister only in accordance with

- (a) any law or any directions by Parliament and, subject to such law or directions, any directions by the Prime Minister and Minister of Defence; and
 - (b) the other provisions of the Constitution.
- 1.5.2 An Act of Parliament may provide that -
 - (a) the Defence Forces are to be under the command of a single Commander; or
 - (b) each branch of the Defence Forces, or any two or more of them jointly, are to be under the command of a separate Commander.
- 1.5.3 Every Commander of the Defence Forces, and every Commander of a branch of the Defence Forces, must be appointed by the President on the advice of the Defence Forces Service Commission and with the approval of Parliament.
- 1.5.4 Every Commander of the Defence Forces, and every Commander of a branch of the Defence Forces, must exercise his or her command in accordance with the general directions of the Minister responsible for defence acting under the authority of the President.

1.6 Organisation and administration of Defence Forces

- 1.6.1 An Act of Parliament must provide for
 - (a) the organisation, administration and discipline of the Defence Forces, including the appointment of persons to offices or ranks in the Defence Forces,
 - (b) their removal from office or reduction in rank,
 - (c) their punishment for breaches of discipline
 - (d) the fixing of their conditions of service, and
 - (e) may specify fixed terms of office, tenure and term limits for commanders and senior officers.

1.7 Defence Forces Service Commission

- 1.7.1 There is a Defence Forces Service Commission appointed by the President and consisting of -
 - (a) a chairperson, who must be a member of the Public Service Commission; and
 - (b) at least four and not more than six other members
- 1.7.2 Persons appointed to the Defence Forces Service Commission must be chosen for
 - (a) their ability and experience in administration or their professional qualifications
 - (b) their general suitability for appointment, and
 - (c) at least one of them must have experience in the Defence Forces for one or more periods amounting to at least five years.
- 1.7.3 The Defence Forces Service Commission has the functions that are conferred or imposed on it by the Constitution or an Act of Parliament, and these functions must include -

- (a) appointing persons to hold posts or ranks in the Defence Forces;
- (b) fixing and regulating conditions of service of members of the Defence Forces;
- (c) determining the nature of disciplinary powers to be exercised over members of the Defence Forces, and the manner and circumstances in which they are to be exercised;
ensuring the general well-being and administration of the Defence Forces and their
maintenance in a high state of efficiency;

Elections, independent Commissions and transitional mechanisms

1. Elections

1.1 Electoral System

- 1.1.1 House of Assembly- elections to the House of Assembly should be done on a first-past-the-post electoral system provided the principle of gender balance is adhered to.
- 1.1.2 Senate- elections to the Senate should be based on a proportional representation electoral system. The principle of gender should also be adhered to.
- 1.1.3 Local Government- election of Mayor, Rural District Councils and Ward Councillors should be based on a first-past-the-post electoral system provided the principle of gender is adhered to.

1.2 Election Dates

- 1.2.1 Election dates must be defined in the Constitution, for example, in the United States of America, every individual knows the dates for Presidential and Senatorial elections to be the second week of November every fourth year.
- 1.2.2 Presidential, Parliamentary and Local Government elections should be harmonised.
- 1.2.3 Head of State- after every five years.
- 1.2.4 Parliamentary- after every five years
- 1.2.5 Local Government- after every five years

1.3 Voter Registration

- 1.3.1 Voter registration and inspection of the voters' roll should be continuous.

1.4 Elections Funding

- 1.4.1 Treasury through a budgetary allocation should fund all elections.

1.5 Electoral Vacancies

- 1.5.1 President – 90 days
- 1.5.2 Parliamentary – 90 days
- 1.5.3 Local Government 90 days

1.6 Qualifications to register as a Voter

- 1.6.1 Zimbabwean aged 18 and above

1.7 Counting and announcement of results

- 1.7.1 Counting should be done at the polling station.
- 1.7.2 Initial announcement should be at the polling station.
- 1.7.3 The final announcement should be done by the Independent Electoral Commission.
- 1.7.4 Announcement of Presidential, Parliamentary and Local Government elections results should be within 48 hours from the casting of the last ballot.

1.8 Election Monitoring

- 1.8.1 Participating political parties and candidates
- 1.8.2 Civic organizations provided they register with the Independent Electoral Commission.

1.9 Election Supervision

- 1.9.1 The Independent Electoral Commission is responsible for election supervision.

1.10 Election Observation

- 1.10.1 regional organizations
- 1.10.2 international organizations
- 1.10.3 regional parliaments
- 1.10.4 any organization upon obtaining the permission to do so from the Independent Electoral Commission.

1.11 Postal Votes

- 1.11.1 All Zimbabweans are entitled to their right to vote.
- 1.11.2 The IEC should put relevant mechanisms to ensure that Zimbabweans residing outside the borders exercise their right to vote.

1.12 Role of the Security

- 1.12.1 Security agents should ensure that peace and tranquillity prevail towards, during and after elections.
- 1.12.2 Security should not have a direct role in the administration of elections

1.13 The role of the media

- 1.13.1 All contesting candidates and parties should have equal access to public media

1.14 Electoral Disputes

- 1.14.1 Electoral disputes arising before the date of polling should be finalised 14 days before the day of polling.
- 1.14.2 Electoral disputes arising after the election should be heard in the High Court no later than 30 days after the day of polling.

1.15 Voter Education

- 1.15.1 Voter education is the mandate of the State therefore it should be provided by the IEC
- 1.15.2 Any organizations upon obtaining permission from the IEC

2. Independent electoral commission

- 2.1.1 There shall be an Independent Electoral Commission consisting of a chairperson and six other members appointed by the President with the approval of Senate.
- 2.1.2 The Chairperson must be;
 - (a) a retired judge or a person qualified for appointment as a judge,
 - (b) based on their integrity and their experience and competence in the conduct of affairs in the public or private sector,
 - (c) command respect in society, and be derived from a representative cross-section of the citizenry.
- 2.1.3 Members of the Independent Electoral Commission must be appointed for a term of five years, and their appointment may be renewed for one further term only.

2.2 Functions of Independent Electoral Commission

- 2.2.1 The Independent Electoral Commission has the mandate to uphold universally recognised principles that will ensure the transparent, efficient, proper, free and fair conduct of democratic elections and referendums based on universal and equal suffrage in accordance with the Constitution and has the following functions -
 - (a) to organise, conduct and supervise and deal generally with all aspects of
 - (i) Presidential and Parliamentary elections;

- (ii) elections to the governing bodies of provincial councils and local authorities; and
- (iii) referendums;
- (iv) and to ensure that those elections and referendums are conducted efficiently, freely, fairly, openly and in accordance with the law;
- (b) to register voters and to ensure the proper maintenance of voters' rolls including their constant updating and the preservation of all records relating thereto, - The integrity of the voter's roll must be protected constitutionally and must be subject to scrutiny by citizens and Parliament.
- (c) to determine the boundaries of constituencies;
- (d) to consider and advise on all proposals to alter the boundaries of wards or other electoral divisions of provincial council or local authority areas;
- (e) to formulate and implement civic educational programmes relating to elections;
- (f) to ensure all its supervision and operations are transparent;
- (g) to ensure independent monitoring of any elections and referendums, including any monitoring with assistance from international observers;
- (h) the investigation and resolution of complaints relating to elections and referendums;
- (i) ensuring that all election results are published and publicised immediately after the election; and
- (j) to exercise any other functions that may be conferred or imposed on the Commission by this Constitution or an Act of Parliament.

2.3 Disqualification for appointment to Independent Electoral Commission

- 2.3.1 A person is not qualified for appointment to the Independent Electoral Commission if he or she is a public officer, other than a judge, or a member or employee of a statutory body, a provincial council or a local authority.
- 2.3.2 Members of Independent Electoral Commission cannot to be members of political parties

2.4 Provisions to ensure independence of Independent Electoral Commission

- 2.4.1 Without derogation from the State must make adequate and suitable provision, through legislation and other appropriate means, to ensure that
- (a) the Independent Electoral Commission is adequately funded by a Parliamentary budget and able to exercise its functions under this Constitution efficiently and independently; and
 - (b) the Independent Electoral Commission's staff carry out their duties conscientiously, fairly and impartially.
 - (c) Members of the IEC should have limited terms of office and should enjoy the same protection and independence as Judges.

2.5 Reports of Independent Electoral Commission

- 2.5.1 In addition to its annual report and any other report the Independent Electoral Commission is required to make under the Constitution or any other law, the Commission must without delay submit a report to Parliament on -
- (a) the conduct of every Presidential and Parliamentary election;
 - (b) every delimitation of constituencies;
 - (c) every referendum; and
 - (d) every provincial council or local authority election.

3 Human and people's rights commission

- 3.1.1 There shall be a Human and People's Rights Commission to protect and promote human rights and to further the cause of social justice and consisting of-
- (a) a chairperson and at least two other members who have been qualified for at least five years to practise as legal practitioners and who are appointed by the President on the advice of the Judicial Service Commission; and
 - (b) at least two and not more than seven other members, as specified in an Act of Parliament, appointed by the President with the approval of Senate.
- 3.1.2 Persons appointed to the Human and Peoples' Rights Commission must be chosen for their knowledge of and experience in the promotion of social justice or the protection of human rights and freedoms, with nominations sought from appropriate groups and the public, and should include representation for disadvantaged people.

3.2 Functions of Human and Peoples' Rights Commission

3.2.1 The Human and Peoples' Rights Commission has the following functions:

- (a) to promote awareness of and respect for human rights and freedoms at all levels of society;
- (b) to promote the development of human rights and freedoms and social justice, establishing a continuing programme of research, education and information to enhance respect for these;
- (c) to monitor and report on and assess the observance of human rights in Zimbabwe;
- (d) to educate and encourage the public to defend the Constitution at all times against all forms of abuse and violation;
- (e) to formulate, implement and oversee programmes intended to inculcate in all citizens an awareness of their civic responsibilities and an appreciation of their rights and responsibilities as free people;
- (f) to publicise human rights and efforts to combat discrimination especially gender and class discrimination by increasing awareness through education and information;
- (g) to assess and protect the interests of vulnerable groups in society such as children, refugees and the handicapped;
- (h) to advise Government and Parliament on policies designed to redress the lack of economic empowerment and to address economic disparities;
- (i) to facilitate the development of Government policies designed to provide for all citizens' rights to shelter, health and education;
- (j) to recommend to Parliament effective measures to promote human rights and social justice, including the provision of compensation to victims of violations of human rights, or their families;
- (k) to investigate the conduct of any authority or person, at its own initiative or where it is alleged by any person or group of persons that any human right has been violated by that authority or person;
- (l) to take steps to secure appropriate redress where human rights have been violated; and
- (m) to visit gaols, prisons, and places of detention or related facilities to assess and inspect conditions of the inmates and to make recommendations.

3.3 Further Powers of Human and Peoples' Rights Commission

3.3.1 The Human and Peoples' Rights Commission may require any organs or agencies of the State or Government, including local government, to provide the Commission annually or at lesser intervals with information on the measures they have taken towards the realisation of the

- (a) to conduct investigations on its own initiative or on receipt of complaints;

- (b) to visit and inspect prisons, places of detention, refugee camps and related facilities in order to ascertain the conditions under which inmates are kept there, and to report and make recommendations regarding those conditions to the Minister responsible for administering the law relating to those places or facilities, and to the President, Parliament, and such other persons as the Commissioners may deem fit;
- (c) to visit and inspect places where mentally disordered or intellectually handicapped persons are detained under any law in order to ascertain the conditions under which those persons are kept there, and to report and make recommendations regarding those conditions to the Minister responsible for administering the law, and to the President, Parliament, and such other persons as the Commissioners may deem fit; and
- (d) to secure or provide appropriate redress for violations of human rights and for injustice.

4 Ant-corruption and public accountability commission.

- 4.1.1 There is an Anti-Corruption and Public Accountability Commission with a mandate to uphold the integrity of Zimbabwe's public and private sectors, consisting of five to seven members appointed by the President with the approval of Senate.
- 4.1.2 Persons appointed to the Anti-Corruption and Public Accountability Commission must be persons of known integrity with extensive experience in an appropriate field chosen for their knowledge of and experience in administration or the prosecution or investigation of crime or for their general suitability for appointment, and -
 - (a) at least one must be entitled to practise as a legal practitioner; and
 - (b) at least one must be entitled to practise as an auditor or public accountant in Zimbabwe; and
 - (c) at least one must have had not less than ten years' experience in the investigation of crime.
- 4.1.3 The appointment of members must be for a fixed term as specified by the Act of Parliament and subject to such term limits as are prescribed therein.
- 4.1.4 The Anti-Corruption and Public Accountability Commission must be accountable to citizens, reporting to Parliament and publishing and publicising reports as often as is necessary but no less than annually.

4.2 Functions of Anti-Corruption and Public Accountability Commission

4.2.1 The Anti-Corruption and Public Accountability Commission has the following functions:

- (a) to combat corruption, theft, misappropriation, abuse of power and other improprieties in the conduct of affairs in both the public and private sectors, including by investigating and exposing any conduct in State affairs or in the public administration in any sphere of government or in the private sector that is alleged or suspected to be improper or to result in any impropriety or prejudice;
- (b) to establish a continuing programme of research, education and information to enhance transparency, accountability and integrity in the public, private and civic sectors;
- (c) to make recommendations including to Parliament and the Government and to organisations in the private sector and others on measures to enhance integrity and accountability and to prevent improprieties;
- (d) liaise with Parliament and government and the Auditor General and the Governor of the Central Bank to ensure that public expenditure remains within acceptable inflationary limits;
- (e) to monitor the transparency and accountability of any government privatisation agency or operation and any dealing by government or government agencies in shares held by it in any company;
- (f) to take appropriate remedial action to investigate, suspend and prosecute those alleged or suspected to have engaged in such improper conduct;
- (g) to request the assistance of any department, bureau, office, agency or person in the performance of its functions;
- (h) to monitor public tender procedures and activities of the State Procurement Board and to ensure these are totally transparent;
- (i) to receive and monitor the disclosures of the President, Prime Minister, Ministers, Members of Parliament, senior civil servants and other senior public officials, on an annual basis, and to ensure these disclosures embrace their income, assets, business and investment interests; and
- (j) to exercise any other functions that may be conferred or imposed on the Commission by or under an Act of Parliament.

4.3 Further Powers of Anti-Corruption and Public Accountability Commission

4.3.1 In the performance of its functions the Commission, subject to the provisions of the Constitution, must have the powers of a court

- (a) to issue summons or other orders requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigation by the Commission;
- (b) to question any person in respect of any subject matter under investigation before the Commission;
- (c) to require any person to disclose any information within his or her knowledge relevant to any investigation by the Commission; and
- (d) to commit persons for contempt of its orders.

4.3.2 An Act of Parliament may make further provision regarding the powers of the Anti-Corruption and Public Accountability Commission, including further power -

- (a) to conduct investigations and inquiries on its own initiative or on receipt of complaints;
- (b) to require assistance from members of the Police Service and other investigative agencies of the State; and
- (c) through the Attorney-General or an independent prosecutor, to secure the prosecution of persons alleged to be guilty of corruption, theft, misappropriation, abuse of power and other improprieties.

5 Media and telecommunications commission

5.1.1 There shall be a Media and Telecommunications Commission to enhance democracy by promoting and upholding freedom of expression and the unfettered free exchange and availability of information, opinions, and views, to be a custodian of the right of free expression and to exercise the following further functions:

- (a) uphold and develop freedom of the press;
- (b) recommend and monitor all legislation relating to print and electronic media, posts and telecommunications;
- (c) regulate and register media and telecommunications organisations, including monitoring any laws or rules relating to the allocation of frequencies;
- (d) ensure equitable and fair distribution of mass communication resources, so that all regions in Zimbabwe can benefit;

- (e) promote and uphold good practice and ethics in the press, media and broadcasting;
- (f) create conditions that enable the media and telecommunication sectors to gather and fully supply citizens with dependable data to assist them in independently forming views of their own
- (g) to ensure that the people of Zimbabwe have equitable and wide access to information, and ensure that the State or any entity, including media organisations, does not interfere with their rights of free expression and information;
- (h) to ensure the equitable use and development of all indigenous languages spoken in Zimbabwe; and
- (i) to exercise any other functions that may be conferred or imposed on the Commission by or under an Act of Parliament;

5.1.2 The Commission must consist of five to seven members, as specified in an Act of Parliament, being professionals of good standing and proven integrity, preferably qualified in journalism, mass media and telecommunications, and interest groups and any others specified in the Act have been invited to submit nominations through the Ministry responsible for posts and telecommunications to the Parliamentary Public Appointments Committee.

5.1.3 The Commission must receive adequate budgetary support through a Parliamentary Budget and be accountable directly to citizens and must report at least annually to Parliament with its reports published simultaneously in the mass media.

5.2 Powers of Media and Telecommunications Commission

5.2.1 An Act of Parliament may confer powers on the Media and Telecommunications Commission, including power -

(a) to conduct investigations and inquiries into -

(i) any conduct or circumstance that appears to threaten freedom of the press; and

(ii) the conduct of the press, news media and broadcasting;

and

(b) to take disciplinary action against journalists and other persons employed in the press, news media or broadcasting who are found to have breached any law or any code of conduct applicable to them.

5.2.2 The law and the Commission in all of its operations must give effect to the people's view that free access to and unrestricted use of information is the foundation of the development of truly effective democracy.

6 Transitional Mechanisms

6.1 How long after the referendum should elections be held

As soon as possible

6.2 Who installs office bearers after elections and how long after elections should they be installed?

The President and the Prime Minister in consultation with Parliament.

Arms of the state

1.1 The executive

The President

- 1.1.1 Executive powers of the State should reside in the President, Prime Minister and Cabinet.
- 1.1.2 The President is the Head of State and the Commander-in-Chief of the Defence Forces.

2 Qualifications for election as President

- 2.1 A person qualifies for election as President if he or she;
 - (a) is a citizen of Zimbabwe by birth or by descent;
 - (b) is at least forty years old
- 2.1.1 A person is disqualified for election as President if;
 - (c) he or she has already held office as President for two terms or
 - (d) within five years before the date of the election, he or she has been convicted inside or outside Zimbabwe of any offence and sentenced to imprisonment for twelve months or more, whether or not;
 - (i) the sentence was wholly or partly suspended; or
 - (ii) he or she was granted a pardon.
- 2.1.2 The election of a President must take place not more than ninety days;
- 2.2 before the expiry of the normal life of a Parliament
- 2.3 after a President dies, resigns or is removed from office
- 2.4 The President is elected by registered voters throughout Zimbabwe.
- 2.4.1 Acting President
 - (i) If the President dies, resigns or is removed from office, the vice president assumes office as Acting President until a President has been elected.

3 Tenure of office of President

- 3.1.1 Term includes part of a term of office.
- 3.1.2 The term of office of the president is for a period of five years
- 3.1.3 No one may hold office as President for more than two terms.
- 3.1.4 Notwithstanding the above, a president may continue in office until the person elected to replace him assumes office for the purposes of hand-over take-over.

4 Impeachment of President

- 4.1.1 Parliament, at the request of at least half of the full membership of either House, and after a hearing in which the President has the right to be heard, may impeach and remove the President from office for:
 - (a) treason or wilful violation of the Constitution;

- (b) failure to obey, uphold and defend the Constitution;
 - (c) inability to exercise the functions of the office because of physical or mental incapacity; or
 - (d) serious misconduct.
- 4.1.2 A resolution to remove the President from office must be passed by at least two-thirds of the full membership of both Houses at a joint sitting.
- 4.1.3 The manner in which any impeachment proceedings are to be conducted must be prescribed in or under Standing Orders or an Act of Parliament.
- 4.1.4 After any request for the impeachment of the he or she has no power to dissolve Parliament until the proceedings are completed
- 5 Presidential immunity
- 5.1.1 While in office, the President is not liable to civil or criminal proceedings in any court for things done or omitted to be done in his or her personal capacity save as provided in this section.
- 5.1.2 With leave from the High Court or Supreme Court after a person has left office as President, civil or criminal proceedings may be instituted against that person for things done or omitted to be done -
 - (a) before he or she became President; or
 - (b) in his or her personal capacity while he or she was President.
- 5.1.3 The running of prescription in relation to any debt or liability of the President arising before or during his or her term of office is suspended while he or she remains President.

6 The Prime Minister and Cabinet

- 6.1 There must be a Cabinet consisting of the Prime Minister and Ministers appointed by the Prime Minister.
- 6.2 A Minister holds office as a member of the Cabinet during the pleasure of the President
 - (a) ceases to hold office as a member of the Cabinet if he or she ceases to be a Minister;
 - (b) may, by notice in writing to the President and Prime Minister, resign from Cabinet.
- 6.3 Cabinet meetings are presided over by the President.

7 The legislature

- 7.1.1 The legislative authority of Zimbabwe vests in the Legislature, which consists of the President and Parliament.
- 7.1.2 In exercising legislative authority -
 - (a) the Legislature is bound by this Constitution; and

- (b) in all other respects the President and Members of Parliament must be guided by the national interest and by their consciences.

7.2 Powers of legislature

7.2.1.1 Subject to the Constitution, the Legislature has power to originate and pass legislation with regard to any matter.

7.2.1.2 Parliament may, by any Act of Parliament, delegate the power to make subsidiary legislation within the specifications and for the purposes laid out in such Act, provided that

- (a) Parliament's primary law-making power must not be delegated; and
- (b) Any subsidiary legislation must be laid before Parliament in accordance with its Standing Orders and be revoked if it so requires.

7.3 Parliament

- (a) consists of two Houses, namely the Senate and the National Assembly; and
- (b) unless otherwise specified, will resolve any differences between the Houses by a joint vote; and
- (c) is the centre of power and must be allowed and enabled in all legislation and by all authorities to exercise the traditional role of parliaments in democratic systems to enact laws, control State finances, and to monitor and control all Government activities; and
- (d) will recognise that the Senate's role is generally to act as a House of review over the functions and actions of the National Assembly.

7.4 Powers and Functions

- 7.4.1 consists of two Houses, namely the Senate and the National Assembly; and
- 7.4.2 is the centre of power and must be allowed and enabled in all legislation and by all authorities to exercise the traditional role of parliaments in democratic systems to enact laws, control State finances, and to monitor and control all Government activities; and
- 7.4.3 will recognise that the Senate's role is generally to act as a House of review over the functions and actions of the National Assembly.

7.5 Election to Parliament

- 7.5.1 Election to the House of Assembly shall be done on a first-past-the-post electoral system provided that the principle of gender must guide the selection and appointment of candidates.
- 7.5.2 Election to Senate shall be done on a proportional representation electoral system.
- 7.5.3 There shall be 60 Senatorial seats and 120 House of Assembly seats.
- 7.5.4 There should be no unelected Members of Parliament.

- 7.5.5 Members of Parliament should not be allowed to cross flows
- 7.5.6 The right to recall MPs should be guaranteed in the Constitution.
- 7.5.7 Parliament should have a life span of 5 years.
- 7.5.8 The Attorney General can be a Member of Parliament but has no voting rights.
- 7.5.9 The House of Assembly is presided by the Speaker of the House of Assembly and the Senate is presided by the President of Senate.

7.6 The Judiciary

- 7.6.1 The Constitution should provide for an independent judiciary. Members of the judiciary, when exercising their judicial authority, are independent and are subject only to the Constitution and the law, which they must apply impartially and without fear, favour or prejudice.
- 7.6.2 There shall be an independent Judiciary Service Commission to appoint Judges.
- 7.6.3 Parliament should appoint members of the Judiciary Service Commission.

7.7 The judiciary of Zimbabwe consists of -

- (a) the Chief Justice, who is the head of the judiciary;
- (b) the Constitutional Court
- (c) the judges of the Supreme Court;
- (d) the Judge President, who is in charge of the High Court;
- (e) the judges of the High Court;
- (f) persons presiding over other courts which may be established by an Act of Parliament;
- (g) magistrates;

7.7.1 Traditional Courts should concentrate on civil matters.

7.8 Qualifications of judges

7.8.1 A person is qualified for appointment as a judge if he or she is an experienced and reputable lawyer at least forty years old and -

- (a) has been entitled to practise as a legal practitioner for at least seven years -
 - (i) in Zimbabwe; or
 - (ii) if he or she is a citizen of Zimbabwe, in a country whose common law is Roman-Dutch or English and English is an official language;

or

- (b) has been a judge of a court with unlimited jurisdiction in civil or criminal matters in a country whose common law is Roman-Dutch or English, and English is an official language.

7.9 Appointment of judges

- 7.9.1 The Judicial Service Commission must make its recommendations for appointments as Chief Justice, Judge President and other judges to the President, who must appoint them.
- 7.9.2 The appointment of the Chief Justice and other judges must be approved by the Senate.

7.10 Removal from Office of Judges

- 7.10.1 A judge may be removed from office on the advice of the Judicial Service Commission only for misbehaviour or for mental or physical disability that incapacitates him or her from exercising the functions of a judge.
- 7.10.2 The President may appoint a tribunal to inquire into the question of the Chief Justice's or Judge President's removal from office if the President considers that the question should be investigated.
- 7.10.3 The President must appoint a tribunal without delay to inquire into the question of the Chief Justice or any other judge's removal from office if the President is advised by the Judicial Service Commission that the question should be investigated, or if he or she receives a request to do so either from the association constituted under an Act of Parliament to represent legal practitioners in Zimbabwe or from a majority of the other judges.
- 7.10.4 A tribunal appointed under this section must consist of at least three members appointed by the President on the advice of the Judicial Service Commission, of whom -
 - (a) one must be a person who -
 - (i) has served as a judge in Zimbabwe; or
 - (ii) holds or has held office as a judge of a court with unlimited jurisdiction in civil or criminal matters in a country whose common law is Roman-Dutch or English, and English is an official language;
 - (b) one must be chosen from a panel of at least three legal practitioners of at least seven years' standing who have been nominated by the association, constituted under an Act of Parliament, which represents legal practitioners in Zimbabwe; and
 - (c) the remainder must be persons referred to in paragraph (a) or (b).
- 7.10.5 The President must designate one of the members of a tribunal appointed under this section to be chairperson of the tribunal, acting in accordance with any advice of the Judicial Service Commission thereon.
- 7.10.6 After due inquiry the tribunal must report its findings to the Judicial Service Commission and the Commission, after considering the tribunal's findings, must report to the President whether or not, in its opinion, the judge concerned should be removed from office.

- 7.10.7 The President must act in accordance with any recommendation of the Judicial Service Commission.
- 7.10.8 Unless the Judicial Service Commission recommends otherwise, if the question of a judge's removal from office has been referred to a tribunal under this section, the Chief Justice must suspend the judge from office until the President, on the recommendation of the Judicial Service Commission, revokes the suspension or removes the judge from office.
- 7.10.9 If a question of the Chief Justice's removal from office has been referred to a tribunal, he or she will be deemed to be suspended from office, unless the Judicial Service Commission recommends otherwise, until the President, on the recommendation of the Judicial Service Commission, revokes the suspension or removes the Chief Justice from office.
- 7.10.10 No member of the Judicial Service Commission whose removal is being considered may participate in its proceedings in connection therewith.

7.11 Tenure of Judges

- 7.11.1 A judge must retire at the age of seventy years unless, before attaining that age, he or she -
- (a) gives written notice to the President and the Judicial Service Commission of election to retire at the age of seventy-five years; and
 - (b) submits to the President and the Judicial Service Commission a satisfactory medical report showing that he or she is mentally and physically fit to continue in office as a judge; and in that event the judge must be permitted to continue in office.
- 7.11.2 A judge may resign his or her office at any time by written notice to the President and the Judicial Service Commission.

Founding principles

1.1 Authority of the people

- 1.1.1 The legal and political authority of the State derives from the people of Zimbabwe through universal and equal adult suffrage, an open multiparty system of democratic government and regular, transparent, free and fair elections and must be exercised in accordance with this Constitution solely to serve and protect the people's interests.
- 1.1.2 Everyone who exercises State power does so on trust for the people of Zimbabwe and must exercise that power within the bounds of lawful authority and in accordance with his or her responsibilities to the people.

1.2 Human Rights

- 1.2.1 The state must uphold, promote and defend the human rights of the people of Zimbabwe as the basis of its relationship to the people.

1.3 National unity, peace and stability

- 1.3.1 All organs and agencies of the State and Government, including local government, and all the people of Zimbabwe, must promote national unity, peace and stability.
- 1.3.2 The State and Government must make every effort
 - (a) to integrate all the peoples of Zimbabwe while recognising their ethnic, religious, political and cultural diversity; and
 - (b) to promote a culture of co-operation, understanding, appreciation and tolerance of and respect for the customs, traditions and beliefs of others.

1.4 Democratic principles

- 1.4.1 The State is based on democratic principles which empower and encourage the active and equal participation of all citizens at all levels of government.
- 1.4.2 Subject to this Constitution, all the people of Zimbabwe should have access to leadership positions at all levels of government.
- 1.4.3 Institutions of Government should be broad-based and national in character.
- 1.4.4 The policies of the State must be guided by the principle of devolution of governmental functions and responsibilities, and the provision of the necessary resources, to the people at appropriate levels.

1.5 Rule of law

- 1.5.1 All organs and agencies of the State and Government, including local government, and all persons must observe and uphold this Constitution and the rule of law, and no institution or person stands above the law.

Labour thematic Committee

1.6 The State must adopt reasonable policies and measures to provide everyone with an opportunity to work in a freely chosen activity, in order to secure a decent living for themselves and their families.

1.7 The State must endeavour to secure -

- (a) full employment;
- (b) just, equitable and satisfactory conditions of work, particularly with respect to -
 - (i) adequate remuneration;
 - (ii) equitable opportunity for promotion;
 - (iii) safety at work;
 - (iv) maternity leave; and
 - (v) rest, leisure, limitation of working hours, periodic holidays with pay and remuneration for public holidays;
- (c) the removal of restrictions that unnecessarily inhibit or prevent people from working and otherwise engaging in gainful economic activities;
- (d) vocational guidance and the development of vocational and training programmes, including those for persons with disabilities;
- (e) the implementation of measures such as family care that enable women to enjoy a real opportunity to work; and
- (f) the rights of employers and employees to engage in collective bargaining and, where necessary, to engage in appropriate collective job action to enforce their rights.

1.8 The Constitution must recognise international labour standards and international labour laws should be incorporated into domestic laws.

1.9 All workers private or public should be covered under one legislation.

Land, natural resources and empowerment

1. Land

1.1 The land reform process is irreversible. However, it should be based on a matrix that recognises the country's brutal colonial history of plunder and greed, the need to deal with historical injustices and the obligation of creating a modern industrial State where land is an engine for equitable development and not a dead asset.

1.2 There shall be an independent Land and Environment Commission to exercise the following functions;

- (a) to uphold the principles of equitable, transparent and justifiable distribution of land, paying particular attention to the rural poor, to women and to disadvantaged persons and those people without land;
- (b) to monitor the operations of Government and the implementation of legislation in matters relating to land and to report on those operations to the Government and Parliament so as to restore or to ensure transparency, equity and fairness in land acquisition and resettlement procedures;
- (c) to determine and regulate land use to improve productivity, sustainability and reduce degradation;
- (d) to examine legislation and make recommendations to the Government and Parliament for a national policy on the tenure, acquisition, use and distribution of land with a view to developing an open and equitable policy;
- (e) to make recommendations to the Government and Parliament for a policy for the beneficial exploitation of natural resources by or to serve local communities and to develop and monitor environmental policy to enhance the same;
- (f) to monitor the exploitation of the country's natural resources and ensure that there is equitable distribution of the benefits derived therefrom;
- (g) to ensure there is non-discriminatory access to the country's natural resources and environmental sites by the people of Zimbabwe;
- (h) to advise the Government and Parliament on and monitor measures to protect and preserve land and other natural resources from abuse, pollution and degradation;
- (i) report at least annually to Parliament and make reports available to the public; and
- (j) generally, to advise the Government and Parliament on all issues relating to the tenure, distribution and use of land and to ensure the orderly development and management of the natural environment for the benefit of present and future generations.

1.3 An Act of Parliament may confer additional functions on the Land and Environment Commission and may permit one full-time member to also be a member of the Human Rights Commission.

- 1.3.1 The Land and Environment Commission must consist of five to seven members appointed by the President with the approval of the Senate.
- 1.4 Right to own land and rights to private property must be guaranteed.
- 1.5 The State has the right to acquire land upon just, fair and immediate compensation.
- 1.6 Individuals have the right to approach the Courts in the event of a dispute.

2 Land Acquired for Resettlement

- 2.1 In the assessment of any compensation that may be payable when agricultural land is compulsorily acquired for the resettlement of people in accordance with a programme of land reform, the following factors must be regarded as of ultimate and overriding importance -
- (a) before Independence the people of Zimbabwe were unjustifiably dispossessed of their land and other resources without compensation;
 - (b) the people consequently took up arms in order to regain their land and political sovereignty, and this ultimately resulted in the Independence of Zimbabwe in 1980;
 - (c) the people of Zimbabwe therefore needed to be enabled to reassert their rights and regain ownership of their land
- 2.2 Where agricultural land is acquired compulsorily for the resettlement of people in accordance with a programme of land reform, any compensation payable must reflect an equitable balance between the public interest and the interests of those from whom the land is acquired.
- 2.3 In the assessment of compensation for the compulsory acquisition of agricultural land, regard must be on the following factors -
- (a) the history of the ownership, use and occupation of the land;
 - (b) the price paid for the land when it was last acquired;
 - (c) the cost or value of improvements on the land;
 - (d) the current use to which the land is put;
 - (e) any investment which the State or the acquiring authority may have made which improved or enhanced the value of the land;
 - (f) the resources available to the acquiring authority in implementing the programme of land reform;
 - (g) any financial constraints that necessitate the payment of compensation in instalments over a period of time; and
 - (h) any other relevant factor which may be specified in an Act of Parliament.

3 Natural Resources

3.1 All natural resources belong to the State but the right to private property must be guaranteed.

3.2 Communities living adjacent to natural resources should benefit from the use of the same.
A figure such as 5% of profit can be stipulated in an Act of Parliament to be used for the development of areas in which the exploitation of natural resources is being carried out.

Traditional customs

1.1 Role of Traditional Institutions

- 1.1.1 Subject to the Constitution, the institution and status of traditional leadership, in particular chieftainship, must be recognised by law in accordance with the culture, customs and traditions of the people to whom the institution applies.
- 1.1.2 The functions of traditional leaders are -
 - (a) to exercise the functions pertaining to their offices as traditional heads of their people;
 - (b) to promote and uphold cultural values among their people, particularly the promotion of traditional family life;
 - (c) in the case of Chiefs, to ensure that Communal Land is allocated amongst their people in accordance with law;
 - (d) adjudicating in and resolving disputes amongst their people in accordance with law; and
 - (e) exercising any other function that may be conferred or imposed on them by or under an Act of Parliament.

2 Recognition and appointment of Chiefs

- 2.1 The President, in accordance with an Act of Parliament, must recognise and may be required to formally appoint Chiefs selected and installed in accordance with the laws, customs, traditions and practices of their communities

3 Houses of Chiefs

- 3.1 A national House of Chiefs must be established in accordance with an Act of Parliament, to represent all chiefs in Zimbabwe.
- 3.2 Provincial and district Houses of Chiefs must be established in accordance with an Act of Parliament, to represent chiefs in provinces, districts and other areas of Zimbabwe.
- 3.3 So far as practicable the various traditional communities within the area for which a House of Chiefs is established must be equitably represented in the membership of the House

Systems of government

1. Tiers of Government

1.1 The Government of Zimbabwe should be composed of three tiers of government namely;

- i. the national Government;
- ii. provincial councils
- iii. local authorities

2. Principles of local government

2.1 The following principles apply to the local government system of Zimbabwe—

- (a) provincial councils and local authorities must be democratically elected;
- (b) provincial councils and local authorities must be given as much autonomy as is compatible with good governance;
- (c) functions and responsibilities must be decentralised and transferred from the central Government to provincial councils and local authorities in a co-ordinated manner;
- (d) decentralisation must be a principle applying to all levels of local government so that there is participation by the people and democratic control in decision-making;
- (e) each provincial council and local authority should have a sound financial base with reliable sources of revenue;
- (f) provincial councils and local authorities must be enabled to plan, initiate and execute policies in respect of all matters affecting their communities;
- (g) co-operation between provincial councils and local authorities and co-ordination of their activities must be encouraged; and
- (h) incorporation of traditional leaders in local government structures.

3. Local government finances

3.1 The State must ensure that provincial councils and local authorities are entitled to raise finances to enable them to carry out their duties effectively and efficiently.

3.2 The State must provide provincial councils with adequate finance and other resources to enable them to carry out any functions they are required to exercise by law.

3.3 The budgets and budgetary processes of provincial councils and local authorities must be such as to promote openness, accountability and effective financial management.

4. Provinces

4.1 Zimbabwe is divided into ten administrative provinces.

4.2 An Act of Parliament may provide for the alteration of the boundaries of provinces after proper consultation with the affected persons, provided also that:

- (a) the Independent Electoral Commission is fully consulted about any alteration; and
- (b) the number of provinces will remain at ten unless the people by a referendum approve a change to that number.

5. Provincial councils

5.1 With the approval of the people of that province, an Act of Parliament may establish a provincial council for each province.

5.2 A provincial council is responsible for—

- (a) co-ordinating governmental activities in its province; and
- (b) exercising any other functions including legislative functions that may be conferred or imposed on the council by or under an Act of Parliament.

5.3 Each province must be entitled through its provincial council or its local authorities to raise sufficient revenue or to retain the same percentage of monies raised from resources and taxes in its area or both to enable such authorities to carry out their functions and responsibilities.

6. Links between provincial councils and other tiers of government

6.1 A provincial council must make some provision for the inclusion of or liaison and co-operation with Members of Parliament from the province and may permit elected officials to hold posts

7. Urban councils

7.1 An Act of Parliament must provide for the establishment of councils, by whatever name called, to represent and manage the affairs of people in urban areas throughout Zimbabwe.

8. Districts and district councils

8.1 An Act of Parliament must provide for the division of provinces into districts and for the establishment of councils, to represent and manage the affairs of people in rural areas within those districts.

9. Powers of urban and district councils

9.1 An Act of Parliament must confer powers on councils, including -

- (a) power to make by-laws, regulations or rules for the effective administration of the areas for which they have been established;

- (b) power to levy rates and taxes and generally to raise sufficient revenue for them to carry out their objects and responsibilities.

9.2 The elected officials of a council have a mandate to

- (a) Plan,
- (b) budget,
- (c) provide and sustain services and amenities for their residents,
- (d) must report publicly and quarterly on the condition of the area.

9.3 No minister of government shall have the power to either dissolve an elected local authority or to dismiss an elected official of a local authority.

9.4 The electorate of a local authority has the right to recall the member of a local authority elected before the expiry of his term of office in the event that he or she

- (a) is unable to exercise the functions of the office because of physical or mental incapacity; or
- (b) has committed serious misconduct.

10. Role of Traditional Leaders in Local Government

10.1 The institution, status and role of traditional leadership, according to customary law, are recognised, subject to the Constitution.

10.2 A traditional authority that observes a system of customary law may function subject to any applicable legislation and customs, which includes amendments to, or repeal of, that legislation or those customs

10.3 The courts must apply customary law when that law is applicable, subject to the Constitution and any legislation that specifically deals with customary law.

10.4 Traditional leaders must be part of local authorities.

Religion

1.1 Everyone has the right to freedom of conscience, which includes -

- (a) freedom of thought, opinion, religion or belief;
- (b) freedom to change their thought, opinion, religion or belief; and
- (c) freedom to practise and propagate and give expression to their thought, opinion, religion or belief, whether in public or in private and whether alone or together with others.

1.2 No one may be compelled to take an oath that is contrary to their religion or belief or to take an oath in a manner that is contrary to their religion or belief.

Religious observances may be conducted and religious instruction may be given at public institutions, including State or State-aided institutions, if—

- (a) the observances follow reasonable rules made by the appropriate public authorities; and
- (b) the observances are conducted on an equitable basis and with due regard to the rights and sensibilities of others.

1.3 Any religious community may ensure that religious instruction is given in educational courses or institutions provided by the community, even if the community receives a subsidy or other financial assistance from the State.

1.4 The Constitution founding principles and preamble should acknowledge God's supremacy.

Public Finance

- 1.10 The country's finances must be managed in a transparent manner and Parliament must have oversight over the same.
- 1.11 Public Finance and Management must seek to promote equitable and sustainable economic growth, create employment, foster an entrepreneurial culture, ensure equitable income distribution, guarantee sustainable improvement in the social welfare of all citizens and ensure accountability and transparency in the management of public finances.
- 1.12 It is a function of Parliament to monitor and control expenditure by the State and all organs of government, as well as statutory bodies, in order to ensure that their expenditure does not exceed the amounts appropriated and that any limits and conditions on the appropriations have been observed.
- 1.13 An Act of Parliament must provide
 - (a) for Ministers and Secretaries of Ministries and other divisions of the Government to give reports, on a regular basis and on demand, to the National Assembly or to a committee of the National Assembly on their Ministries' expenditure;
 - (b) for members of the Boards of public enterprises to be appointed by the President with the approval of Parliament; and
 - (c) for public enterprises to present audited financial statements which must be in conformity with the provisions of the Companies Act .
- 1.14 Parliament must establish Standing Committees, drawn equitably from the membership of Parliament, charged with monitoring the management of Zimbabwe's public finances; and must make appropriate resources available to finance the working of such committees, including employment of qualified support staff and recourse to external expertise.
- 1.15 Legislation establishing a national treasury must prescribe measures to ensure both transparency and expenditure control in each sphere of government and the Treasury must publish quarterly reports on the fiscal and economic status of the Republic of Zimbabwe.
- 1.16 Government borrowing
 - 1.16.1 An Act of Parliament must set limits on -
 - (a) borrowings by the State;
 - (b) the public debt; and
 - (c) debts and obligations whose payment or repayment may be guaranteed by the State.

- 1.17 There must be a Parliamentary Standing Committee on Loans negotiated on behalf of the Government, and there must be regular consultations between the Ministry of Finance and this Committee.
- 1.18 All loan agreements negotiated on behalf of the Government must be subject to approval by Parliament and be published within ninety days of being concluded, including agreements and conditionalities signed with any international financial institutions.
- 1.19 All programmes and policies agreed with any such institution in the form of a Letter of Intent or Policy Framework Paper or otherwise must be laid before Parliament and published.
- 1.20 The Government
- (a) may guarantee a loan only after consultation with the relevant Parliamentary Standing Committee and with the approval of Parliament;
 - (b) must ensure the criteria for issuing Government guarantees are clearly defined and made known to the public; and
 - (c) must publish a report not less than twice yearly on the guarantees it has issued.
- 1.21 Government must report periodically and not less than twice yearly on the justification and performance of loans raised by public entities.
- 1.22 A comprehensive statement of the Public Debt and Assets of Zimbabwe must be tabled in Parliament each year with the annual budget. In any financial year, the Public Debt must not exceed 60% of Gross Domestic Product for the preceding year, unless approved by Parliament, with a majority of two-thirds of its total full membership

2. Consolidated Revenue Fund

- 2.1 All fees, taxes and revenues of Zimbabwe, whatever their source, must be paid into a single Consolidated Revenue Fund unless an Act of Parliament -
- (a) requires or permits them to be paid into some other fund established for a specific purpose; or
 - (b) permits the authority that received them to retain them in order to meet the authority's expenses.
- 2.2 Money may not be withdrawn or issued from the Consolidated Revenue Fund except-
- (a) to meet expenditure that is directly charged upon that fund by this Constitution or an Act of Parliament;
 - (b) by an issue that has been authorised by an Appropriation Act; or

(c) in accordance with an Act of Parliament

2.3 Money may not be withdrawn or issued from any public fund, other than the Consolidated Revenue Fund, unless the withdrawal has been authorised by or under an Act of Parliament.

2.4 If the Constitution or an Act of Parliament has charged any expenditure upon the Consolidated Revenue Fund or any other public fund, that expenditure must be paid from that fund to the person or authority to whom payment is due.

2.5 An Act of Parliament must prescribe the way in which -

- (a) withdrawals are to be made from the Consolidated Revenue Fund and any other public fund; and
- (b) money in the Consolidated Revenue Fund and any other public fund is to be invested.

2.6 The management of the Consolidated Revenue Fund and any other public fund will be monitored by the Budget Committee of Parliament, which must report periodically and at least twice yearly on it and on the conduct of fiscal policy to Parliament.

3. Auditor-General

3.1.1 There must be an independent Auditor-General, whose office is a public office but does not form part of the Public Service.

3.1.2 The Auditor-General is appointed by the President in accordance with the advice of the Parliamentary Public Appointments Committee, after nomination by the Public Accounts and Audit Committee of Parliament, with the approval of the Senate.

3.1.3 The President may remove the Auditor-General from office for inability to discharge his or her functions or for misbehaviour, but only if the Senate, by a resolution passed by more than half its total membership, has resolved that the Auditor-General should be removed on one of those grounds.

4. Establishment and object of Central Bank of Zimbabwe

4.1.1 There shall be a Central Bank of Zimbabwe.

- 4.1.2 The primary object is to protect the value of the currency in the interests of balanced, equitable and sustainable economic growth.

4.2 Structure and functions of Reserve Bank of Zimbabwe

- 4.2.1 An Act of Parliament must provide for the structure and organisation of the Central Bank of Zimbabwe and in particular must provide for the responsibilities and functions of a Governor and members of the Board of the Central Bank, who must be appointed by the President.
- 4.2.2 The Governor, Chairman and Directors of the Central Bank of Zimbabwe must be appropriately qualified and possess at least ten years of relevant experience, and their appointment must be subject to confirmation hearings by the Parliamentary Committee on Monetary Policy and Banking, and approval by each House of Parliament.
- 4.2.3 The positions of Chairman of the Board and of the Governor as Chief Executive Officer of the Central Bank of Zimbabwe must not be held by one person.
- 4.2.4 The Board, in consultation with a Parliamentary sub-committee, must be responsible for monitoring the day to day operations, financial activities, seignorage and remunerations of Central Bank of Zimbabwe employees.
- 4.2.5 The Act may provide for the Governor, Chairman and Directors of the Central Bank of Zimbabwe to be appointed for a fixed term renewable for a specific further term or terms in accordance with good prevailing practices for central banks.

- 4.3 An Act of Parliament must provide for the functions of the Central Bank of Zimbabwe, in particular the following:

- (a) the regulation of the monetary system;
- (b) the formulation and execution of monetary policy;
- (c) any other function that is customarily exercised by a central bank; and
- (d) may confer or impose additional functions on the Reserve Bank, including functions regarding the registration and supervision of financial institutions.

- 4.4 The Central Bank of Zimbabwe must be the sole licensing authority for all financial institutions and will be responsible for regulating their activities, including inspection and supervision.

- 4.5 The Central Bank of Zimbabwe shall design and implement monetary policy in regular consultation with the Minister of Finance and the Parliamentary Committee on Monetary Policy and Banking to ensure the appropriate co-ordination of fiscal and monetary policy.
- 4.6 The Act may provide for a Monetary Policy Committee of the Central Bank, including the Board's Chairman, the Governor as Chief Executive Officer, and at least two other board members, to be established to recommend such monetary policy.
- 4.7 In the pursuit of its primary object and the exercise of its functions, the Central Bank of Zimbabwe is not subject to the direction or control of anyone, except as otherwise provided in an Act of Parliament, and must exercise its functions independently and without fear, favour or prejudice.
- 4.8 In order to preserve its independence, the Reserve Bank of Zimbabwe shall not be required to lend to the Government to finance any budget deficit.
- 4.9 A Parliamentary Standing Committee on Banking and Monetary Policy must monitor the operations of the Reserve Bank of Zimbabwe and call the Governor to appear before it and to report on the state of the financial sector at least twice a year .
- 4.10 There must be periodic public tenders on the auditing of the operations of the Central Bank of Zimbabwe, unless an Act of Parliament requires that such auditing be done by the Auditor General, and audited Financial Statements of the internal operations of the Central Bank of Zimbabwe must be promptly made available for public inspection
- 4.11 Government Procurement
- 4.11.1 An Act of Parliament must provide for the establishment and functions of a National Tender Board to -
- (a) conduct procurement of goods and services on behalf of Ministries, Departments and other agencies of the State;
 - (b) control and supervise the procurement of goods and services by Ministries, Departments and other agencies of the State;
 - (c) select or supervise the selection of partners for joint ventures with the State or with organs or agencies of the State; and

(d) exercise any other functions that are conferred or imposed on it by or under an Act of Parliament.

4.12 The procurement of goods and services by all Ministries, Departments and other agencies of the State and Government, including local government, must be done in accordance with a system that is fair, equitable, transparent, open, competitive and cost-effective.

4.11 The Constitution should guarantee budget consultation process.

Organs of the state

Police services

1.1 There shall be a Police Services of Zimbabwe, which is responsible for -

- (a) detecting, preventing and investigating crime;
- (b) preserving internal security;
- (c) maintaining public order;
- (d) protecting and securing the inhabitants of Zimbabwe and their property; and
- (e) upholding and enforcing this Constitution and the law without fear or favour.

1.2 The Police Service must exercise its functions in co-operation with -

- (a) any intelligence service that may be established by law;
- (b) any body that may be established by law for the purpose of detecting, preventing or investigating particular classes of offences; and
- (c) regional and international bodies formed to combat crime.

1.3 Commissioner of Police

1.3.1 The Police Service is under the command of a Commissioner of Police appointed by the President on the advice of the Police Service Commission with the approval of Parliament.

1.4 Organisation and administration of Police Service

1.4.1 An Act of Parliament must provide for

- (a) the organisation, administration and discipline of the Police Service,
- (b) the appointment of persons to offices or ranks in the Police Service,
- (c) their removal from office or reduction in rank,
- (d) their punishment for breaches of discipline and the fixing of their conditions of service, and
- (e) may specify fixed terms of office, tenure and term limits for the Commissioner and senior officers.

1.5 Police Service Commission

1.5.1 There shall be a Police Service Commission consisting of;

- (a) chairperson, who must be a member of the Public Service Commission; and
- (b) the chairperson and members being appointed by the President with the approval of the Senate.
- (c) at least four and not more than six other members, as specified in an Act of Parliament,

1.5.2 Persons appointed to the Police Service Commission must be chosen for

- (a) their ability and experience in administration;
- (b) their professional qualifications or their general suitability for appointment, and
- (c) at least one of them must have held senior rank in the Police Service for one or more periods amounting to at least five years.

1.5.3 The Police Service Commission has the functions that are conferred or imposed on it by the Constitution or an Act of Parliament, and these functions must include -

- (a) appointing persons to hold posts or ranks in the Police Service;
- (b) fixing and regulating conditions of service of members of the Police Service;
- (c) determining the nature of disciplinary powers to be exercised over members of the Police Service, and the manner and circumstances in which they are to be exercised;
- (d) ensuring the general well-being and administration of the Police Service and its maintenance in a high state of efficiency;
- (e) making regulations for any of the purposes set out in this subsection.

Persons with disabilities

1.1 The State and society must recognise the right of persons with physical, mental or other disabilities to be treated with respect for their dignity as human beings.

1.2 The State must endeavour to assist persons with physical, mental or other disabilities to achieve their full potential and to minimise the disadvantages suffered by them.

1.3 In particular, the State must endeavour -

- (a) to develop programmes (education, health, economic) for persons with physical, mental or other disabilities, especially work programmes consistent with their capabilities and acceptable to them or their legal representatives;
- (b) to consider the specific requirements of persons with physical, mental or other disabilities as one of the priorities in development plans;
- (c) to encourage the use and development of sign language and other forms of communication suitable for use by persons with physical, mental or other disabilities; and
- (d) to foster social organisations aimed at improving the quality of life of persons with physical, mental or other disabilities.

Organs of the state

1.1 Public Service

1.1.1 There is a Public Service of Zimbabwe, which is responsible for the administration of the country.

1.1.2 The Public Service consists of persons employed by the State other than—

- (a) members of the Defence Forces, the Police Service or the Prison Service;
- (b) judges;
- (c) members of Commissions established by this Constitution; and
- (d) anyone else whose office or post is stated, by the Constitution or an Act of Parliament passed with affirmative votes from at least two-thirds of the full membership of each or both Houses at their final vote on the Bill, not to form part of the Public Service.

1.2 Organisation and administration of Public Service

1.2.1 An Act of Parliament must provide for the organisation, administration and discipline of the Public Service, including the appointment of persons to posts or grades in the service, their removal from office or reduction in grade, their punishment for misconduct and the fixing of their conditions of service.

1.3 Public Service Commission

1.3.1 There is a Public Service Commission consisting of a chairperson and six other members.

1.3.2 Persons appointed to the Public Service Commission must be chosen for their ability and experience in administration, their professional qualifications in related fields and their general suitability for appointment, and the chairperson must have held a senior post or grade in the Public Service for one or more periods amounting to at least five years

1.3.3 The chairperson and other members of the Commission will be appointed by the President after nomination by Parliament;

- (a) participation by independent bodies and the public in submitting nominations to the Parliamentary Public Appointments Committee; and
- (b) secure tenure for fixed terms for members of the Commission, requiring fair and impartial procedures before their removal, and term limits on reappointments and

(c) the remuneration of members of the Commission.

1.4 Functions of Public Service Commission

1.4.1 The Public Service Commission has the functions that are conferred or imposed on it by this Constitution or an Act of Parliament, including;

- (a) appointing persons to hold posts or grades in the Public Service;
- (b) fixing and regulating conditions of service of members of the Public Service;
- (c) exercising control and disciplinary powers over members of the Public Service;
- (d) ensuring the general well-being and administration of the Public Service and its maintenance in a high state of impartiality and efficiency; and
- (e) making regulations for any of the purposes set out in this subsection.

1.5 Permanent Secretaries

1.5.1 The Secretary to the President, the Secretary to the Prime Minister, the Secretary to the Cabinet and Permanent Secretaries of Ministries must be appointed by the President on the advice of the Public Service Commission and with the approval of the Senate.

1.5.2 Before appointing a person to a post referred to above, the President must consult the Prime Minister.

1.5.3 An Act of Parliament may provide for the removal from office of the Secretary to the President, the Secretary to the Prime Minister, the Secretary to the Cabinet and Permanent Secretaries of Ministries.

1.6 Ambassadors and other principal representatives of Zimbabwe abroad

1.6.1 The President, with the approval of the Senate, may appoint persons to hold the office of ambassador or other principal representative of Zimbabwe in other countries or accredited to international organisations.

1.6.2 The President may at any time remove a person from the post of ambassador or principal representative of Zimbabwe.

1.6.3 In appointing or removing a person as ambassador or principal representative of Zimbabwe, the President must act on the advice of the Prime Minister and the Public Service Commission.

- 1.6.4 An Act of Parliament may require the appointment of diplomatic staff, in addition to ambassadors and principal representatives, to be approved by the Senate.