

# Milestones Towards A New Constitution For Zimbabwe

## Overview Of The Constitution Making Process



Zimbabweans are in the historic process of drafting a new Constitution. The process is being carried out as one of the major deliverables of the Global Political Agreement (GPA) which was signed on 15 September 2008. The three major political parties, ZANU PF, MDC-T and MDC, agreed to draft a new constitution for Zimbabwe as part of the country's rebuilding exercise.

### Background

The current constitution is a product of a compromise agreement reached at the Lancaster House Conference in 1979. The major weakness of this constitution is that the ordinary people were not included in the processes leading to its adoption.

It is also widely regarded as inadequate and has many shortcomings that need to be addressed. The shortcomings in the constitution became apparent over the years, resulting in it being amended a record 19 times.

### Constitution Making Process

The constitution-making process in Zimbabwe will be people driven. Every Zimbabwean has a duty and responsibility to participate.

Article VI of the GPA sets out a broad framework to be followed in the Constitution making process. It also prescribes five different phases in which the constitution making process will be undertaken.

### Preparatory Stage

According to Article VI of the GPA, one of the first steps towards crafting a new constitution for Zimbabwe, was the appointment of the Select Committee on the Constitution Making Process in April, 2009. The Select Committee, which is comprised of 25 Members of Parliament from the three major political parties in the country is now in place and is driving the process.

The second step was the hosting of an all stakeholders conference in July 2009 and the establishment of Thematic Committees. As an outcome of the conference, it was decided that an independent Secretariat be set up to provide administrative services to the Select Committee. The Secretariat was set up and started working in December 2009 with skeletal staff. A near full compliment was achieved in March, 2010. The Secretariat is headed by the National Co-ordinator who oversees the day-to-day operations of the organisation.

### Consultation Stage

The second stage of the Constitution making process was that of public consultation. During this stage, outreach team members visited people in the various parts of the country to gather their views on what they wanted to be included in the constitution. This included special outreaches for children, people with disabilities and members of Parliament. Views of people living in the diaspora were gathered through the website.

### Drafting Stage

The third stage would be the drafting stage. This stage entails converting and collating the views of people gathered during the outreach phase and translating them into a draft constitution.

### Second All Stakeholders' Conference

During the fourth stage, there would be a second all stakeholders' conference where the draft would be reviewed and adopted before a referendum is done in the fifth stage.

### Referendum

During the referendum, the people of Zimbabwe will vote whether they accept or reject the Constitution.

### What has been achieved so far

- September 2008 – GPA signed, setting the foundation for the drafting of a new constitution.
- April 2009 – The Select Committee was appointed to spearhead the process.

- January 2009 – The First-All-Stakeholders Conference convened to agree on the way forward for the new constitution. 17 Thematic areas were agreed upon.
- June 2010 – Outreach phase of the constitution-making process commences.
- October 2010 – COPAC successfully concludes the constitution outreach programme.
- March 2011 – Data collation and uploading exercise is completed.
- May 2011 – Thematic Committees sit to organise data that was collected during outreach.
- The remaining stages include drafting of the new constitution, holding of the Second All Stakeholders Conference, presentation of draft to Parliament and referendum.

*The process is being carried out as one of the major deliverables of the Global Political Agreement (GPA) which was signed on 15 September 2008.*



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# Message

## From the Co-chairpersons



**Hon. Paul Mangwana**



**Hon. Edward T. M. Mkhosi**



**Hon. Douglas T. Mwonzora**

The outreach phase of the constitution-making process commenced on 21 June, 2010. A total of 71 outreach teams visited every corner of the country to gather the views of Zimbabweans on what they wanted included in the supreme law of the land.

The exercise took over three months to complete. This meant that team members were away from their homes for an equally long period. This was a great sacrifice from people who would have been engaged in other activities in their private lives. Although they were paid allowances while engaging in the outreach activities, these were just sufficient to cover their basic needs.

In the teams, there were Honourable Members of Parliament from both houses, lawyers, medical doctors, professors and bishops, to name but a few, who would have chosen to spend their time productively elsewhere but agreed to take part in the important national exercise.

We would like to salute the drivers, technicians and members of political parties who complemented the work of the Select Committee and made sure that things went according to plan. In some instances, teams travelled more than 700 kilometres a day to get to meetings and back, and this was really tiring but they put up with the strenuous work for more than three months.

One of the greatest challenges was posed by the erratic availability of accommodation, allowances and food owing to the bureaucratic processes of payment. We would like to convey our gratitude to outreach teams for bearing with us when outreach activities were threatened with interruption due to logistical challenges.

We would like to urge all Zimbabweans to continue supporting COPAC and taking part in constitution making activities.

Last, but not least, we would like to thank Zimbabweans who took part in the important national exercise in their individual or organisational capacities. The whole exercise would have been futile had the people not contributed their views at meetings, or had they not complemented the work of COPAC in one way or another. We would like to thank all Zimbabweans for taking part in the historic national process of constitution making.

In some remote parts of the country, the roads were bad but the teams endured the harsh terrain and bad weather. From Bumi Hills in Kariba, the mountainous rugged terrain of Chipinge, the remote areas of Gokwe to the barely accessible areas of Guruve, outreach teams have stories to tell about their experiences while on the outreach programme.

The anxiety that those problems caused cannot be downplayed, hence our need to thank the teams for putting the national interest ahead of everything else. As Co-chairpersons of the Select Committee, we would like to express our gratitude to all these people who sacrificed their valuable time to ensure that the public consultation phase of the constitution-making exercise was a success.

We also pay tribute to the outreach team members because they demonstrated a high level of tolerance which helped to ensure that the process was indeed inclusive.

Teams put aside their political differences to work for the common purpose of gathering information for a new constitution. This indeed is good as the country is going through the process of national healing and nation building.

## Milestones Towards A New Constitution For Zimbabwe



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## COPAC engages Civil Society

It is 2p.m. On a wednesday, and 30 representatives from civil society organisations sit on white plastic chairs placed on the lawn, in a shade, at the front open space at number 31 Lawson Avenue, MiltonPark, the location of the Constitution Select Committee (COPAC) head office.

The representatives wait to be addressed by the three co-chairpersons of COPAC, Honourable Paul Mangwana, Honourable Douglas Mwonozora and Honourable Edward Mkhosi.

The co-chairpersons start the meeting by giving an update of what transpired during the outreach meetings throughout the country.

After the update, which include the latest outreach statistics on the number of meetings that had been held, analysis of statistics, the successes and challenges recorded and the future plans, members of the civil society are given the floor to ask questions, clarify issues, give feedback and advice and possible solutions where necessary.

Openness, transparency, frank and fair talk, are the main attributes that characterised the numerous meetings held between members of the civil society and COPAC every wednesday during the outreach period.

No subject was considered taboo, and thorny subjects such as reports of violence and intimidation were discussed.

The meetings were intended to update members of the civil society on the progress that was being made during the outreach period. The meetings also provided COPAC with a platform to get feedback from members of the civil society.

The meetings were held in the spirit of inclusivity and in an effort to ensure that the constitution making process was people driven. COPAC did not monopolise the constitution making process.

Commenting on how he viewed the meetings, the Project Co-ordinator of ZZZICOMP, an independent constitution monitoring project comprising of three organizations, namely, the Zimbabwe Lawyers for Human Rights, Zimbabwe Election Support Network and Zimbabwe Peace Project, Mr Tendai Maregere, said the platform was very important because COPAC and civil society managed to exchange ideas and thereby adding value to the process.

“The platform was one of its kind, where discussion was constructive. There is rarely that interaction when countries draft their constitutions,” said Mr Maregere. “we felt that we were adding value to the national process,” he added. The meetings with civic society were also held in Mutare and Bulawayo.

The questions that were being asked were varied but mainly centred on whether COPAC had informed and educated people on the constitution before the commencement of the outreach programme.

Members of the civil society also wanted to know whether special interest groups like children and the differently-abled community were going to be consulted. They were also keen to know whether people in the diaspora were going to have a chance to contribute to the new constitution.

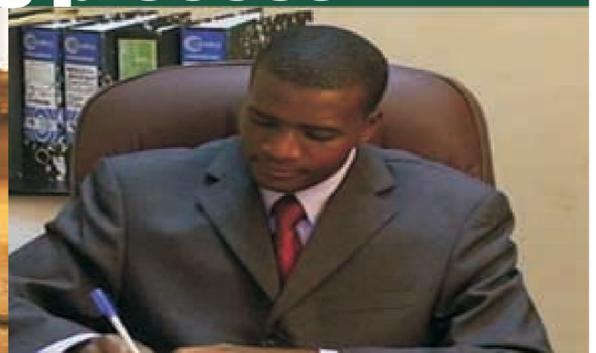
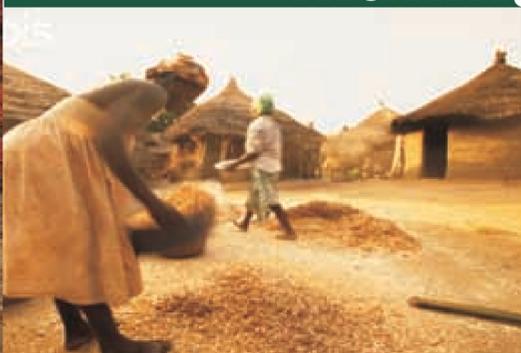
Some civil society organisations showed great commitment to working with COPAC to ensure the success of the constitution-making process. This was evident through active participation and continuous attendance at the meetings.

As the main stakeholders in the constitution making process, members of civil society played a major role during the outreach phase. More than 600 members were accredited to observe the outreach exercise. About 70 percent of the outreach team members were also from civil society.

The role of civil society in this constitutional process included; providing specialist knowledge in the critical areas, mobilising people regardless of political affiliation to participate in the constitution making process, ensuring that political interests did not derail the process and educating people on what a constitution is all about.



# Be heard Take Part in the Constitution making process



It's only you who knows what you want.

# Milestones Towards A New Constitution For Zimbabwe

## Children given opportunity to contribute to the new Constitution

Eight adults stand holding hands in a circle shape, while six children try to gain access into the circle. The children fail to do so because there are barriers to entry, as the adults are tightly holding hands and preventing them from gaining access.

The children try several times to gain entry but they fail. After a while they are asked by their facilitators how it felt like when they wanted to enter into the circle and could not because of barriers.

"It's painful because you feel alienated and rejected," said some of the children in response to the question.

The children are again asked to relate any experiences of a similar nature, they had encountered or witnessed in the communities they live and what they felt were the solutions to such problems. They are also asked, what child rights they felt were being infringed.

"Many a time, children might want to attend school but fail because of several barriers. They may also want to access health facilities, have decent shelter, access food and good living standards, but also fail due to a number of reasons. Their rights to education, food, shelter, health and basic standards of living, among others will therefore have been infringed," related some of the children.

This is one in a number of games and scenarios that were used at the children's summit held in Kariba to consult children on what they wanted included in the Constitution.

The children were also shown some pictures which depicted various scenarios. One of the pictures showed able bodied children who were playing together putting up a united front while one differently-abled child was isolated and not associating with others.

The children were again asked about what they thought of the picture, what child rights were being infringed on and what they thought were the solutions.

The children were also shown pictures of children without birth certificates who were denied entry into a school while those with birth certificates had easy access. There were also demonstrations of children who were abused by adults.

He encouraged the children to be free and open in their deliberations. To ensure that the children were free to participate, child friendly participatory methods that were developed by children themselves with support from UNICEF and other civil society organizations were used.

Through the use of role plays, children were capacitated about their rights and they were also given a platform to contribute their views on what they want included in the supreme law of the land.

The Kariba children's summit was one out of many children's consultative forums that were held at district level throughout the country. The views of children will be included in the draft constitution.

The children were consulted because they have special needs and they have rights that need to be protected by national and international laws.

There is no better person to speak about the children's issues other than the children themselves.

The children were also asked to play games where in some instances some of them were acting as puppets.

They were also asked how it felt to be treated like puppets and what they thought were the solutions. These activities helped children to identify issues that they would like to be included in the new constitution.

Speaking at the children's summit in Kariba, where more than 200 children converged at St Michael's school to participate at the children consultative forum, the Deputy Minister of State Enterprises and Parastatals who is also the Member of Parliament for Zvimba South and the Select Committee supervisor for Mashonaland West Province, Honourable Walter Kufakunesu Chidakwa, told the gathering that COPAC felt that it was important to give children the platform to speak out and be heard on what they want included in the Constitution.

"The work we are doing here is work that is usually done by adults but it also affects you children. It is also important to ask you what you want included in the Constitution because it is a Constitution you will use in the future," Honourable Chidakwa said.



Foot

our Constitution

our Legacy

COPAC  
constitution  
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ensuring a people-driven constitution  
31 Lawson Ave, Milton Park, Harare. Tel: 04-2932301-4

My Country. My Constitution.

Play  
shelter  
education

# Milestones Towards A New Constitution For Zimbabwe

## Outreach for people with disabilities

With support from the Constitution Select Committee and the United Nations Development Programme (UNDP), the National Council of the Disabled Persons of Zimbabwe (NCPDZ) mobilised people with disabilities through its 92 branches dotted throughout the country to come and air their views on what they would like to see included in the new constitution for Zimbabwe.

The NCPDZ explained that "... people with disabilities world over continue to encounter problems in their quest to participate within mainstream society without any form of discrimination or prejudice.

The Special outreach was conducted from 12 to 22 November 2010 at the following venues: Freedom House Hall in Bulawayo, Mucheke Hall and Capota School in Masvingo, Chendambuya (Nyamusosa), Mt. Darwin (TBA), Mai Musodzi Hall in Harare and Ruwa Rehabilitation in Ruwa.

After three months of extensive consultation by COPAC teams throughout the country where they managed to reach 1 118 760 people, only 8,020 people, less than 1%, were people living with disabilities.

A number of reasons were identified as factors contributing to the low participation of people with disabilities. The factors included the following:

- Lack of recognition of the unique needs of people with disabilities such as accessible facilities, Braille, talking points, hearing aids and other related amenities for people with disabilities.
- Contributions on disability were limited to talking point number seven which talks about the rights of people with disability. Disability is a cross-cutting issue hence there is need to contribute on all talking points. There was also a general attitude of taking disability as a charity issue rather than a rights issue, even on contributing to talking point number seven.
- People felt unsafe at venues because of alleged victimization and politicization of the process.
- Some venues were not accessible and there was lack of proper ablution facilities
- While there were some outreach meetings held at special centres such as Jairos Jiri, these turned out to be mere venues for able-bodied people to participate and ended up overshadowing the special interests groups
- The United Nations Development Programme (UNDP) injected close to seventy thousand United States dollars (US\$70 000,00 ) to facilitate the holding of special outreach meetings for people with disabilities in the 10 provinces of the country.



It's everyone's  
**duty**  
to participate  
in the  
**constitution**  
making process

# Milestones Towards A New Constitution For Zimbabwe

**COPAC**  
ensures

## Data Security



After the completion of the outreach phase of the Constitution making process, COPAC embarked on yet another important phase of the process, the data uploading exercise.

The phase entailed converting data that was collected from the meetings that were held country-wide during outreach consultations to electronic format.

This was done to ensure that the views that came from the people were kept in a secure place and that there was adequate back-up of data in addition to the hard copies that were compiled during outreach. With the assistance of its development partners, COPAC purchased a state of the art server with a huge capacity to store all the electronic data including audio and video.

During the data uploading exercise, rapporteurs and technicians who took part in the exercise, were converting from hard copy into electronic format, the views from the people, the attendance figures for each meeting, that is, the ratio of men, women, youths and the differently abled people who had attended the meetings.

The atmosphere that prevailed during the outreach consultations was also being captured.

The data uploading exercise was conducted by rapporteurs and technicians who attended the outreach consultations in order to authenticate that the data that was being uploaded was a true record of what the people said during the outreach phase.

Addressing delegates at the official launch of the data uploading exercise, COPAC Chairpersons, emphasized that electronic storage of data ensured better management and security of data collected during the outreach phase. They reiterated that data uploading also ensured easy retrieval of data during the processing stages.

The data which was stored on the server is now being used by the Thematic Committees to compile and organize data which will form the basis of district and provincial reports which will be used by drafters to craft the supreme law of the land.



**Lami ngipha umbono  
wami ekulotshweni  
kwesisekelo  
sombuso esitsha**

Ngingowesifazane, Ngingumama, NginguGogo njalo ngingowesifazane owafundela umsebenzi wakhe. Ngiyazi engikufunayo. Ngiveza umbono wami.

# Milestones Towards A New Constitution For Zimbabwe

## Thematic Committees Launched



The Constitution Select Committee (COPAC) has embarked on yet another important stage of the constitution-making process, the sitting of Thematic Committees. This process commenced on the 3<sup>rd</sup> of May, 2011.

The sitting of the Thematic Committees was officially launched by the Minister of Constitutional and Parliamentary Affairs, Honorable Advocate Erick Matinenga at the Rainbow Towers Conference Centre in Harare.

The launch was followed by a two day training workshop which was aimed at inducting all participants on the processes and procedures that were going to be followed during the sittings. During the training, a mock exercise was carried out to give delegates a hands-on opportunity to practice the work that they would be doing during the sitting of the Committees.

The actual sitting of the Thematic Committees commenced on Thursday, 5 May, 2011 and was initially expected to be finished in 15 days. The period has since been extended by a further 20 days due to some technical and operational challenges that were encountered.

The process entails compiling and organizing data that was gathered during the outreach consultations as well as website and written submissions. The data is being organized into district, provincial and national reports.

The collated data will form the basis of reports that will be used by drafters to craft a new constitution for Zimbabwe. Both quantitative and qualitative analysis of data will be used during the process.

Each committee has a total of about 35 members comprising of representatives of all political parties, representatives of Civil Society, representatives from the Chiefs' Council and members of Parliament.

In each team there are three team leaders, three rapporteurs, three researchers, one data analyst while the rest are team members.

After the completion of the sitting of the Thematic Committees, the next phases of the Constitution making process will include the drafting of the new constitution, Second All Stakeholders' Conference, presentation of the draft constitution to Parliament and a referendum.



Amakhomiti eZihloko  
Zesisekelo Sombuso Welizwe  
(Constitution Thematic Committees)

Lakuluma - Samukela...

Sesihlanganisa elakutshoyo,  
sihubekela phambili sihlela  
isisekelo sombuso welizwe.

31 Lawson Avenue Milton Park Harare  
Tel: +263 4 703268, 702 529  
www.copac.org.zw



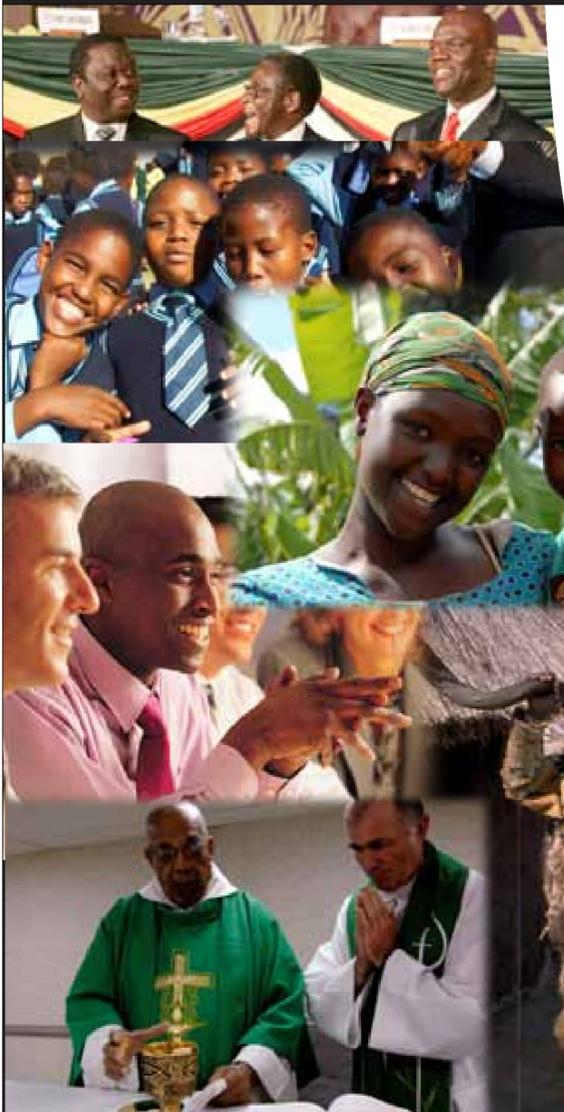
COPAC staff register members

In their deliberations, the Thematic Committees are focusing only on the 17 thematic areas which were agreed upon during the First All Stakeholders' Conference. The 17 thematic areas are as follows:-

- The Founding Principles of the Constitution
- Arms of the State
- Systems of Government
- Executive Organs of the State, Public Service, Police and Defence
- Elections, Independent Commissions and Transitional Mechanisms
- Citizenship and Bill of Rights
- Land and Natural Resources
- Public Finance and Management
- Media
- Traditional Institutions and Customs
- Labour
- Youth
- The Disabled
- War Veterans/ Freedom Fighters
- Languages
- Women and Gender
- Religion



# (Constitution Thematic Committees)



You spoke - We listened...

We are now organising your contributions

Young and old, men and women, black and white, from Zambezi to Limpopo, we came together as a nation and gave our contributions towards our Constitution. Now we are meeting to put together all the data collected as we continue working towards a people-driven constitution.



31 Lawson Avenue Milton Park Harare  
Tel: +263 4 703268, 702 529  
[www.copac.org.zw](http://www.copac.org.zw)

## The road to a people-driven Constitution for Zimbabwe

### We are now here

Thematic areas are topics to be covered in the constitution. Seventeen Thematic Areas have been identified to guide the current constitution making process.

Each Thematic Committee will organise data collected from the outreach in its thematic area in preparation for drafting of the constitution.

Destination:  
New Constitution of Zimbabwe

10- Referendum

9- Draft Constitution Debated in Parliament

8- 2<sup>nd</sup> All Stakeholders' Conference

7- Drafting

6- Sitting of Thematic Committees

5- Data Uploading

4- Outreach Consultations

3- 1<sup>st</sup> All Stakeholders' Conference

2- Appointment of Constitution Select Committee

1- GPA Article VI



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