

SOKWANELE CONSTITUTION SURVEY

RESULTS REPORT

October 2012

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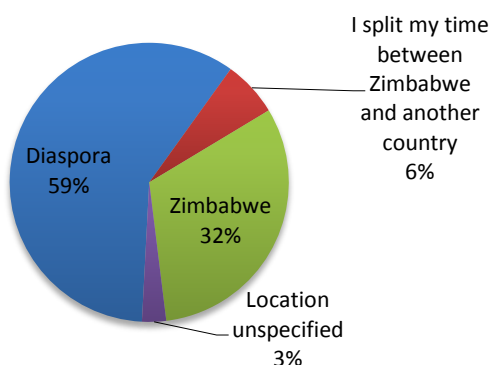
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EXECUTIVE SUMMARY

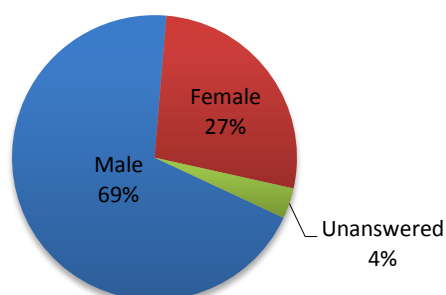
Sokwanele, an independent online information service which provides data and analysis about events in Zimbabwe, undertook a survey in 2010 order to give its readers an opportunity to submit their views on the content of the constitution which was to be drafted after consultation with the general population. It began about the same time as live consultations were begun throughout Zimbabwe through the official process driven by the Constitutional Parliamentary Committee (COPAC). This report contains the results of that survey.

DEMOGRAPHICS OF THE RESPONDENTS

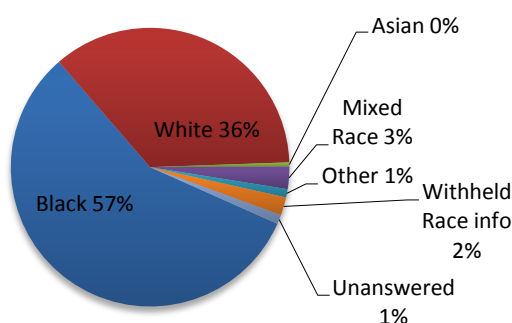
As a web-based survey, Sokwanele's questionnaire drew usable responses from 1039 readers. Not all of them answered online, as some hard copies were handed out as well, but the online submissions accounted for 85% of the responses. A substantial number of preliminary questions which identified the demographics of the respondents showed that 59% of them lived in the diaspora, and of those living in Zimbabwe, the great majority were based in Harare or Bulawayo. 69% of the respondents were male, only 57% were black compared to 36% white, and as many as 71% said they had a tertiary education. Furthermore 52% were in full-time employment. Thus on several counts the respondents were not representative of the Zimbabwean population.



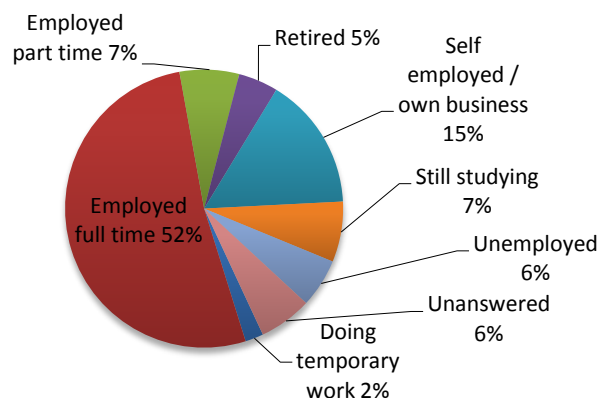
All respondents, by location (N = 1039)



All respondents, by gender (N = 1039)

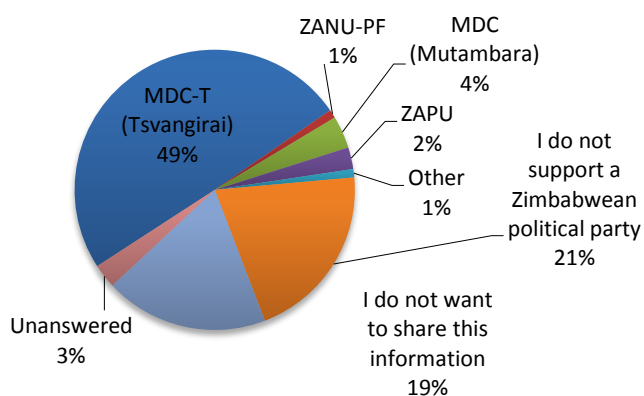


All respondents, by race (N = 1039)

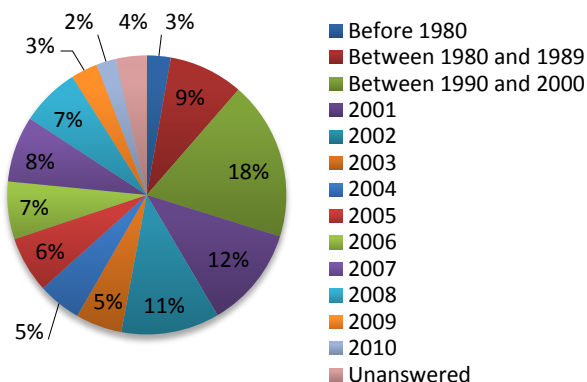


All respondents, by employment status (N = 1039)

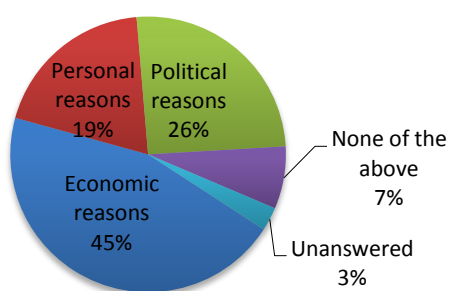
The majority of those responding were Zimbabweans citizens and 69% retained the right to vote, in spite of so many being out of Zimbabwe. Many had voted in elections going back to 1980. Just under half claimed to have an affiliation with the MDC – T political party. A substantial number had left the country before 2000, but the largest numbers went into exile between 2001-2002, and after 2005. Amongst those in the diaspora the commonest reason for leaving was economic (45%) and political reasons (26%), with 63% supporting family members in Zimbabwe. More than three quarters of them said they would want to return to Zimbabwe in the future.



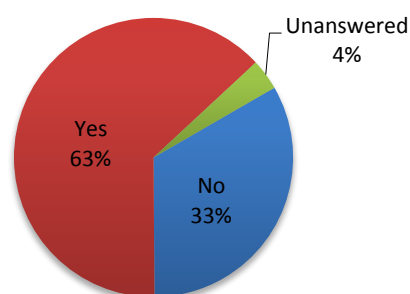
Political affiliation for all responding (N = 1039)



When did you leave Zimbabwe? (n = 614)



Reasons for leaving Zimbabwe (n = 614)



Respondents in the diaspora who have dependants in Zimbabwe relying on them for income support (n = 614)

The conclusion is drawn that although the sample is not representative of the general Zimbabwean population for a variety of reasons, the responses come from Zimbabweans who have generally participated in the political life of the country in the past and retain an interest in its future. Because of the data on location, race, sex and age, it was possible to examine some of the responses by these categories, thus giving a fuller understanding of opinions, and interesting information which begs for further investigation.

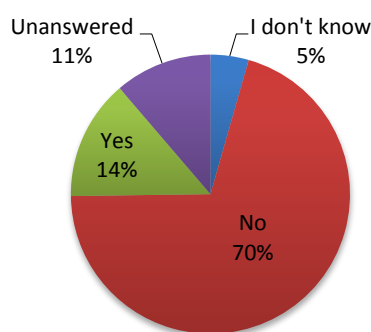
SUBSTANTIVE RESPONSES

The questions in the survey followed in a general way the questions put as “talking points” in the consultation undertaken by the COPAC outreach teams, although not all issues were canvassed, and in some cases additional questions were asked which would provide interesting information about people’s views. This was particularly the case in regard to the questions surrounding land and land reform.

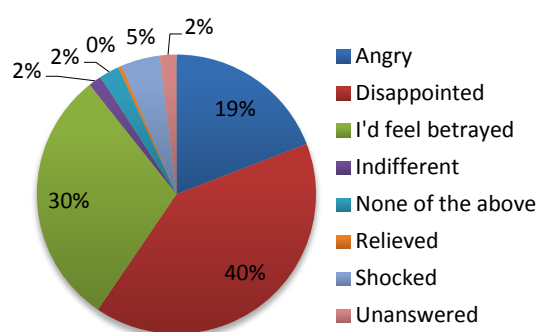
FOUNDING PRINCIPLES OF THE NEW CONSTITUTION

The first section dealt with **founding principles and values, correction of historical imbalances, amnesty, truth and reconciliation surrounding past abuses of power**. Huge majorities (92% - 97%) supported the inclusion of statements of principle reflecting a functioning democracy, the rule of law and the supremacy of the constitution. Substantial majorities wanted recognition for the need to correct historical imbalances in land distribution (64%), but even larger majorities wanted the constitution to address both general problems such as corruption (83%) and abuse of power (84%) and even specific events such as Gukurahundi (70%) and Murambatsvina (63%). They are prepared for reconciliation, but are not generally

in favour of amnesty for past crimes, preferring that justice is done. More than half wanted investigations of politically motivated crimes and abuses to go back as far as 1980, and significant numbers would take the investigation pre-Independence. A large majority said they would be either disappointed (40%), angry (19%), shocked (5%) or betrayed (30%) if there was a total amnesty, and a similar number favoured having a Truth Commission as was established in South Africa.



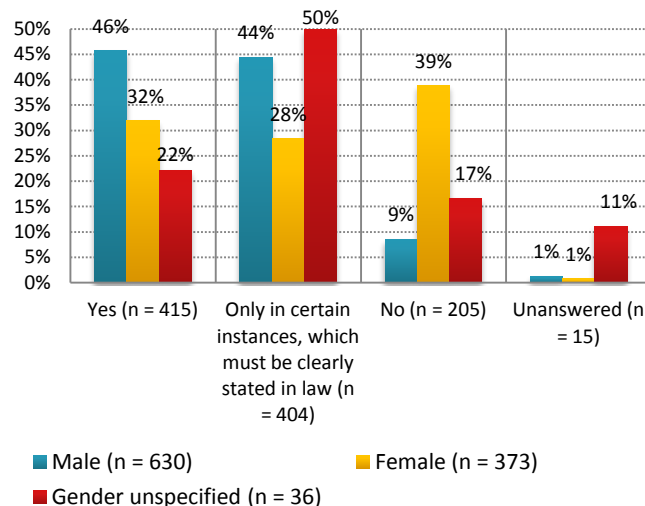
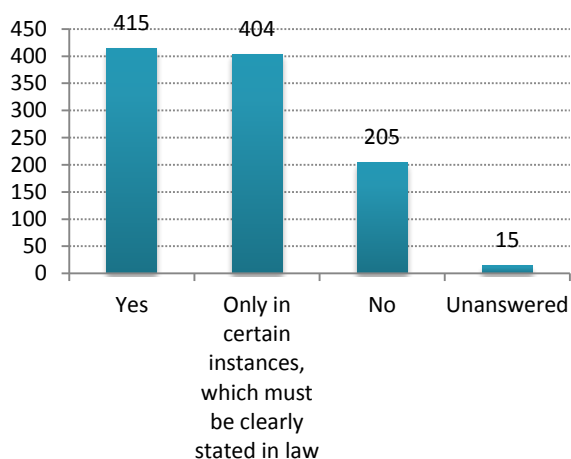
'Should there be an amnesty called for all politically motivated crimes and human rights abuses?'
(N = 1039)



'How would you feel if there was no redress for politically motivated crimes / human rights abuses committed since the time you selected?' (n = 731)

HUMAN RIGHTS AND FREEDOMS

The next sections questioned respondents on **human rights**, and responses demonstrated a strong commitment to all the standard civil rights. They also supported inclusion of socio-economic rights in the constitution's Bill of Rights. The most striking parts of this section were the more detailed questions on the controversial rights relating to the death penalty, sexual orientation and abortion. In some of them, the views were disaggregated according to both race and sex, and produced some interesting results. Just under half favoured the abolition of the death penalty and as many as 41.8% were prepared to allow same sex relationships. However, a breakdown of this last by race shows that a large portion of that last figure represents white respondents, reflecting a large divergence on this issue according to race. The divergence on the issue of abortion was rather based on sex, with a large majority favouring the right to abortion at least in some circumstances, and more than 35% prepared to allow full abortion rights. However, 39% of women surveyed would not allow abortion under any circumstances, while only 9% of men chose this option.



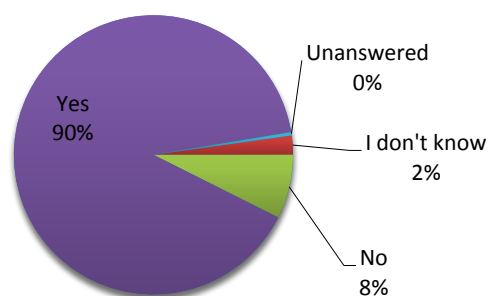
'Should the Constitution provide women with rights to have an abortion?' (N = 1039)

'Should the Constitution provide women with rights to have an abortion?' broken down by gender (N = 1039)

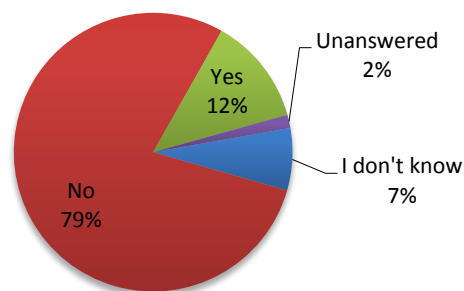
In regard to human rights and culture, a significant majority stated that culture should never take priority over human rights, but a substantial minority said it should in certain circumstances, which were not specified. A racial break-down showed that black respondents formed the largest group with the view that culture might predominate in some instances, although even for them, it was only 34%.

CITIZENSHIP

The next set of questions addressed **citizenship**, a contentious issue in the constitutional debate. The responses here were doubtless influenced by the large percentage of respondents in the diaspora, and the disproportionate numbers of whites. A very large majority supported dual citizenship as well as a wide application of entitlement to citizenship by birth or by ancestry and through marriage or residence. Huge majorities also supported the inclusion of citizens' duties in the constitution, such as respecting the constitution, the flag the national anthem, and defending the country. Almost as many accepted the need for national identity cards, while slightly over half felt that it should not be possible to have one's citizenship revoked after acquiring it.



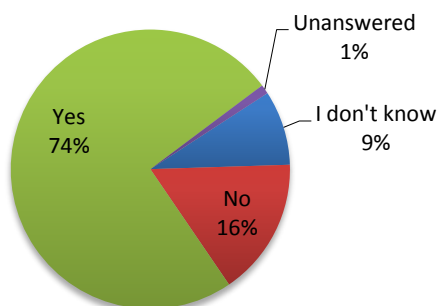
'Do you believe that Zimbabweans should be allowed dual citizenship?' (N = 1039)



'Should National ID cards be abolished?' (N = 1039)

HEALTH, WELFARE AND HUMANITARIAN ASSISTANCE

The section entitled **Health, Welfare and Humanitarian Assistance** essentially dealt with some of the socio-economic rights, but framed them in terms of government's obligations. Over 90% selected food, shelter and health care as areas in which government had obligations towards citizens, but only 74% felt that anti-retroviral drugs should be provided to all who needed them, indicating clearly that provision of health care would be qualified.



'Should the Constitution make the State provide ARVs to combat HIV/AIDS free of charge to all who need them?' (N = 1039)

A third question enabled respondents to state that they wanted the constitution to direct the way in which government should co-operate with civil society actors in times of crisis, and an overwhelming majority said they did. In all these areas, then, respondents were in broad agreement about rights of citizens, eligibility

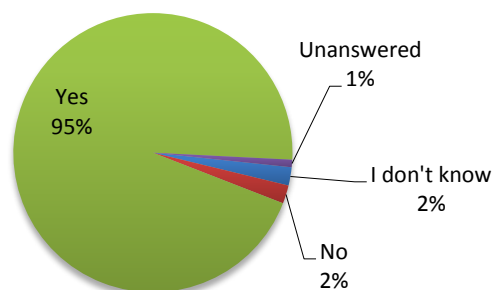
for citizenship and obligations of government toward citizens. Only in regard to the three controversial rights were there strong opinions on both sides.

NATURAL RESOURCES

Regarding **natural resources**, the split was again more even, with just under half wanting government to own natural resources, but a larger number saying that local communities should benefit – in what way was not asked – from resources in their area. But nearly everyone felt the environment should be considered in new developments – again in what way was not asked.

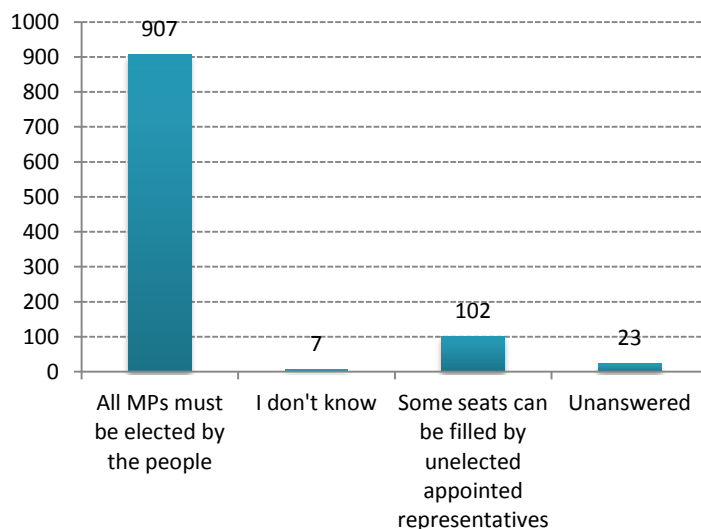
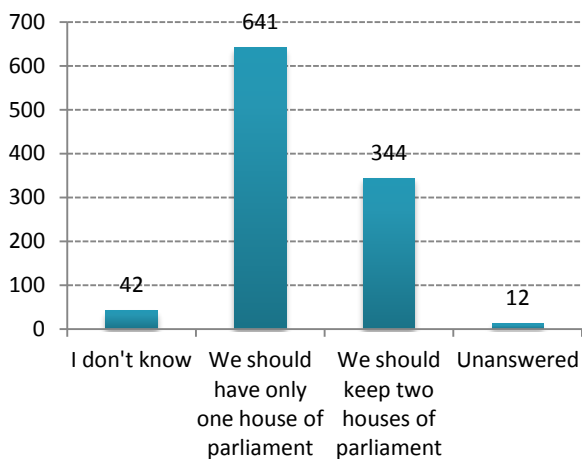
STRUCTURE OF GOVERNMENT

Two very large sections followed these preliminaries, containing much of the core of the **structure of government**. First questions were asked about the concept of separation of powers, and then each branch of government was tackled separately – legislature, executive and judiciary. Some of the concepts were explained before the questions were asked. There was very strong support (95%) for the idea of separation of powers, even though it cannot be demonstrated that respondents had a clear understanding of what it meant.



'Do you think the principle of the separation of powers should be recognised in the Constitution?' (N = 1039)

The views on the *legislature* showed considerable uniformity, with a clear majority preferring a single chamber parliament (62%), located in Harare (61%). Even more felt MPs should forfeit their seats if they crossed the floor to a different party after being elected, and another huge majority wanted the introduction of recall of MPs by their constituencies. Almost all wanted all MPs to be elected by the people rather than some being appointed, and Parliament to have the power to remove the President or Prime Minister. Just half felt seats should be reserved for special interest groups, but this did not include traditional leaders.

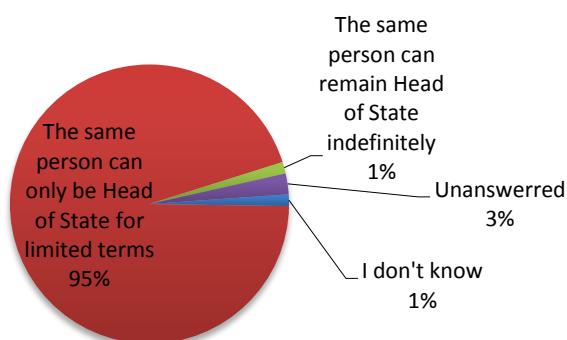


'Do you think it is worthwhile having two houses of Parliament (National Assembly and Senate) or would we be better off with only one?' (N = 1039)

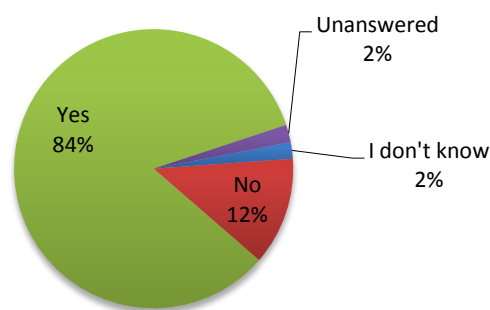
'Should all seats be filled by elected MPs, or can some seats be filled by appointed (unelected) representatives?' (N = 1039)

The section on the *executive* branch of government proved very problematic, as it is a complex area, with many possible variations, and not conducive to easy management by multiple choice questions.

Nevertheless, in spite of some confusion, it is clear that a slight majority preferred an elected President as head of the executive, with a third suggesting we need both a President and a Prime Minister. Almost everyone (95%) wanted term limits as well as minimum and maximum ages for the head of the executive. There was also strong support for a maximum size of cabinet to be stipulated by the constitution, and a wish that all cabinet ministers be appointed from among elected members of parliament.

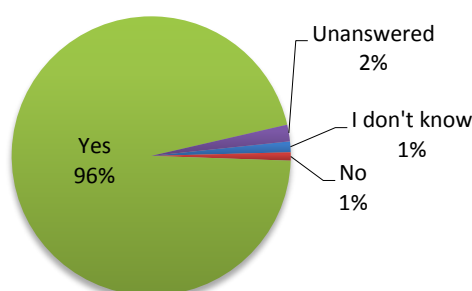


'Should there be term limits for the Head of State, or should they be allowed to be Head of State indefinitely?' (N = 1039)

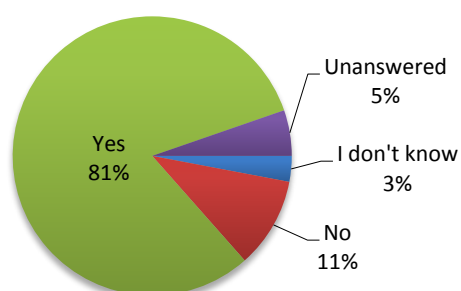


'Should there be a compulsory retirement age for the head of state?' (N = 1039)

The *judiciary* was more straightforward with virtually all wanting a declaration of the independence of the judiciary, and some circumscription of the power of the President to appoint judges, being advised either by an independent commission or parliament. Term limits or a retirement age should be prescribed for judges, and there should be an independent body which can remove them. The majority would give Parliament the power to decide whether international treaties signed by the executive should become part of Zimbabwean law. And a very strong majority favoured the establishment of a constitutional court.



'Should the Constitution recognise the independence of the judiciary?' (N = 1039)



'Do we need a separate Constitutional Court, specifically to ensure that the laws in the new constitution are adhered to?' (N = 1039)

DEFENCE, POLICE, PRISON AND PUBLIC SERVICES

Responses to questions about the **security services (defence, prisons, police) and the civil service** showed a clear wish for principles of non-partisanship to be included, with public servants barred from participation in politics. Parliament should be given the major role, one way or another, in the appointment of the Attorney-General, and the commanders of the security services.

WAR VETERANS

A majority (58%) of the respondents do not want a special ministry for **war veterans**, and a larger majority (69%) do not want any affirmative action programme to benefit war veterans. A similar percentage (66%) also want a body to monitor them, and they want the term war veteran clearly defined. They want the criteria for qualification as a National Hero to be laid down in the constitution, and the process of deciding who qualifies to be handed either to Parliament or an independent commission.

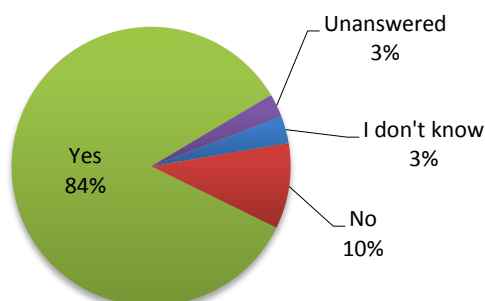
LABOUR

The respondents are unrealistically generous when it comes to labour rights, wanting all international labour law to be recognised and all the standard rights, including the right to strike (82%), and even the right to paternity leave (68%). 75% want the right to full employment to be included in the constitution!

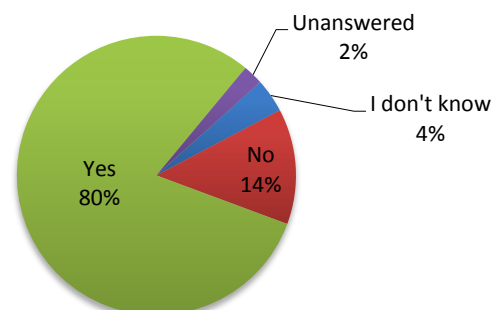
94% support the rights to equal pay for men and women doing the same job.

PUBLIC FINANCE

The primary theme under **public finance** was the issue of transparency and accountability, with close to 100% calling for publication of reports by parastatals, and as many as 84% wanting ministers to be personally responsible for financial malpractice in their ministries and an even higher number (91%) wanting details of ministers' expenses to be made public. Gender sensitive budgeting was supported by just half the respondents, white males showing the lowest frequency of favouring such a measure (33%). Again, there was very strong support (80%) for an independent Reserve Bank with a Governor being appointed at least with the approval of Parliament, and his/her activities both as an official and as a private person restricted.



'Should ministers be personally held to account for every financial transgression in their ministry?' (N = 1039)



'Should the Reserve Bank of Zimbabwe (the Central Bank) be independent?' (N = 1039)

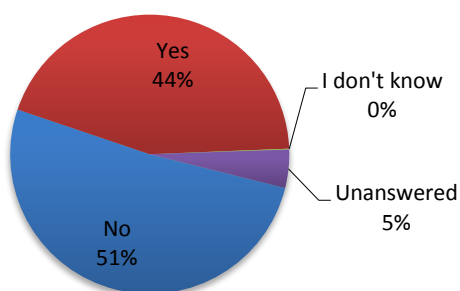
INDEPENDENT COMMISSIONS

The respondents appear to have a strong belief in **independent commissions**. When asked to indicate which out of 18 suggested commissions should be included, more than half supported every one except that for war veterans. Yet another independent commission would be selected for the President to consult on appointments of commissioners, but these would have to have the approval of Parliament.

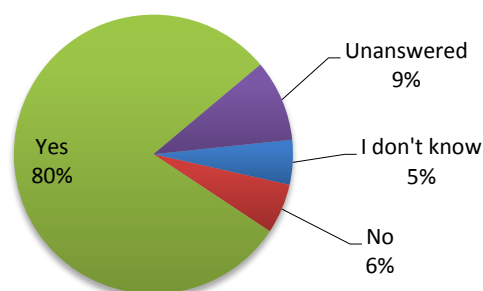
LAND REFORM

The survey took the opportunity to canvas opinions on the issue of **land reform** which are not related to the constitution. A huge majority (85%) deemed the land reform not be successful, but land of high importance. White respondents were a significant proportion of over half who believe the reform can be reversed. As many as 44% would like to be beneficiaries of land reform, including 66% of the black respondents, and 61% of those black respondents living in the diaspora. Over 90% favour an independent land commission to carry out an audit on current land holding.

Questions on land ownership produced some surprising answers, possibly because distinctions were not made between different types of title to land - ownership, leases and communal holding. However, nearly half of the respondents accept that the state should have the power to compulsorily acquire land for the purpose of land reform, but mainly on specific conditions such as under-utilisation, and excluding land purchased after Independence. Furthermore a very large majority felt that compensation should be paid and due process of law followed and that the constitution should provide secure title to land and recognise international law on land rights.



'Do you want to be a beneficiary of land reform?' (N = 1039)



'Should the new Constitution recognise and uphold regional laws and standards with regards property and land ownership?' (N = 1039)

WOMEN

Several sections of the survey dealt mainly with the treatment of special interest groups, beginning with **women**. While almost all supported equal rights and equal treatment in the abstract and in relation to land rights, slightly fewer would allow equal rights in the family. And, seemingly in contradiction, only 67%

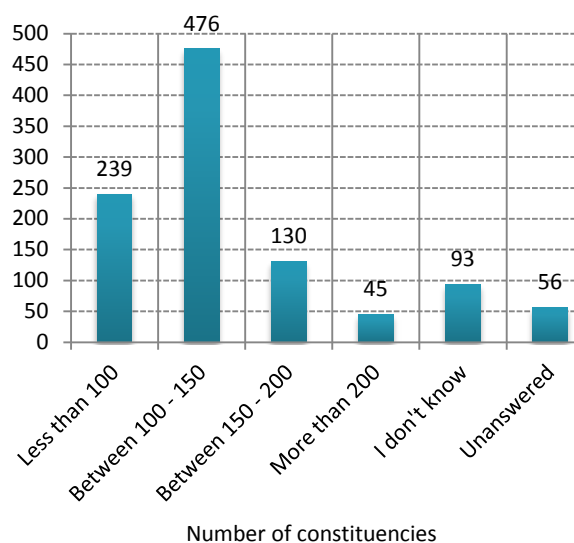
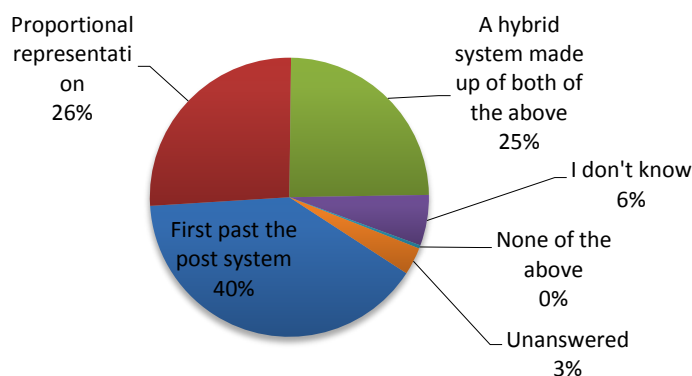
would agree to abolish customs disadvantaging women. Only 60% would support affirmative action and less than 40% supported female quotas for seats in Parliament or decision-making positions.

THE DISABLED, YOUTH, CHILDREN AND THE ELDERLY

Respondents were more generous to the **disabled**, accepting guaranteed representation in Parliament and on decision-making bodies, wishing to enshrine specific rights for the disabled in the constitution, and agreeing that sign language should be made an official language. The vast majority supported the inclusion of **children's rights**, including free and compulsory education up to at least 16, and similar numbers wanted provision for a decent life for the **elderly**, with assistance for those caring for children. On **youth**, there was no agreement on what ages should define a youth but a fairly strong resistance (68%) to the idea of a National Youth Service, and an even stronger view that its curriculum of Zanu PF propaganda was inappropriate.

ELECTIONS

Several questions tested views on the **electoral and voting systems**. While there was no clear agreement on the type of parliamentary voting system to follow, the largest number (40%) preferred the first-past-the-post system, and significant majorities (75%) would give the vote to all citizens and permanent residents over 18. Very large majorities wanted an automatic voters' roll according to national registration, an independent commission to conduct delimitation and elections, and international standards and international observers. Most also wanted 150 or fewer parliamentary constituencies, hence a much smaller parliament than at present.



'What type of electoral system should we have in Zimbabwe?'
(N = 1039)

'How many constituencies should the country be divided into (each constituency will be a seat in parliament)?' (N = 1039)

DEVOLUTION OF POWER

Devolution of power was another key issue, which attracted support from 74%, with a reduction in the current number of provinces and specific areas of administration allocated to them. The majority (65%) would keep governors, but have them elected by the people of the province. Regarding traditional leaders, a majority (59%) would have a special commission to manage their affairs and would also keep a Council of Chiefs, but majorities (67%) also felt they should not have judicial functions or be active in politics.

MEDIA, LANGUAGES, AND ARTS AND CULTURE

Huge majorities opted for an independent **media** (96%), regulated by an independent commission, with journalists' rights especially protected, and no restriction on foreign ownership. They also want open access to social media on the internet (91%). While the majority felt that all languages, including minority languages should be "recognised" in the constitution and their use and development promoted, only English, Sindebele and Chishona should be accepted as "official" languages. Artists should be free of censorship and supported by various provisions to support their work, and monuments of cultural significance should be protected by the constitution.

RELIGION

While almost all support freedom of **religion** (89%), this clearly has its limitations, as they would overrule those religions which resist vaccination of children and would not allow polygamy.

CONCLUSION

While the responses to the survey are not strictly representative of the Zimbabwean population, they do tell us a great deal about the view of a significant number, on constitutional issues as well as others. The fact that many responses have been analysed according to gender and race and some also according to location and even age, helps to counteract the lack of representativeness, as any answer can be analysed according to various categories. This increases the value of the survey, providing information that is not available from the official consultations.

What we find in general is that respondents have been heavily influenced by negative experiences of governance in the past and look to a constitution to correct these. They seem to have great faith in a constitution to provide for all kinds of measures which normally would appear in ordinary statutes. This is partly due to the types of suggestions made in the questions of the survey, which followed the questions of COPAC's "talking points". In terms of substance, the respondents lean heavily on the provision of rights, and independent commissions which have to be approved by Parliament. They favour an executive president with restricted powers and age and term limits, a reduced cabinet, a smaller parliament and devolution of power to provinces with elected governors. They would accept a wide interpretation of citizenship, and permit dual citizenship.

The views expressed in this survey depict slices of opinion clearly defined sample of Zimbabweans, both within and outside Zimbabwe. They are informative in their own right but also could provide a starting point for deeper and broader investigation of many significant issues

PART A: RESPONDENT DEMOGRAPHICS

RESPONDENT DEMOGRAPHICS

We received 1046 replies in total. After removing duplicate entries, and entries incorrectly submitted, we were left with 1039 responses to work with. The majority of these represent a sample solicited via the Sokwanele mailing list and web audiences. Links to the constitution survey were also carried on three popular Zimbabwe news websites in an effort to reach a wider group of respondents; namely, SW Radio Africa¹, The Zimbabwe Situation² and The Zimbabwean³. Sokwanele supporters following the group's activities via the popular social networking sites Twitter⁴ and Facebook⁵ were also alerted to the existence of the survey. 'Maggie's Morning Mirror', a popular mass-mailing list primarily featuring classified adverts, circulated information about the survey. In addition to this, we asked everyone taking part to pass the news on to their friends and colleagues via email; we are aware of one social group, independently set up by a supporter on Facebook to promote awareness of the new constitution, which also directed members to the Sokwanele survey.

Our initial intention was to provide a platform where Zimbabweans, no matter where they lived in the world, could participate in the constitution outreach process, and so the Sokwanele survey drew heavily on a sample of Zimbabwean respondents who had access to the internet or email.

¹ SW Radio Africa - <http://www.swradioafrica.com/>

² The Zimbabwe Situation - <http://www.thezimbabwean.co.uk/index.php>

³ The Zimbabwean - <http://www.thezimbabwean.co.uk/index.php>

⁴ Sokwanele on Twitter – <http://twitter.com/sokwanele>

⁵ Sokwanele on Facebook - <http://www.facebook.com/pages/Sokwanele/141296717545>

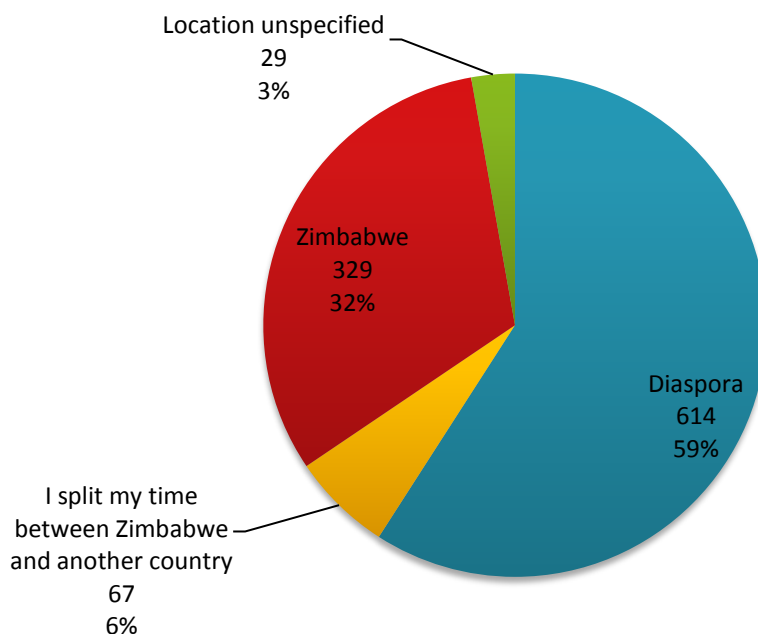


Chart 1: All respondents, by location (N = 1039)

Out of our sample of 1039 voices, 59% came from the diaspora. The majority of these submitted their responses via our online web interface. Our survey also acknowledged that some Zimbabweans work for part of a year in another country, and then return to Zimbabwe for the rest of the year. 6% of the people we surveyed live ‘part-time’ in Zimbabwe. Local Zimbabweans were also encouraged to take part either by submitting replies online or by returning surveys via email. Despite the difficulties that Zimbabweans face with unreliable internet connections, 24% of respondents living in Zimbabwe submitted their surveys via our web interface.

Two weeks into the survey, our early analysis revealed that more than 80% of our online respondents were men. Media reports at the time similarly indicated that women were attending but not making their views heard in the grassroots outreach program taking place in Zimbabwe either; for example, on 27 August 2010 a *NewsDay* article reported that tradition was a barrier to women participating in the outreach meetings:

“The constitution-making process offers women the greatest opportunity for women to shape their lives, women should take this chance to change laws that still enslave them. Unfortunately this is not the case, women are attending but they must also speak. Unfortunately tradition does not allow women to freely express themselves,” [said Jessie Majome - Deputy Minister of Women Affairs and Copac spokesperson].

According to latest statistics from Copac, women are contributing the highest number of participants with 41% attending meetings while men make up 38% and youths make up 19% and the disabled at least 0, 52%.

“I am disappointed by the fact that women hardly spoke at the meeting I attended in Mutoko this week and it is so disheartening, women were hardly speaking,” said Majome.⁶

In response, we broadened our web-based approach to target groups locally with hardcopy surveys to complete. In doing so we asked groups to specifically encourage local women to participate. These replies account for 140 of the total responses received, with 60 of these submitted by women. We also directly appealed to women via our mailing list, and at the end of each completed online survey, we asked the online respondent to encourage two women to take part. Despite this, male voices are still overwhelmingly represented in our survey, accounting for 69% of all replies.

We also tried to include some voices from Zimbabweans living in the diaspora who had no access to either the internet or email. We circulated and received 33 responses back from poverty stricken Zimbabweans living in the Johannesburg Methodist Church in South Africa. All replies submitted in hardcopy format were transcribed into an excel spreadsheet that was later included with the survey responses submitted online and in MS Word documents returned by email (see Chart 2).

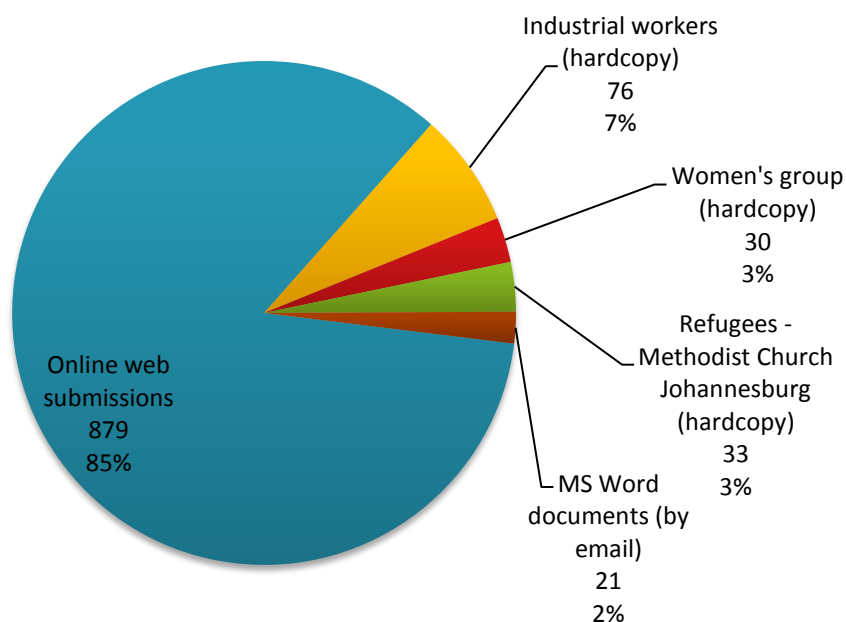


Chart 2: Method of submitting responses (N = 1039)

⁶ Kwarambe, Thomas. “Tradition gags women at COPAC meetings.” *NewsDay*, 27 August 2010. <http://www.newsday.co.zw/article/2010-08-27-tradition-gags-women-at-copac-meetings>

The survey was detailed and included over 300 questions, most of which were multiple choices. Our aim was to gather views not only on the constitution process itself, but to also gain a broader understanding of who Zimbabweans were and what their views were on a variety of topical issues. We believed that this combination of questions specific to the constitution, combined with wider questions about topical Zimbabwean issues, would contribute a broad understanding of who our respondents were, and give a more nuanced understanding of their thoughts and feelings; all of this would contribute to a sensitive understanding of what Zimbabweans wanted – an understanding that we hope will be used to inform the drafting of a new Zimbabwe constitution. It is necessary to approach all of the data with a degree of caution, however, since in spite of the effort to broaden the nature of the respondents, they certainly do not form a representative sample of all Zimbabweans.

LOCATION

INTERNATIONAL LOCATIONS

59% of the people we surveyed live in the diaspora, 32% live in Zimbabwe, and 6% split their time between living in Zimbabwe and one other country. Appreciating that most of our respondents were likely to be from the diaspora, we also asked which countries they lived in. We specifically looked at those people who indicated they lived in the diaspora, or that they split their year living between Zimbabwe and another country. The majority of respondents in this group (38%) live in the United Kingdom, with South Africa accounting for 23% as the second largest country of residence. The next six countries, in order, are Australia (8%), the United States (8%), Canada (4%), New Zealand (4%), Botswana (3%) and Namibia (1%). More details are provided in Chart 3: Country of location for respondents living in the diaspora and ‘part-time’ in Zimbabwe (n = 640) on page 5.

42% of those who split their time between Zimbabwe and one other country were partially based in South Africa. The United Kingdom was the second most popular ‘commuter-country’, with 29% of diasporan respondents living there.

Part A: Respondent Demographics

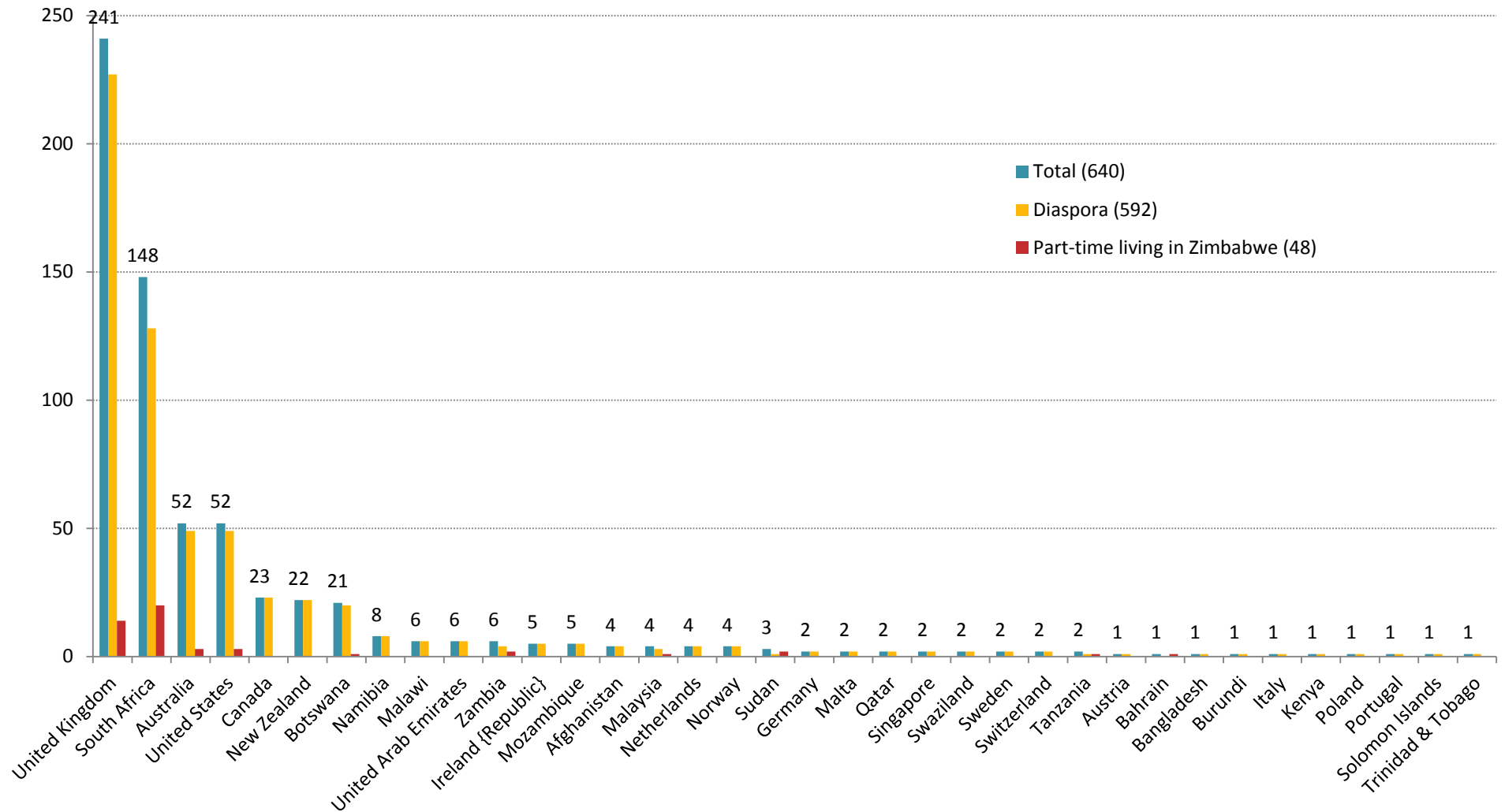


Chart 3: Country of location for respondents living in the diaspora and 'part-time' in Zimbabwe (n = 640)

PROVINCIAL LOCATION

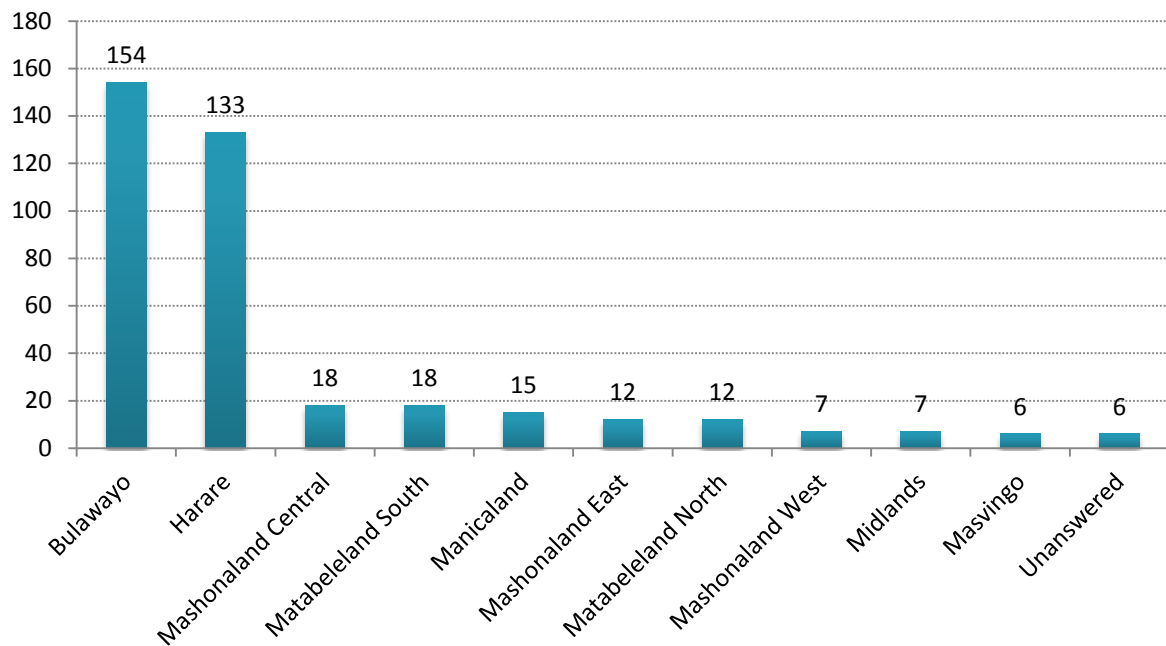


Chart 4: Location for respondents living in Zimbabwe and for those living part-time in Zimbabwe (n = 388)

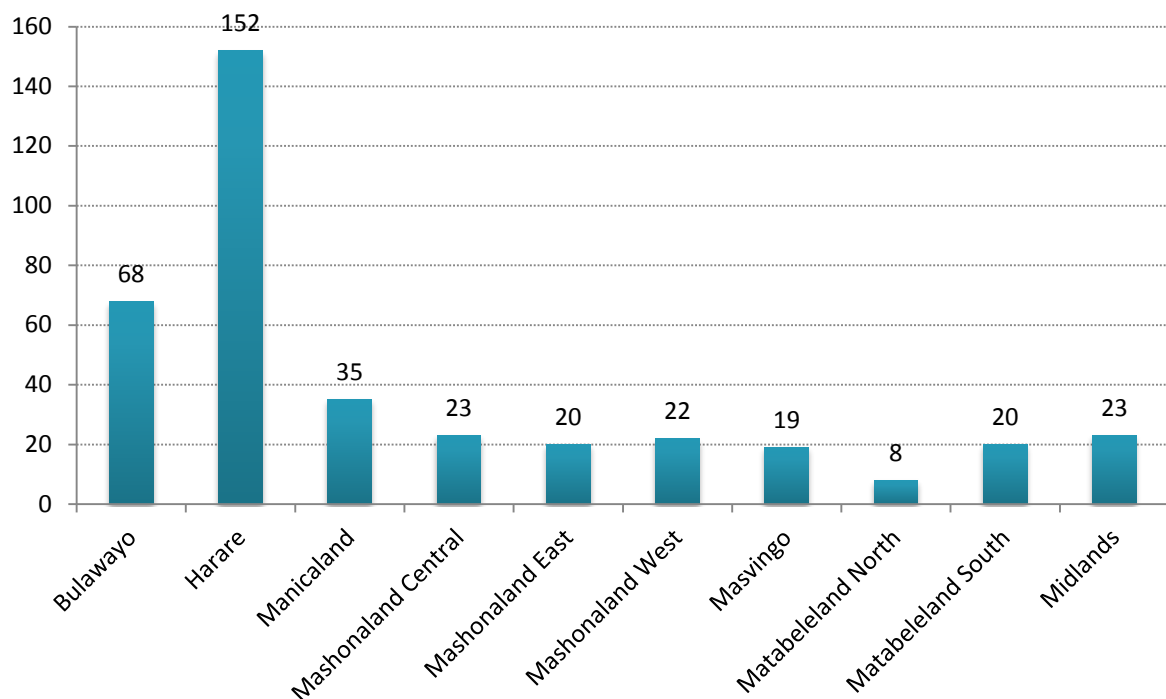


Chart 5: Former local location for respondents currently living in the diaspora (n = 408)

The location data for those living in Zimbabwe either full or part-time shows a definite urban bias. This is to be expected for a web-based survey, but it is important to remember that we are dealing with a sample that is 2/3 urban based as opposed to a national distribution of nearly 2/3 rural. The skew for those living in the diaspora are not so severe, but it still shows more than half consider either Harare or Bulawayo to be their home.

GENDER

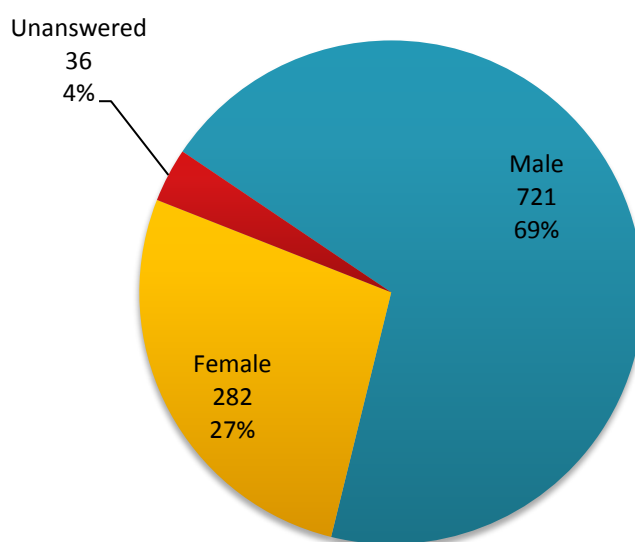


Chart 6: Total respondents, by gender (N = 1039)

COPAC statistics from the local outreach programme pointed to the fact that women were attending constitution outreach meetings – in fact, that they constituted the highest numbers attending - but that they were not participating in the discussions.⁷ The Sokwanele constitution survey further thus demonstrates Zimbabwean women’s lack of participation in political processes, with men contributing 69% of the total responses to our survey despite targeted efforts to encourage more women to take part. This distinction holds for both Zimbabwean-based and diasporan respondents. 67% of respondents in Zimbabwe are men, while 71% of those in the diaspora.

Given that the majority of the Sokwanele survey submissions utilised web-technologies, it is possible that this could be indicative of men having greater access to computers and the internet. However, if we look more closely at those submitting replies from a country like the United Kingdom or the United States where there is widespread access to the Internet, the gender discrepancy remains

⁷ Kwarambe, Thomas. “Tradition gags women at COPAC meetings.” *NewsDay*, 27 August 2010. <http://www.newsday.co.zw/article/2010-08-27-tradition-gags-women-at-copac-meetings>

consistently large: our survey reveals that 68% of respondents based in the United Kingdom, and 69% of respondents based in the United States, are men (Chart 7). We have to accept, then, that wherever they may be, Zimbabwean women have not been as interested in contributing to the constitutional debate as men have been.

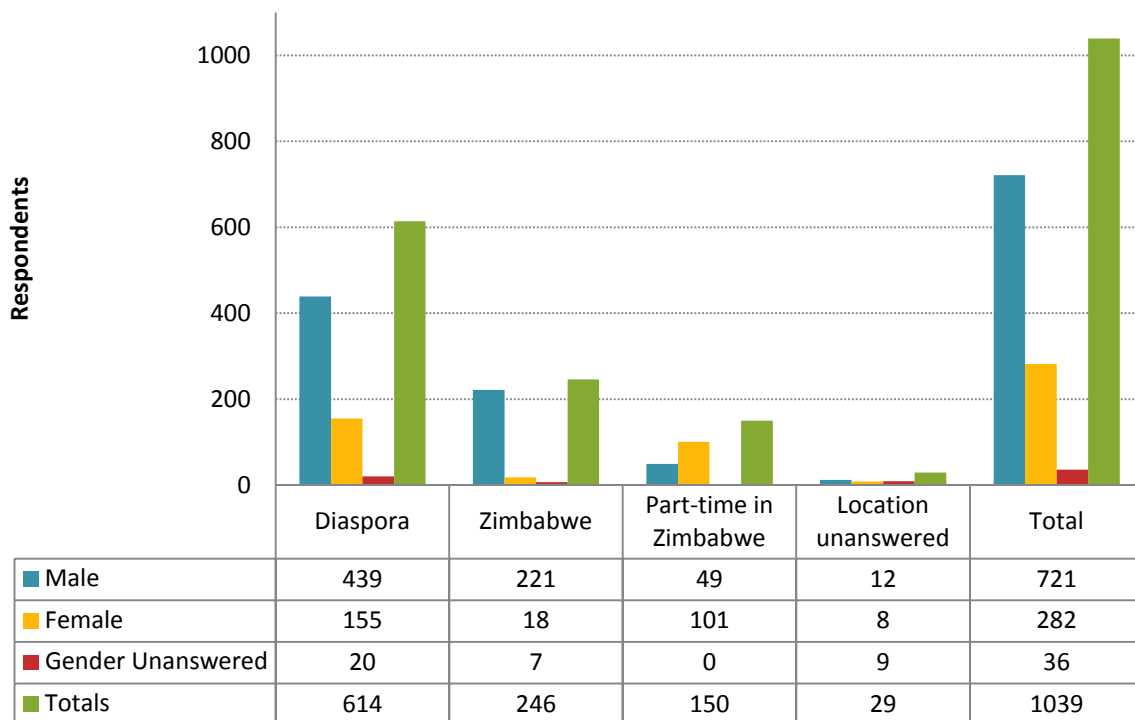


Chart 7: Respondents, by gender and location (N = 1039)

RACE

We asked people to tell us their race in our survey, but we also explained our reason for asking and gave respondents an option to specifically withhold this information by checking the option “I have read your reason for asking, but would still prefer not to say”. 2% of respondents declined to specify their race by checking this option. (notably a larger percentage declined to disclose their sex, but the reason is obscure) The majority of respondents (57%, 592) identified themselves as black, with white people accounting for 36% of replies. Table 1 below provides details of our survey respondents by race and by location. The sample, then, clearly holds a far higher proportion of white respondents than the general population – 36% as opposed to maybe 1%. For this reason, the responses to many questions have been disaggregated by race so that we can see how influential race is in determining people’s views on the issues.

Living in...	Black	White	Asian	Mixed Race	Other	Withheld Race info	Unanswered	Total
Diaspora	376	199	1	19	6	13	0	614
Zimbabwe	180	125	3	6	4	7	4	329
Part-time in Zimbabwe	25	38	0	2	0	2	0	67
Location unknown	11	10	1	0	0	0	7	29
Total	592	372	5	27	10	22	11	1039
Percentage of Total	57%	36%	0.5%	3%	1%	2%	1%	100%

Table 1: Total respondents, by race and location (N = 1039)

AGE

The largest age group represented among our survey respondents accounts for people aged between 40 and 49 years of age (26%, 266), while 30-39 year olds and 50-59 year olds each contributed 21% of replies. The COPAC grassroots outreach programme found youth participation to be very low.⁸ Young voices are reasonably represented in our survey, with 19 – 29 year olds making up 18% of all replies, although still this means that the age group is slightly underrepresented compared to 40-49 year olds and 50-59 year olds. The very young, however, are less represented; only 1% of replies submitted came from individuals aged between 12 and 18 years of age (see Chart 8). This is hardly surprising, as the concepts are not normally of great interest to teen-agers. Probably the majority of those who did respond were aged 17-18. We can conclude, however, that by and large the sample represents the age distribution of the Zimbabwean adult population reasonably well, with older age groups having a slightly higher representation than in the general population⁹.

⁸ Masvingise, W. 'Youths opt out of constitution outreach', *The Financial Gazette*, 16 July 2010: <http://www.financialgazette.co.zw/national-report/4815-youths-opt-out-of-constitution-outreach-.html> and 'Copac targets youths, special groups', *The Herald*, 18 August 2010: <http://www1.herald.co.zw/inside.aspx?sectid=914&cat=1>

⁹ Up-to-date population statistics are not available, since the last census was held in 2002 and there have been massive population shifts since then. However, the survey indicates, for example that 11% of respondents were over 60, while the estimate for persons 65 and older in 2005 was only 3.5%. UNDP *Human Development Report 2007/2008*, New York, 2007 p. 245

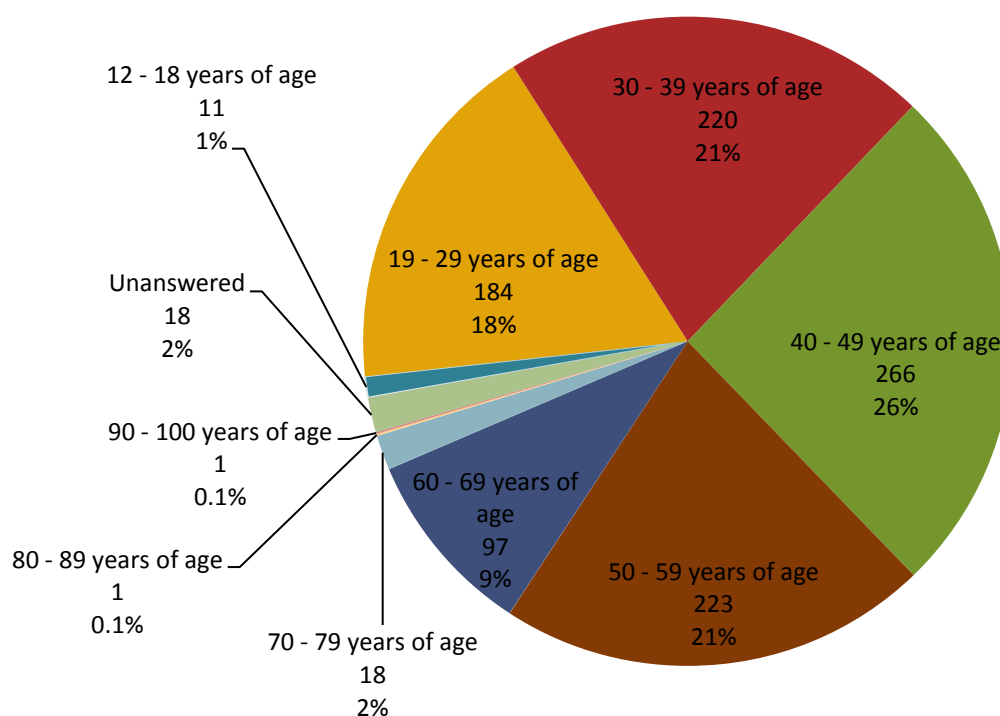


Chart 8: Total respondents, by age (N = 1039)

EDUCATION

When it comes to education levels, however, the sample is clearly quite unrepresentative, being heavily skewed towards the more educated. 71%, or 735 respondents, described themselves as having a tertiary education. Those who were O'level educated formed the second largest group (15% or 161 respondents), while A'level educated respondents were the third largest group with 6%, or 66, responses (see Chart 9). The question does not ask whether the person successfully completed O level or A level, or even their tertiary level course. However, considering that fewer than 40% of the Zimbabwean population has completed Form 4, with or without a certificate, it becomes obvious that this is a highly educated sample. This should not be surprising considering the electronic nature of the survey, however, in addition, it is natural to expect that the more educated a person is, the more likely he or she is to be interested in constitutional issues.

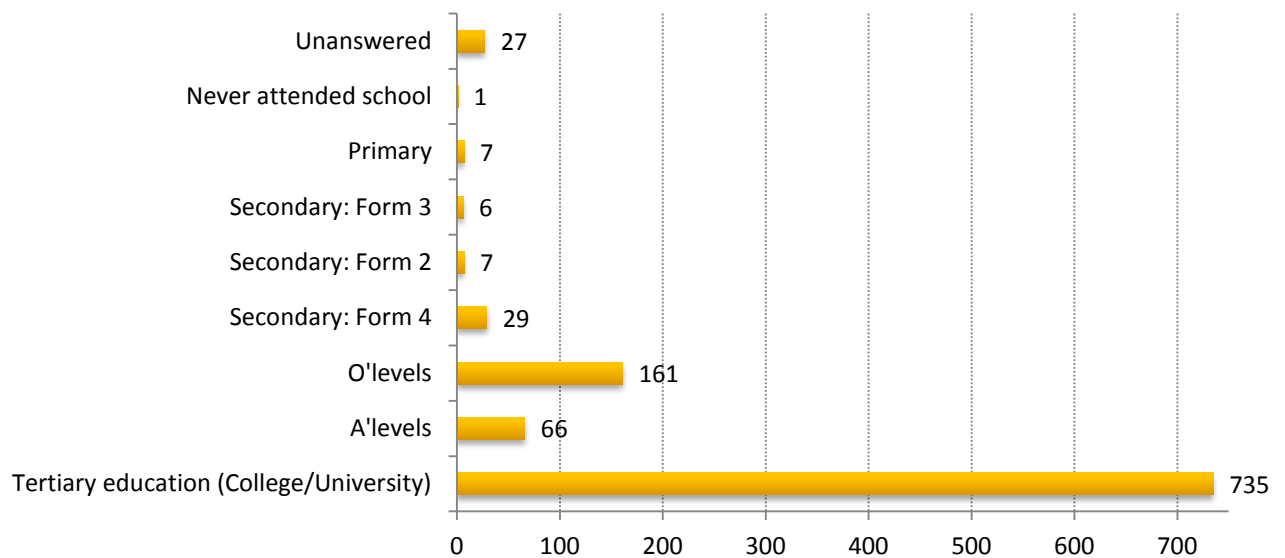


Chart 9: Education level attained for total respondents (N = 1039)

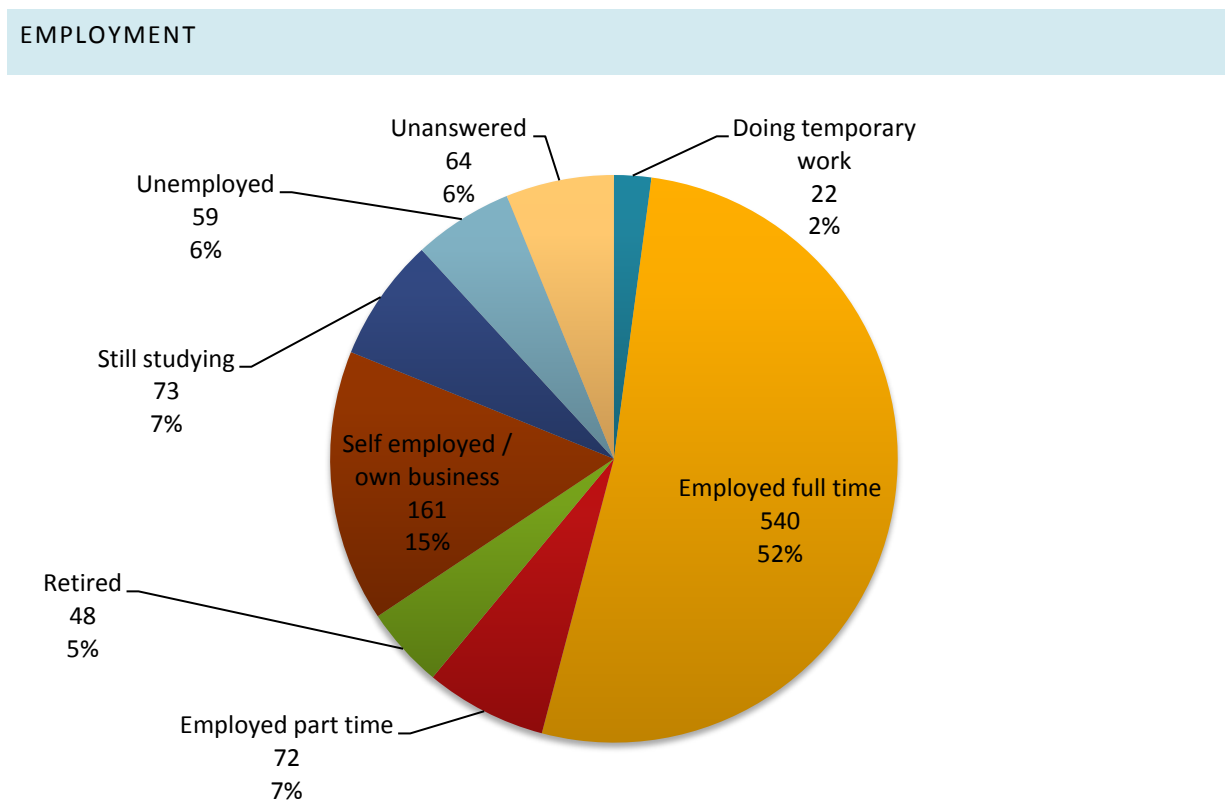


Chart 10: Responses to the question "What is your current employment status?" (N = 1039)

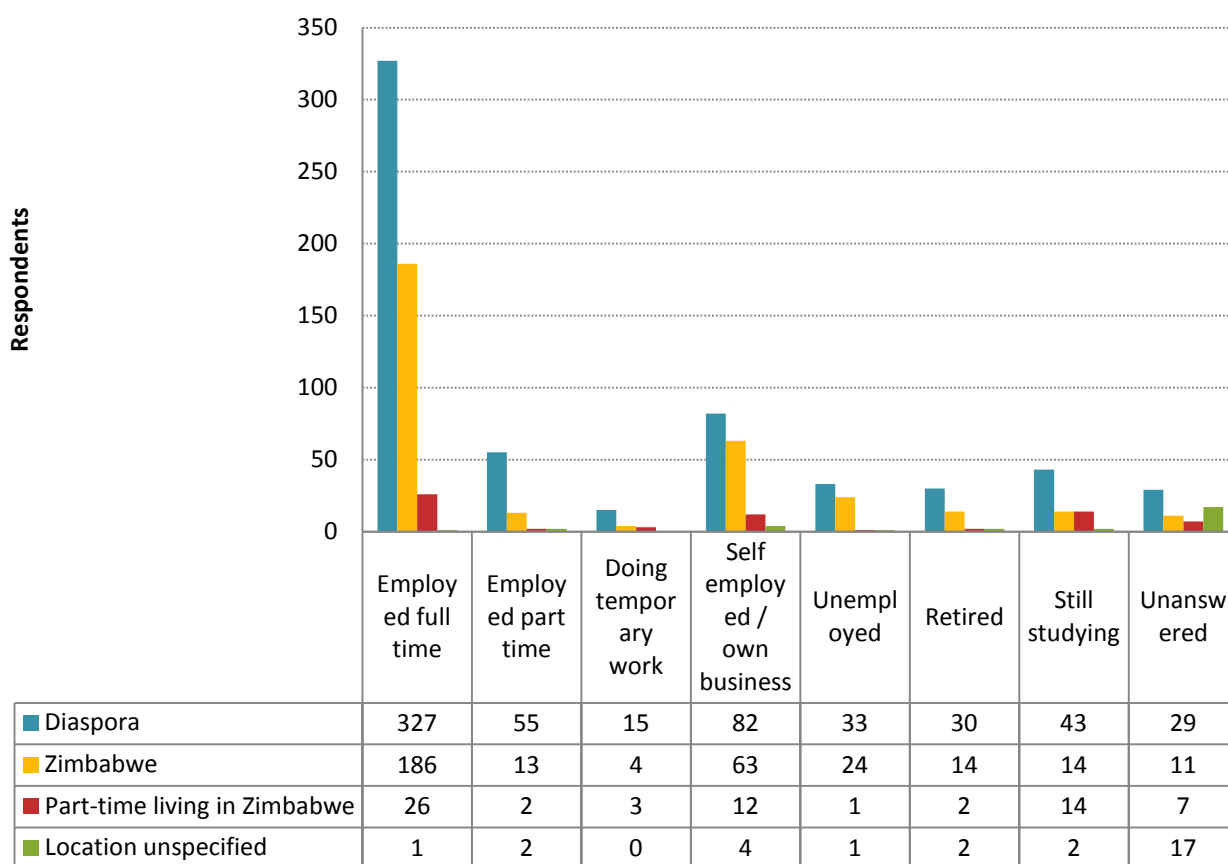


Chart 11: Employment status by location (N = 1039)

Again, the employment data indicate a level of employment far higher than the general population. Statistics on Zimbabweans in formal employment are hard to verify, whether for those living in the country or those outside, but for those in Zimbabwe the figure is almost certainly less than 15%. The percentages in the diaspora are surely much higher than that, but with so many illegals, it would be very difficult to discover. Thus, once again, our sample represents a privileged group, presumably with a more comfortable lifestyle and greater disposable income than the average Zimbabwean. And once again, this is to be expected of respondents to an online survey.

BEING 'ZIMBABWEAN' AND THE RIGHT TO VOTE

We asked respondents to answer the simple question 'Are you Zimbabwean?' at the start of our survey. It is a question that can be answered with an emotional or patriotic response, or one that is legally accurate. 93% (963 people) answered 'yes' to this question, but not all of these people will be Zimbabweans with full Zimbabwean citizenship and all rights associated with being a Zimbabwean today. The destruction of the Zimbabwean economy has forced millions of Zimbabweans to migrate to other countries; a decade of political violence and intimidation means that many other Zimbabweans live as refugees in countries. Some of these people will have started new lives in

foreign countries, but still feel emotionally and patriotically connected to Zimbabwe. Others are likely to be Zimbabweans who might have answered “no” simply because they have adopted another citizenship in the country where they live.

This point is borne out by the fact that 40% of those who answered ‘No’ – i.e. indicated that they were not (or no longer) Zimbabwean – had nevertheless voted in post-Independence Zimbabwean elections in the past. This suggests they had either had citizenship at some point, or that they voted as permanent residents. Changes in legislation in 2001 withdrew the right to vote from permanent residents.

The right to vote is a critical requirement for full participation in Zimbabwe, so we also asked our respondents this question: If you were in Zimbabwe, would you be allowed to vote in Zimbabwean elections? The majority of people surveyed (69%) still retained their right to vote in Zimbabwean elections, and this means they also have the right to vote in the referendum on a new constitution. However 15% said they had no right to vote in elections, and 12% were unsure whether they still had the right to vote or not. It’s worth noting that Zimbabweans who stay away from the country for seven years lose their citizenship and their right to residence – many are not aware of this fact.

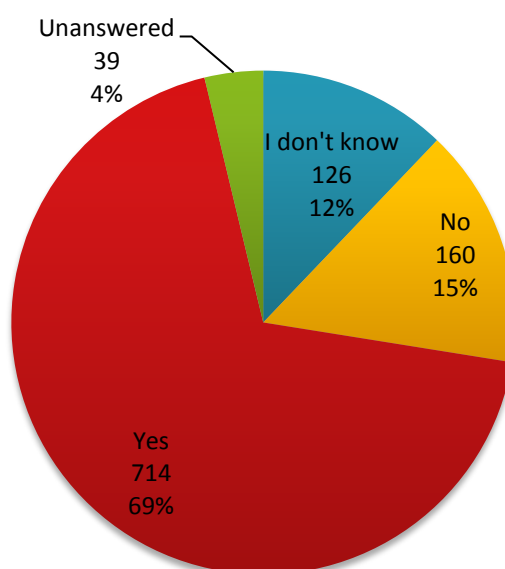


Chart 12: Responses to the question “If you were in Zimbabwe, would you be allowed to vote in Zimbabwean elections?” (N = 1039)

The majority of the people we surveyed had at some point in their lives voted in a Zimbabwean election (70%).

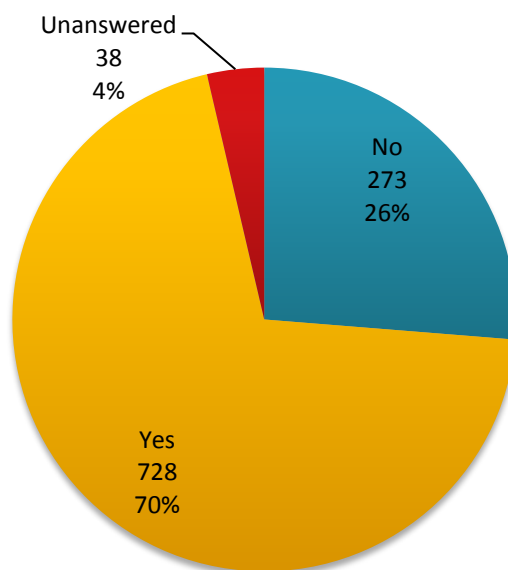


Chart 13: Responses to the question 'Have you voted in Zimbabwean elections in the past?' (N = 1039)

The lack of participation by 26% of respondents in Zimbabwean elections can be partially explained by some of the data we received. Of the 273 people who had never voted before, 32 indicated that they were not Zimbabwean, and 11 are between the ages of 12 -18, so too young to have voted. 53% (128) of the remaining 230 are between the ages of 19 and 29, and most of them live in the diaspora. 34 of them are still students, so possibly unable to return to Zimbabwe to vote during college term times. Furthermore, anyone who is under 23 would have been too young to vote in the last election. Thus, compared to participation by the general population in voting, this sample has a very good record – again hardly surprising.

Looking more closely at Zimbabweans losing their right to vote, the table below focuses on respondents who describe themselves as Zimbabwean and have lost their right to vote in Zimbabwean elections – importantly, all have voted previously in Zimbabwean elections. In other words, this group would possibly include Zimbabweans who voted as permanent residents prior to changes in legislation, and it would include Zimbabweans who were forced to renounce their Zimbabwean citizenship on the grounds that they allegedly had rights to citizenship in other countries, as well as Zimbabweans who have emigrated and taken another citizenship, thus losing their Zimbabwean citizenship. The table below breaks down this group by race, and it shows that the white respondents among those we surveyed are the most affected: they account for 72% of people who have voted in previous elections, but who no longer have the right to vote.

Living in...	Black	White	Asian	Mixed Race	Other	Declined to specify race	Totals
Diaspora	11	28	0	0	0	1	40
Zimbabwe	3	13	0	0	2	1	19
Part-time in Zimbabwe	0	5	0	0	0	1	6
Location unanswered	0	3	0	0	0	0	3
Total	14	49	0	0	2	3	68
Percentage of Total	21%	72%	0%	0%	3%	4%	100%

Table 2: Respondents who have previously voted in Zimbabwean elections, but have since lost their right to vote (n = 68)

Chart 15 on page 17 focuses on the total number of respondents (714) who have voted in previous elections, and identifies which elections the sample have voted in since the first democratic election in 1980. The chart shows a surge in participation in 2000 for the constitution referendum and again for the parliamentary elections in June 2000. This may reflect greater enthusiasm, but also surely reflects the fact that those in their late 20's and early 30's were just reaching voting age at that time. Participation is shown to steadily decline in subsequent years, probably pointing to the fact that many of those surveyed were moving to the diaspora. Other factors impacting on voter participation include the changing legislation on Zimbabweans and the violence and intimidation that has accompanied elections in recent years. General disillusionment with political parties and processes cannot be ruled out either. This last point is supported by the large numbers of people in our sample who feel disengaged from local Zimbabwean political parties (a point discussed in more detail on page 213). It is fact surprising that such a large number (121 or 12%) voted in the June 2008 run-off election, which was boycotted by both MDC's. Does this represent coercion, or those respondents who did not want to admit that they were ZANU PF supporters? All we know is that the vast majority have left the country since then, as they were in the diaspora at the time of answering the survey, so possibly some of them were coerced to vote.

POLITICAL AFFILIATION

The majority of the people we surveyed supported the MDC Tsvangirai formation (MDC-T). 4% support the Mutambara formation, and only 1% (10 people out of the 1039 we surveyed) said that they supported the Zanu-PF party. This is despite the fact that, according to results announced by the Zimbabwean Electoral Commission in 2008, Zanu-PF polled 45.8% of the votes for the House of

Assembly, while the MDC-T polled 42.8% of the votes.¹⁰ Probably there are fewer ZANU supporters, proportionally, in the diaspora, and fewer who follow Sokwanele or the other websites where the survey was advertised. 1% (13) of our respondents supported smaller political parties. Of those who specified their affiliation to a smaller party, 4 people (0.4% of our sample) said they supported the Mavambo.Kusile.Dawn (MKD) party led by Simba Makoni¹¹, 1 person supported the MDC99 party led by Job Sikhala, and a third person supported ZANU-Ndonga.

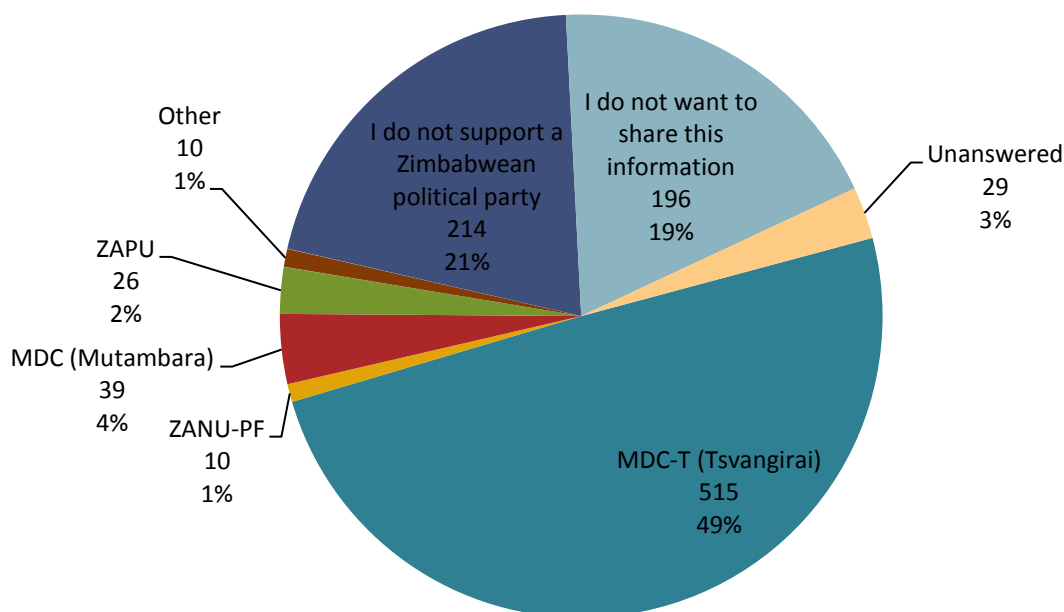


Chart 14: Political affiliation for all responding to the question “Which Zimbabwean political party do you support?” (N = 1039)

Political intimidation and violence in relation to political party affiliation means that many Zimbabweans are reluctant to openly align themselves with a particular political party. The low support shown for ZANU PF can be attributed to several factors, including the type of people who visit such a website, the fact that such a high proportion are in the diaspora, and the high educational and employment levels of those included in the sample.

In this regard it is instructive that a full 40% of respondents either did not want to disclose their preference, or did not admit to any.

¹⁰ See full election results for 2008 on the Sokwanele website at <http://www.sokwanele.com/election2008>

¹¹ Mavambo.Kusile.Dawn (MKD) website here: <http://www.mavambokusiledawn.org/>

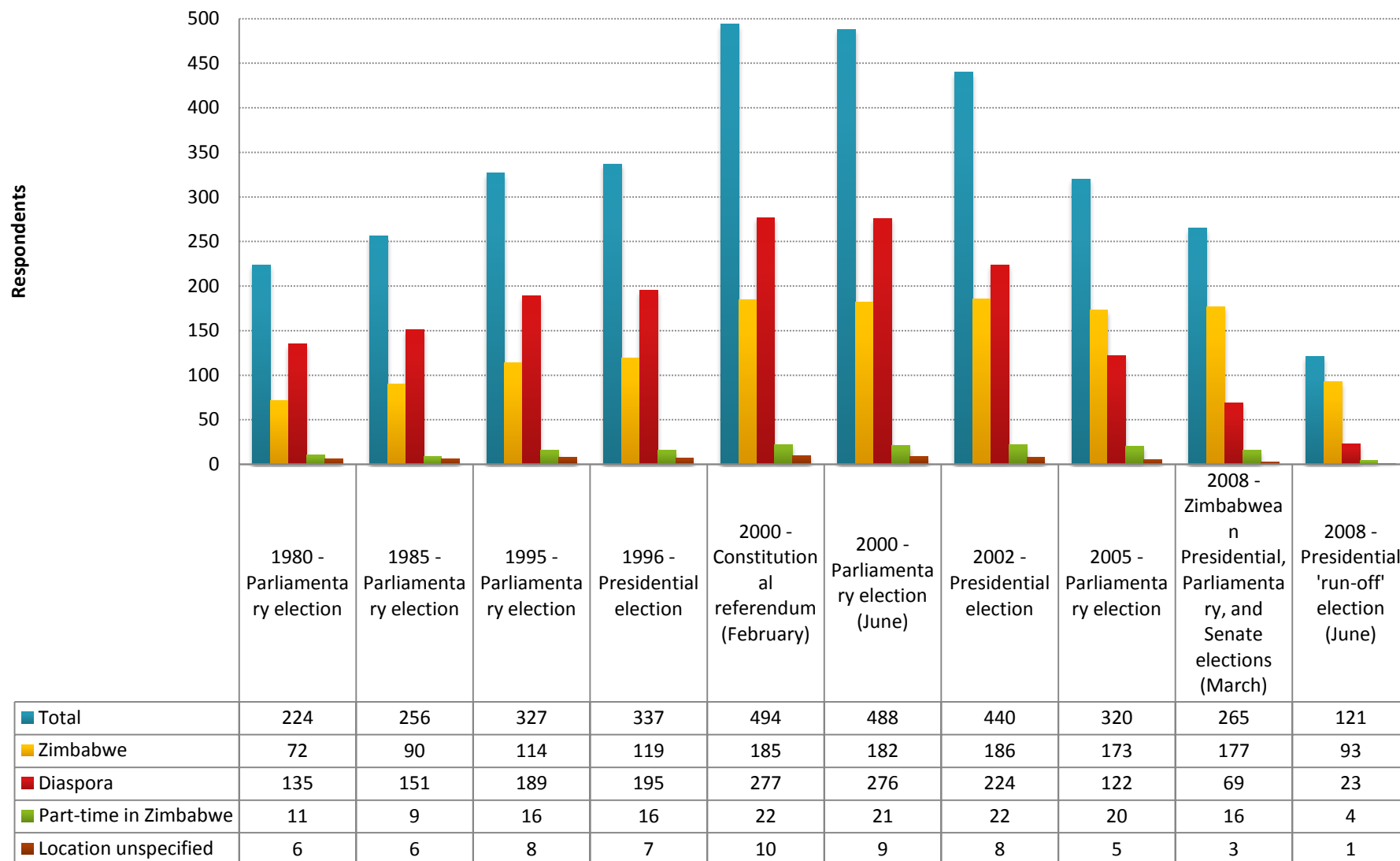


Chart 15: Participation in previous elections for total respondents (n = 728)

Understanding this, we gave our respondents the option to consciously decline to share information about their political affiliation. A significant 19% (196) of those surveyed chose to decline, despite the fact that our survey gathered no identifying information at all. This is an indicator of the level of caution many Zimbabweans have when it comes to sharing political information with 'strangers'. 3% of those surveyed simply did not answer the question.

A significant number of the people we surveyed (21%) said they did not support a Zimbabwean political party. 40% of those who said this still live in Zimbabwe, or live part-time in Zimbabwe, and 62% of this group have voted in previous elections; in fact, 37% of them voted as recently as the March 29th 2008 presidential and parliamentary elections.

A couple of our respondents left free-text comments to explain why they did not support a Zimbabwean political party: one said "If a new party is formed I would support them. I have been disappointed by all parties in existence", while another commented, "Hard to say - there are serious issues with all of them".

It is perhaps not surprising that a decade of political violence and intimidation accompanied by economic collapse, with very little progress made towards establishing the necessary grounds for full democracy, will have begun to erode public confidence in the main political parties engaged in the on-going power struggle. One wonders if this disengagement from political parties reflects the higher educational standard of the sample, or whether the same result would be obtained from a less educated sample.

RESPONDENTS IN THE DIASPORA

614 respondents to our survey live in the diaspora. We asked them questions that were specifically relevant to them.

LEAVING ZIMBABWE

After the year 2000, the highest numbers of departures among our diasporan sample were in 2001 and 2002, accounting for 23% of all departures. These early years were politically volatile: the year 2001 followed an intense political time in Zimbabwe, where 2000 witnessed the referendum on a new constitution and a presidential election. It was during this year too that farm invasions started. 2002 was also politically tense with a presidential election following the contentious parliamentary election two years previously.

Chart 16 below broadly describes some of the main reasons why the people in our sample decided to leave Zimbabwe (we'll return to this in more detail on page 46).

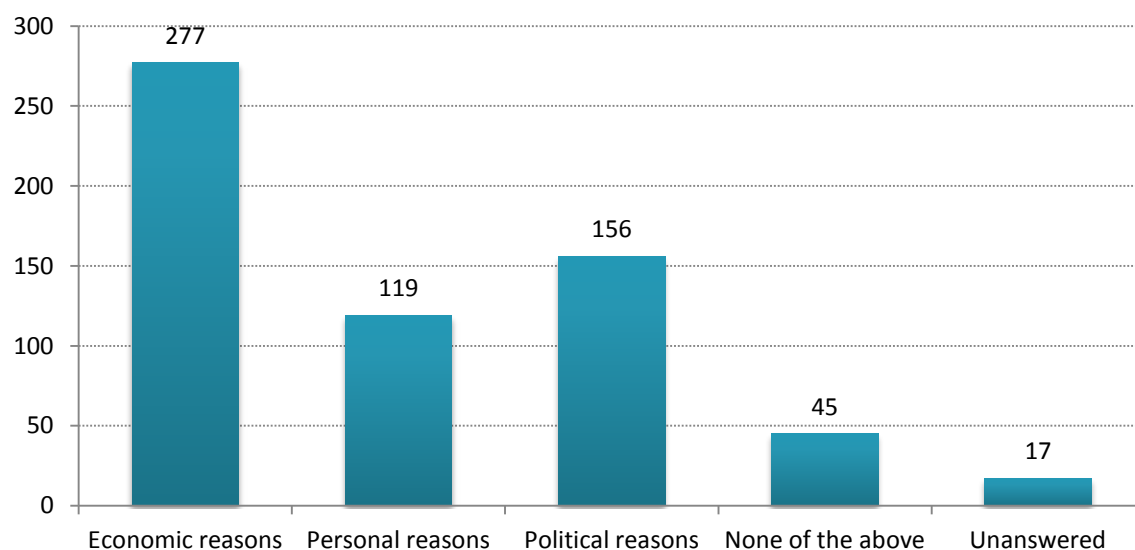


Chart 16: Responses to the question "What was your reason for leaving Zimbabwe?" (n = 614)

Chart 17 on page 20 provides a racial analysis, by year, for the people we surveyed in our diaspora group. We've primarily focused on black people and white people because they constitute significant numbers, grouping all other races under the title 'Others' (this includes people who chose not to specify their race, or did not answer the race question).

The stacked bar chart illustrates that, among our sample, the numbers of white people leaving the country decreased each year since 2001, with 2001 being the year the largest number left Zimbabwe.

The same is not true for black people, for whom the surges in departures seem to loosely correlate with election years. After the first surge in 2001 and 2002, the second wave of departures seems to be associated with the 2005 elections and possibly Murambatsvina which also took place in 2005, with 2007 and 2008 (another election year) seeing almost as many people leaving again as did at the start of the decade. But it is also true that as the decade progressed, so Zimbabwe's economy dramatically worsened, so this too is a probable reason why people would leave the country in those years. After all, nearly twice as many left for economic reasons as for political reasons (Chart 16).

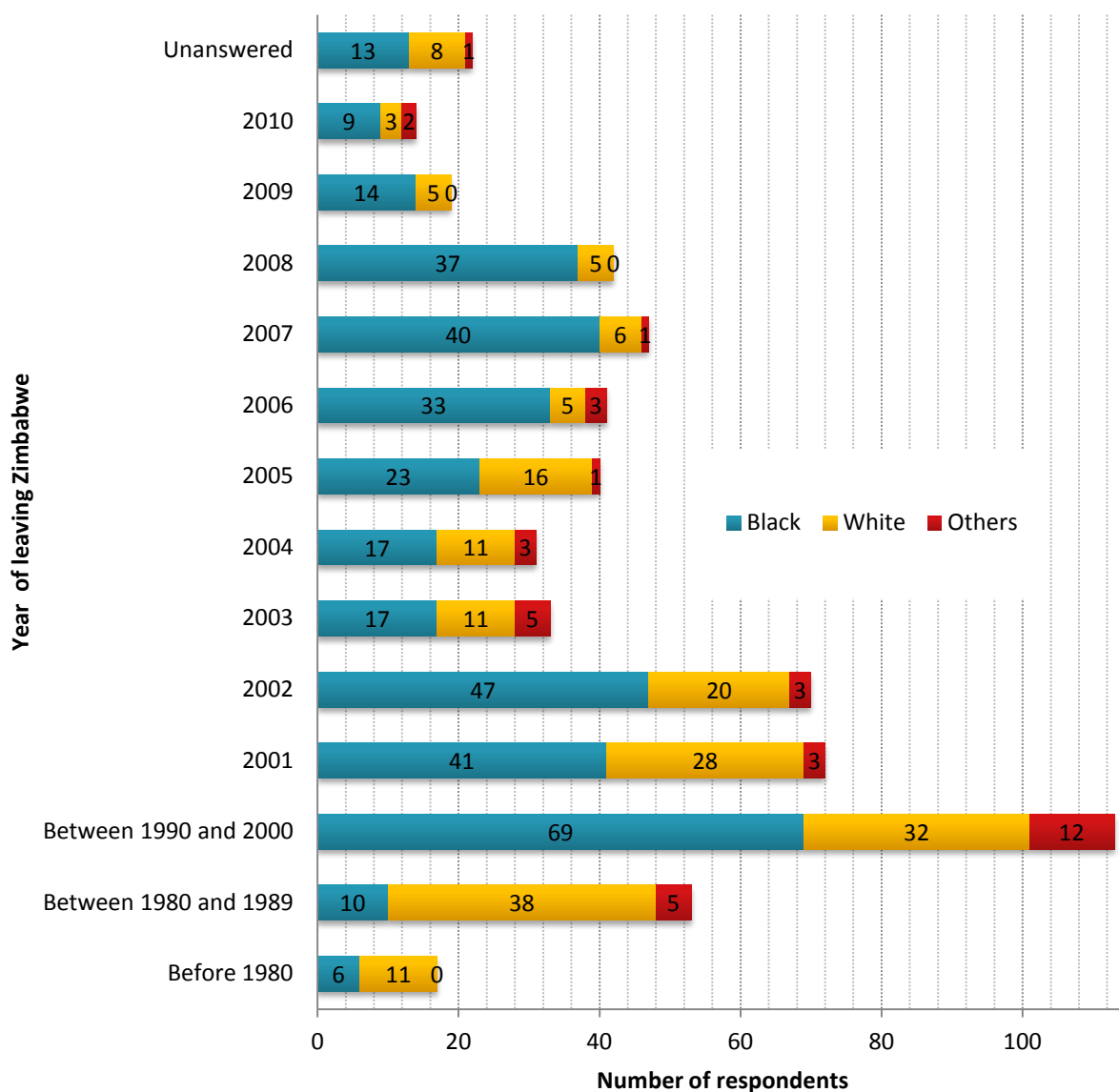


Chart 17: Responses to the question "When did you leave Zimbabwe?" (n = 614)

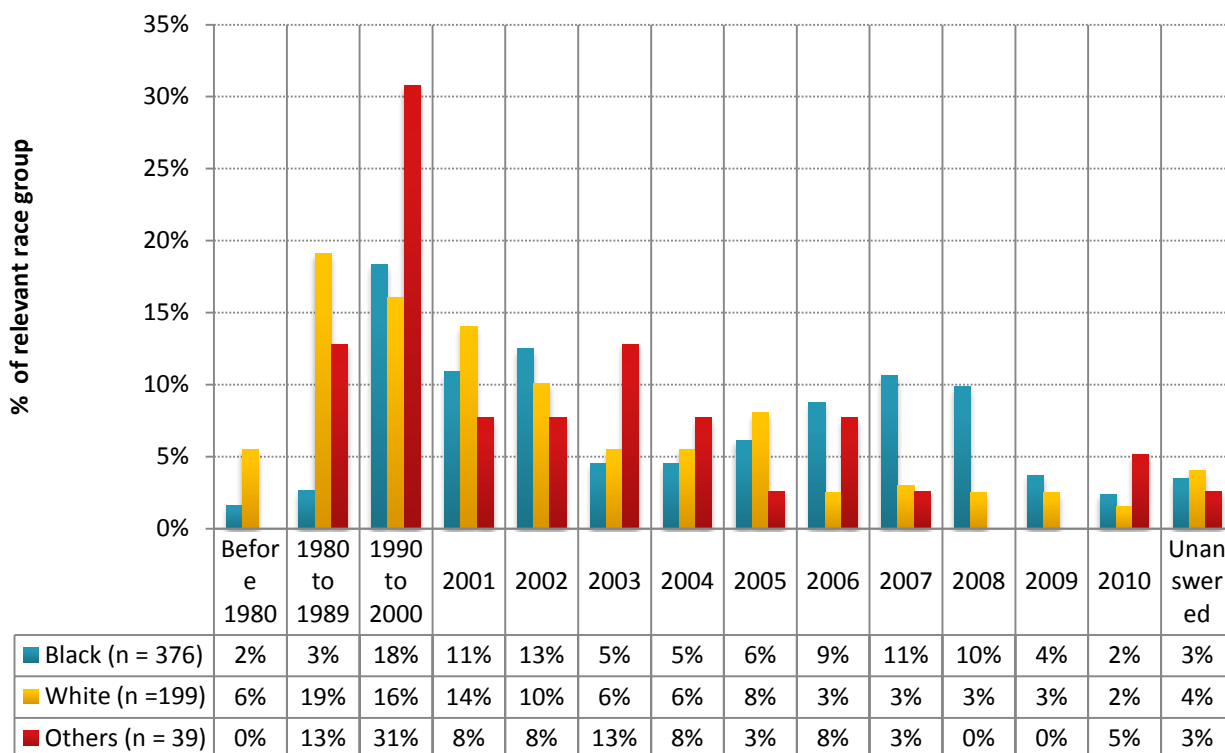


Chart 18: Responses in Chart 17 displayed as proportional values for each race group (n = 614)

If we re-draw the values represented in Chart 17 as proportional values for each race group, we can see that, proportionally speaking, the largest emigration of white people in our sample took place before 1990 and in the earlier part of the decade of 2000 - 2010 with a second slight surge around 2005. Black people left in two surges: during 2001 and 2002, and then a second exodus followed in the years immediately after 2005. It is rather unfortunate that the survey design did not end the 1990's decade with 1999 instead of 2000. One may assume that a significant portion of those leaving in the years 1990-2000 actually left in 2000 but we can't find out from this survey.

Chart 19 below looks at black respondents in the diaspora only, focusing on their reasons for leaving Zimbabwe and examining the two peaks observed in Chart 17 and Chart 18, which may be loosely attributed to departures following election years in Zimbabwe. Those who left for political reasons did so mainly in 2001 and 2002 and again in 2008. But in no year did those leaving for political reasons outnumber those leaving for economic reasons. Perhaps the large numbers leaving for economic reasons in election years indicates a loss in confidence regarding economic recovery following violence and contested legitimacy of the results. But the largest numbers leaving for economic reasons did so in 2007 which was not an election year, but rather the year when inflation became unmanageable as the experiments in printing bearers' cheques gained steam.

Chart 19 also reveals that no black people in the diaspora cited ‘political reasons’ as a reason to leave Zimbabwe during the years 2009 and 2010 – these being the years when politics in Zimbabwe has been directed by a power-sharing arrangement arrived at through the Global Political Agreement signed on the 15th September 2008.¹² Economic concerns do still prevail, although there is a sharp reduction in those who left for any reason in 2009 and 2010. Thus very few who completed the survey had been out of the country for less than two years, and the vast majority for much longer.

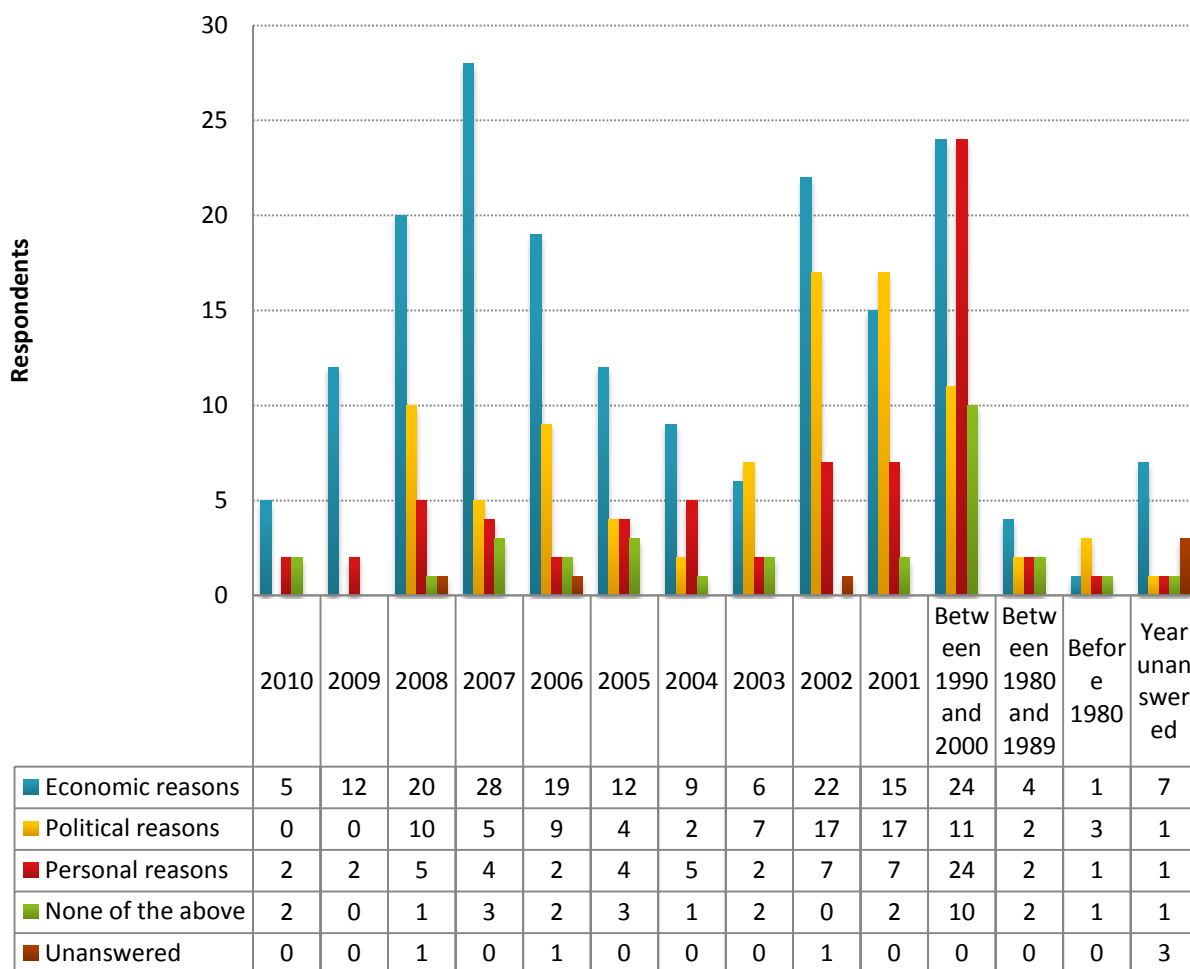


Chart 19: Reasons for leaving Zimbabwe, by year, for black respondents (n = 376)

¹² See details of the Global Political Agreement here:

http://www.sokwanele.com/articles/sokwanele/11septunityagreement_16septemeber2008.html

Also see monitoring of the power-sharing government via Sokwanele’s ZIG Watch project here:

<http://www.sokwanele.com/zigwatch>

FAMILY AND DEPENDENTS

The majority of people in our sample (63%) living in the diaspora indicated that they have family members still living in Zimbabwe who rely on them for income support. 51% of these left Zimbabwe for economic reasons and 25% for political reasons.

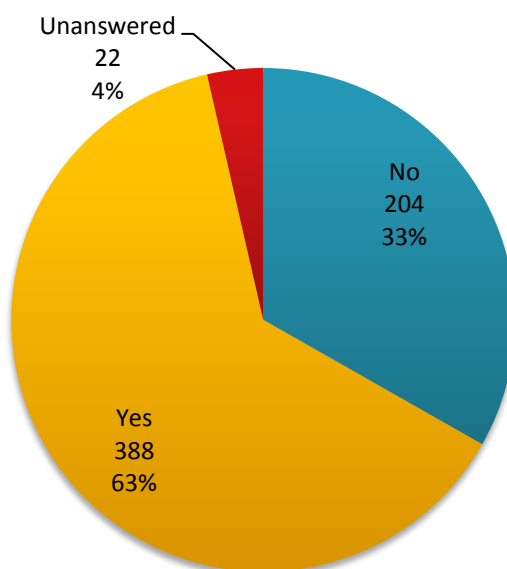


Chart 20: Respondents in the diaspora who have dependents in Zimbabwe relying on them for income support (n = 614)

We also asked those in the diaspora about their families living with them. The majority of the people we surveyed said that they did not have children born outside Zimbabwe, while 35% of the people indicated that they did (see Chart 21 below).

Chart 22 focuses closely on the 214 (35%) parents who do have children born outside Zimbabwe. Only 33% of parents in this category have children with Zimbabwean citizenship and 26% have some children with Zimbabwean citizenship and other children without (illustrated in Chart 22 below). This creates a situation where siblings within a family do not share a common national identity.

Similarly, more than half (54%) of the parents who said that their children born outside Zimbabwe did not have Zimbabwean citizenship, still retained Zimbabwean citizenship for themselves. In this second situation, the parents have one national identity while their children have another. Both scenarios will undoubtedly impact on whether families decide to return to Zimbabwe in the future.

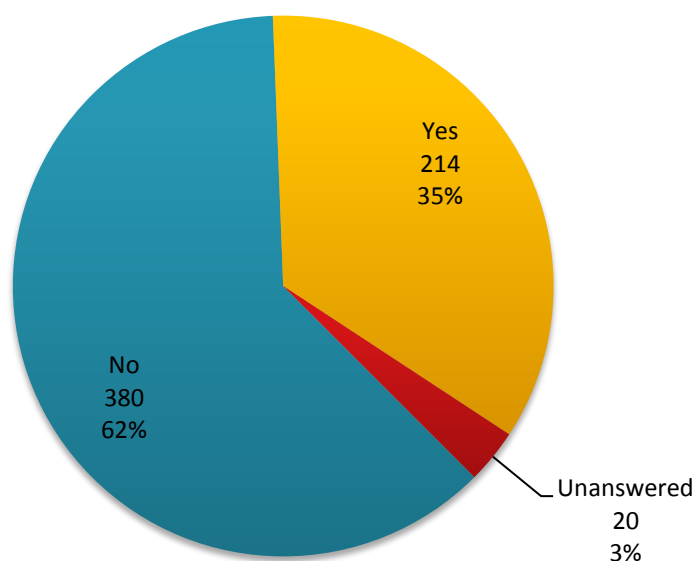


Chart 21: Respondents in the diaspora who have children born outside Zimbabwe (n = 614)

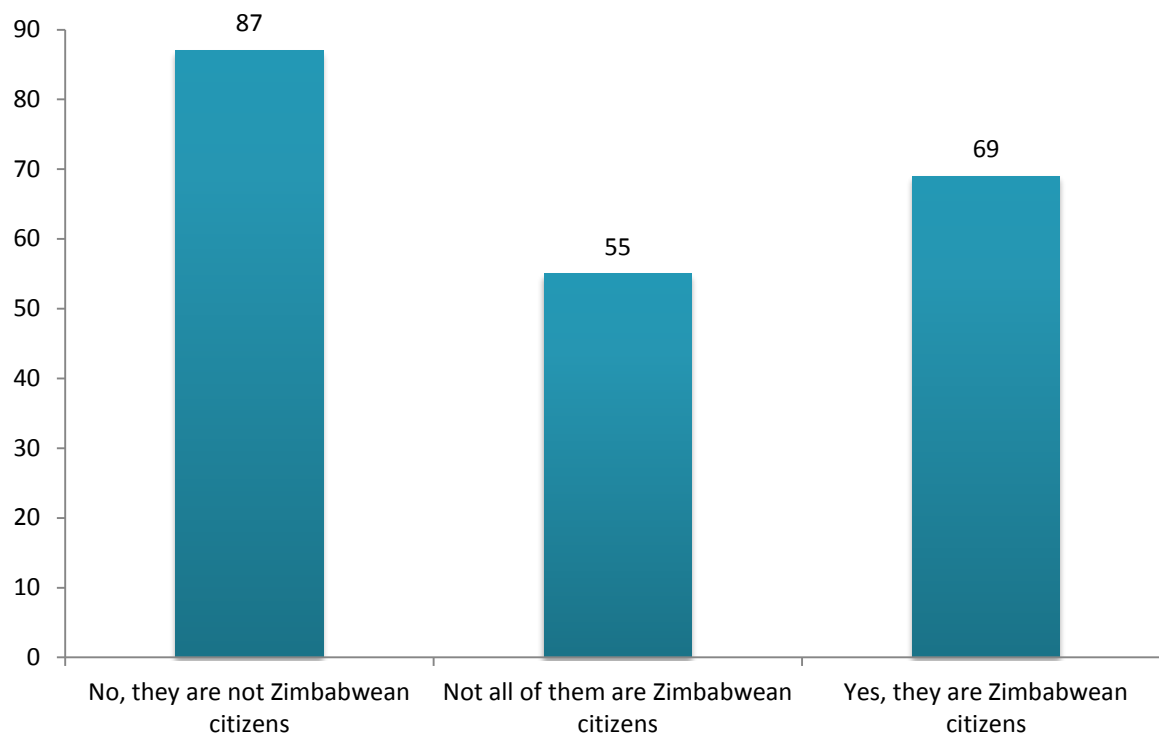


Chart 22: Citizenship status of children born to Zimbabweans living in the diaspora (n = 214)

RETURNING TO ZIMBABWE

Chart 23 below illustrates that the vast majority of those in our sample – 78% of them – would like to return to Zimbabwe in the future.

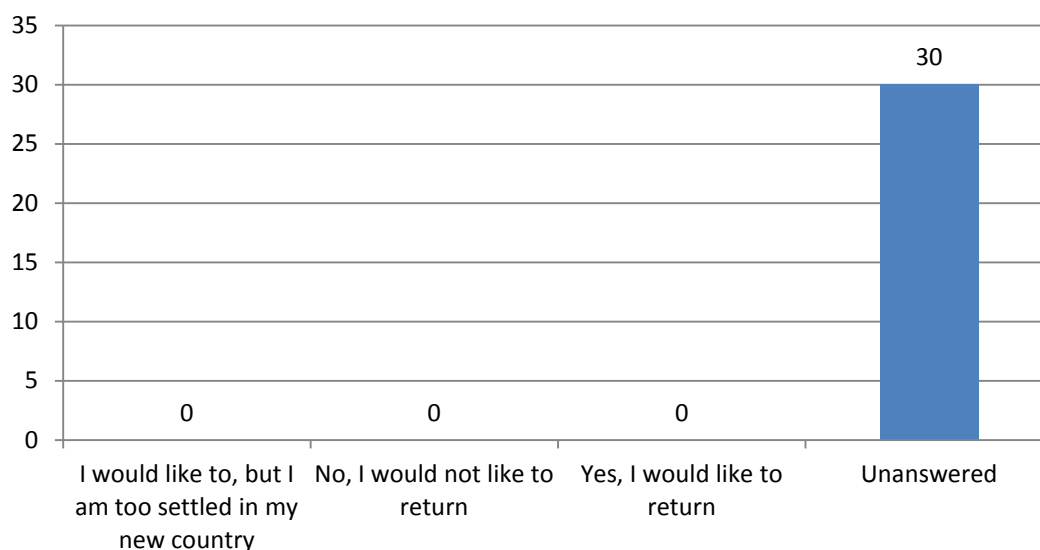


Chart 23: Responses to the question "Would you like to return to Zimbabwe in the future?" (n = 681)

However, the decision is clearly more complicated than simply a desire to return: in a separate question, we found that the majority of those in the diaspora (66%) had already become, or were trying to become, permanent residents in the country they currently live in (see Chart 24 below).

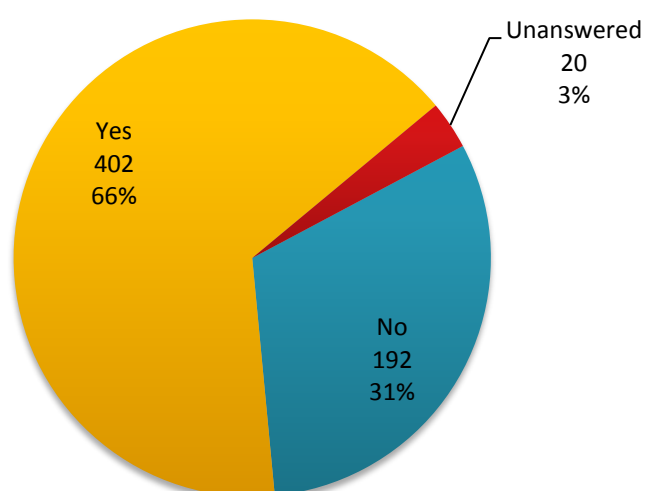


Chart 24: Responses to the question "Have you become, or are you trying to become, a permanent resident in the country you currently live in?" (n = 614)

As more and more Zimbabweans acquire residency rights in new countries, there is a possibility that their expressed clear desire to return at this time will, like 16% of the sample have already indicated, evolve into an emotional wish that is compromised by the practical realities that they and their families become too settled in their new countries. On the other hand, it is only normal for someone even temporarily in a country to seek permanent residence to facilitate employment mobility. Even citizenship is often sought in order to facilitate travel, despite the fact that there is an intention to return home. Doubtless the longer a person is away the more likely he or she is to lose the desire to return home; age also play a role here, with those who left at a young age settling into their new country more quickly and more definitely.

PART B: SUBSTANTIVE RESPONSES

FOUNDING PRINCIPLES OF THE NEW CONSTITUTION

The constitutional outreach process relied on the discussion of a set of foundational constitutional principles and related issues presented as ‘talking points’ on Zimbabwe’s new constitution. Agreed by all parties to the GNU prior to their employment in the public consultation, they concerned issues such as the separation of powers, the place of religious and traditional institutions, and other governmental structures and mechanisms to be secured by the constitution.

A first draft of the outreach talking points designed by the COPAC for the consultation with the people included 14 questions to provoke discussion around what the founding principles of a new constitution should be.¹³ The first draft of the talking points (released in April 2009) was heavily criticized by civic society for being too prescriptive (see Appendices, page 213). They were subsequently revised into a single discussion question “What are the fundamental legacies, values and principles that should underpin the constitution?” (see Appendices, page 224).¹⁴ Our survey asked a handful of specific questions, going into far greater detail than the talking points did, but also allowed respondents to provide free text responses. Table 3 below shows that more than 90% of our respondents supported each of the principles below. The free text responses suggested that many Zimbabweans wanted to include selected human rights and freedoms as a founding principle, but this is possibly because they were not aware at this stage of the survey that these critical issues would be addressed later.

Please select all of the principles and values that you wish to be included as a founding principle in the new Constitution	Number of respondents in favour of	Percentage in favour of	Unchecked
The Constitution is the supreme law of Zimbabwe	960	92%	79
All Zimbabweans, including the State and Government and local government, must observe, uphold, and be subject to, the Constitution	983	95%	56
No institution or person is above the law	994	96%	45
All Zimbabweans have the right to be treated equally	1004	97%	35
The legal and political authority of the State	961	92%	78

¹³ Veritas mailing list, 24 April 2009, *Constitution Talking Points [Part I]* and *Constitution Talking Points [Part II]*

¹⁴ Veritas mailing list, 20 May 2010, *Constitution Outreach Talking Points [Revised]*

derives from the people of Zimbabwe and must be exercised solely to serve and protect the people's interests			
The State is based on democratic principles	954	92%	85
The State must adopt and implement policies and legislation to develop accountability, openness, personal integrity and financial accountability in the Government and all public institutions	973	94%	66
The foreign policy of Zimbabwe must be based on principles of respect for international law and treaty obligations	962	93%	77

Table 3: Principles and values to be included as founding principles in the new constitution (N = 1039)

Since all of these principles form the bedrock of democratic government, and there is considerable overlap between them, particularly the first two and the second two, one wonders why there is even the slight discrepancy between the responses. It suggests, probably, a lack of genuine understanding of some of the concepts.

HISTORICAL IMBALANCES, EMPOWERMENT AND REDRESS

The following questions from our survey were inspired by the first draft of the outreach talking points referred to previously. The questions focusing on the two pre –Independence *chimurengas*¹⁵ are suggestive of Zanu PF policy which seeks to emphasize the armed liberation struggle and honour those who participated in it.

Pre-independence event	Number of respondents in favour of	Percentage in favour of	Unchecked
The Constitution must recognise the need to address historical imbalances in land resources (before 1980)	666	64%	373
The Constitution must recognise the first <i>Chimurenga</i> (against British colonial rule 1896–1897)	341	33%	698
The Constitution must recognise the second <i>Chimurenga</i> (against Rhodesian regime 1966–1980)	404	39%	635

Table 4: Responses to the question "Before 1980: which of the following pre-independence events do you think needs to be recognised in a new Constitution?" (N = 1039)

¹⁵ *Chimurenga* is a Shona word for 'revolutionary struggle'. The Zanu PF party refer to the land reform project as the third *Chimurenga*.

While a majority of our respondents (64%) agreed that the Constitution must recognise the need to address historical imbalances in land resources, most of them did not support the need for the two *chimurengas* to be recognised in the new constitution. The term “recognised” is of course very vague and could mean different things to different people. But even so, only around one third wanted the two *chimurengas* recognised. As a breakdown by race, 40% of black respondents supported the recognition of the first Chimurenga, while 45% supported recognition of the second Chimurenga. This contrasted sharply with white respondents, with only 23% supporting recognition of the first, and 30% supporting the second Chimurenga.

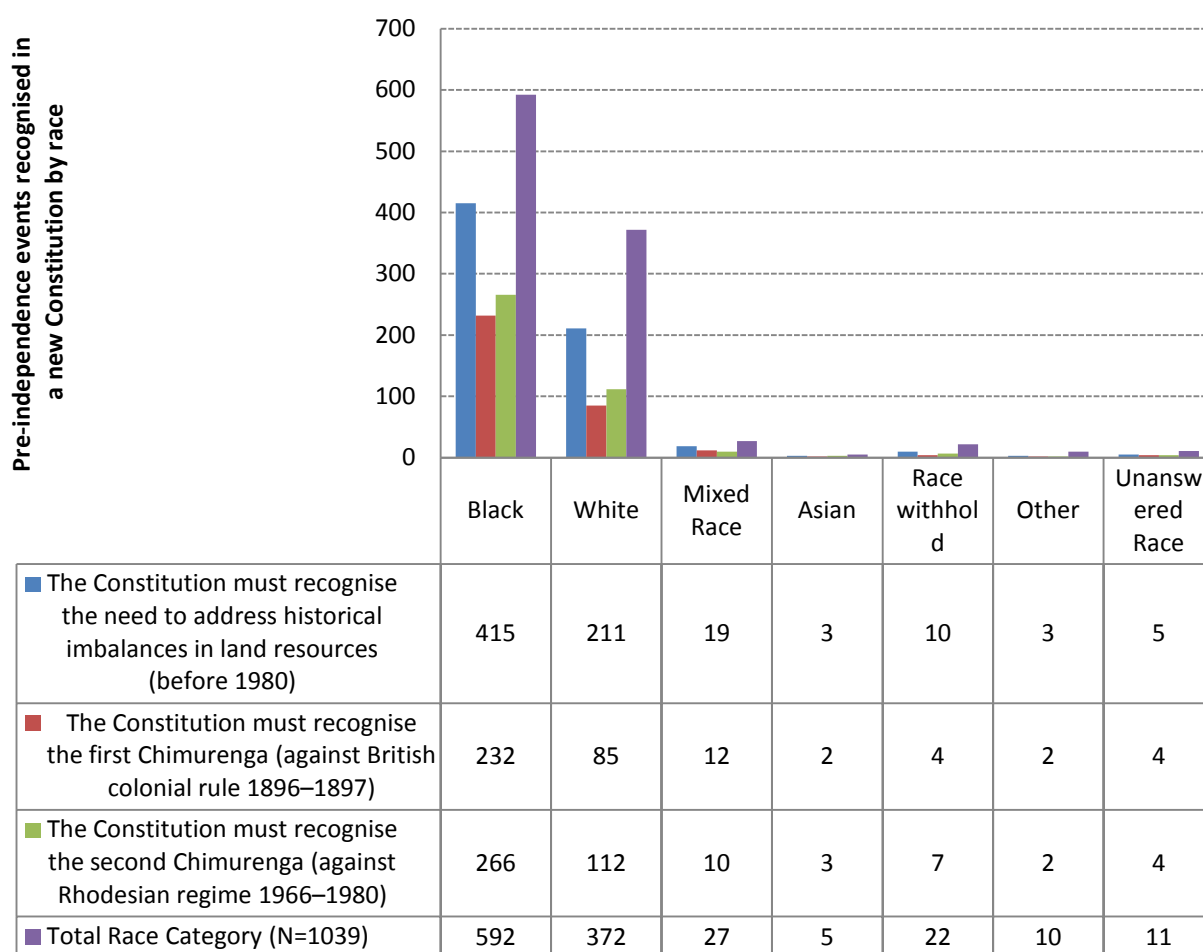


Chart 25: Responses to the question "Before 1980: which of the following pre-independence events do you think needs to be recognised in a new Constitution?" by relevant race group (N = 1039)

On the specific issue of land, however, almost two thirds wanted the constitution to include at least a mention of the problem; this is a clear recognition that it has been a problem that needs addressing.

Post-independence event	Number of respondents in favour of	Percentage in favour of	Unchecked
Gukurahundi ¹⁶	731	70%	308
Murambatsvina	657	63%	382
Political violence	856	82%	183
Corruption	864	83%	175
Abuse of power	869	84%	170

Table 5: Responses to the question "After 1980: which of the following post-independence events do you think need to be addressed in the new Constitution?" (N = 1039)

The constitution outreach talking points did not specifically mention major post-independence issues of concern to Zimbabweans, but we included these in our survey. The last two are clearly constitutional issues, while the first two are rather concrete events. Possibly this is the reason why the first two produced fewer responses indicating that they need to be addressed in the constitution. The complete responses are detailed in Table 5, and they do point to key areas of political and human rights abuses that could be addressed by protective clauses provided for in a new constitution. Even for those which are specific events rather than issues, the majority of our respondents were in favour of constitutional provisions to address them. Again, the word “address” is vague and could refer to a variety of measures – whether in terms of clauses protecting rights, curbing executive powers, or transitional justice mechanisms.

AMNESTY FOR POLITICALLY MOTIVATED CRIMES AND HUMAN RIGHTS ABUSES

On the 9th August 2010, Robert Mugabe, while addressing supporters at National Heroes Acre, seemed to suggest that no one would be held to account for politically motivated crimes and human rights abuses:

We have embarked in earnest on the process of national healing, reconciliation and integration. For the sake of our children and posterity, I want to urge all of you to note that the process of reconciliation is national. It does not seek to ferret out supposed criminals for punishment but rather calls on all of us to avoid the deadly snare of political conflict. Guided by the spirit of tolerance, we should continue to work together in promoting peace and stability regardless of political or religious affiliation.¹⁷

¹⁶

¹⁷ Mhizha, Joel. 9 August 2010, ‘Mugabe hides behind healing programme’, *The Zimbabwean*: http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=33325:mugabe-hides-behind-healing-programme&catid=61&Itemid=30

In fact, this speech stressed reconciliation and omitted any justice, just as he did in 1980 after the independence election.

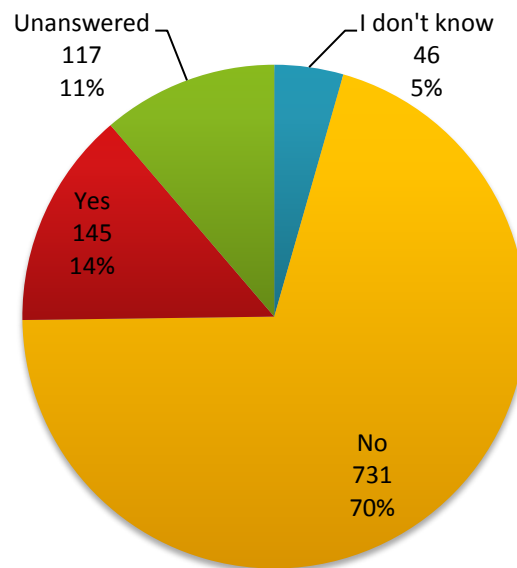


Chart 26: Responses to the question "Should there be an amnesty called for all politically motivated crimes and human rights abuses?" (N = 1039)

However, the responses to our survey demonstrate that people want justice, not just reconciliation. We asked people whether they felt that an amnesty should be granted for politically motivated crimes and human rights abuses. Chart 26 shows that 731 people in our sample of 1039 think that an amnesty should not be granted for politically motivated crimes and abuses. We asked this group of 731 to indicate how far back investigations into past human rights abuses should be carried out. The responses in Chart 27 below correlate with the following key historical moments in Zimbabwean history:

- 1890 – The decade of the first *chimurenga*; a struggle against colonial rule of the British South Africa Company (the BSAC originally established by Cecil John Rhodes)
- 1923 – The end of BSAC rule and the start of Southern Rhodesia becoming a self-governing British colony.
- 1965 – Rhodesian Prime Minister Ian Smith rejects British conditions for independence and makes a unilateral declaration of independence (UDI).
- 1970 – The decade of the second *chimurenga*, the Zimbabwean War of Liberation.
- 1980 – Zimbabwe becomes an Independent state.
- 1987 – The year the Unity Accord was signed, ending years of violence in Matabeleland during which thousands of civilians were massacred.

- 2000 – Referendum held on a new constitution; Zimbabwean voters reject the Zanu PF government’s draft constitution and a new decade of political struggle and violence begins.

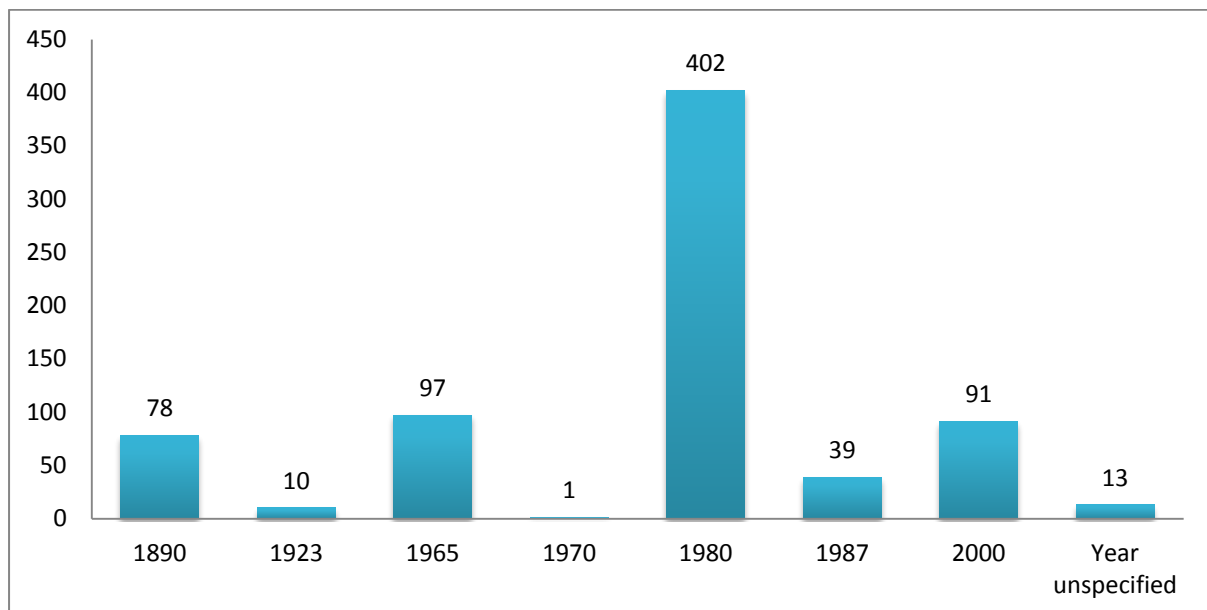


Chart 27: Responses indicating support for how far back crimes/abuses should be investigated? (n = 731)

A clear majority of our respondents indicated that investigations into politically motivated crimes and past human rights abuses should begin with 1980, the year of Zimbabwe’s independence. Given that the earlier year options (1890, 1923, 1965 and 1970) revolve around struggles against oppression and for freedom by the black majority against a white minority, we carried out a closer analysis of responses for this group by race – these results are detailed in Table 6 below.

Year	Black	White	Mixed Race	Asian	Race withhold	Other	Unanswered
1890	43	30	1	0	2	1	1
1923	4	6	0	0	0	0	0
1965	33	54	2	0	4	2	2
1970	1	0	0	0	0	0	0
1980	225	150	11	1	9	4	2
1987	22	14	2	0	0	0	1
2000	47	38	3	1	2	0	0
Year unspecified	9	3	0	0	0	0	1
Totals	384	295	19	2	17	7	7

Table 6: Racial analyses of responses indicating how far back crimes/abuses should be investigated (n = 731)

Chart 28 below uses the results from Table 6 to calculate each response as a percentage of the total for relevant race groups.

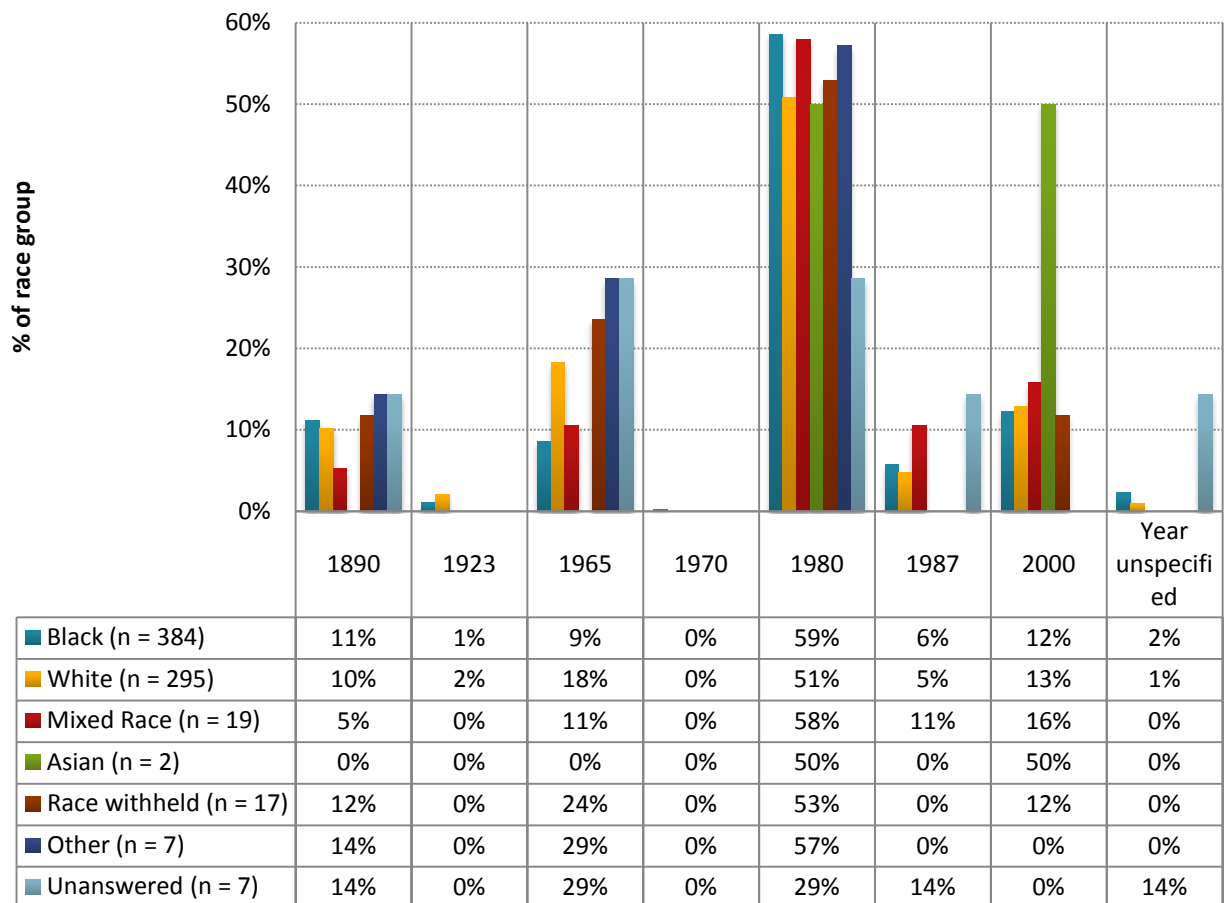


Chart 28: Results in Table 6 as a percentage of relevant race group (n = 731)

11% of all black people who responded to this question believe that crimes should be investigated as far back as 1890; but very slightly fewer, 10%, of all whites also felt 1890 should be the starting point for investigations. More whites than blacks proportionally favoured 1923 and 1965 as the years to start investigations from: this correlates to 2% of all whites compared to 1% of all black people, and 18% of all whites compared to 9% of all black people respectively.

The greater part of all race groups believe that investigations should begin with 1980, the year of independence. 59% of all black respondents chose this option, 51% of all the white people, 58% of all those who are mixed race, and 53% of those who withheld information about their race. Only two Asian people responded to this question; one of them selected 1980 as their preferred starting point, while the other opted for 2000. What is notable is the relatively similar responses by race, showing that there is not a great deal of divergence here. Surprisingly, 18% of whites want the investigations to start with the liberation war, when there were significant abuses on both sides and 11% wanted them to go back to the original conquest. One might have expected that few would want these abuses investigated. And since whites have been a major target in the years after 2000 one might have expected a larger percentage of whites to focus on the recent period.

We also asked all of those who opposed an amnesty to give us a qualitative emotional response indicating how they would feel if an amnesty was called, these results are contained in Chart 29 below. Most of the responses fell into three categories: anger, disappointment and betrayal. The majority (40%) opted for 'disappointment' as their closest overriding emotional response if there was no redress for politically motivated crimes; the second largest group said they would feel betrayed (30%) while the third said they'd feel angry (19%). 93% of these show strong feelings – 66% of the total sample of 1039. This is a fairly powerful indicator of what might be needed to achieve a smooth transition as well as to bring the diaspora back home.

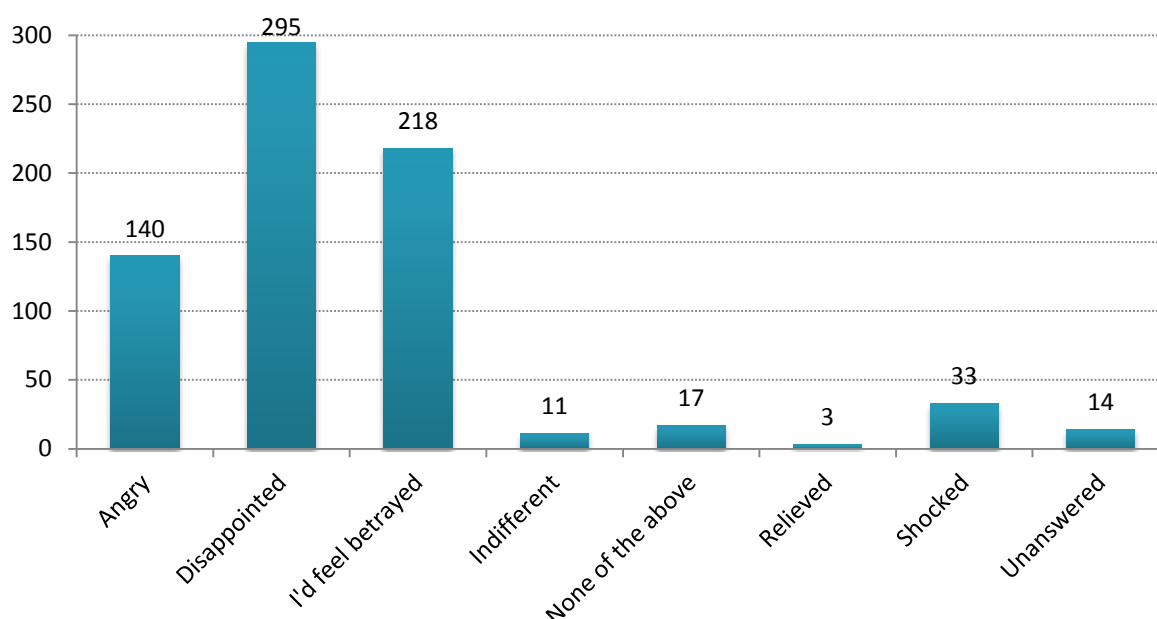


Chart 29: Answers to the question "How would you feel if there was no redress for politically motivated crimes / human rights abuses committed since the time you selected?" (N = 731)

Chart 30 shows the breakdown of these answers by location. Similar conclusions can be drawn from both groups of respondents inside and outside Zimbabwe, but the diaspora recording a strong feeling if no redress was carried out (82%), compared with 58% of respondents from inside Zimbabwe. Interestingly, over a third of the respondents living in Zimbabwe did not answer this question at all.

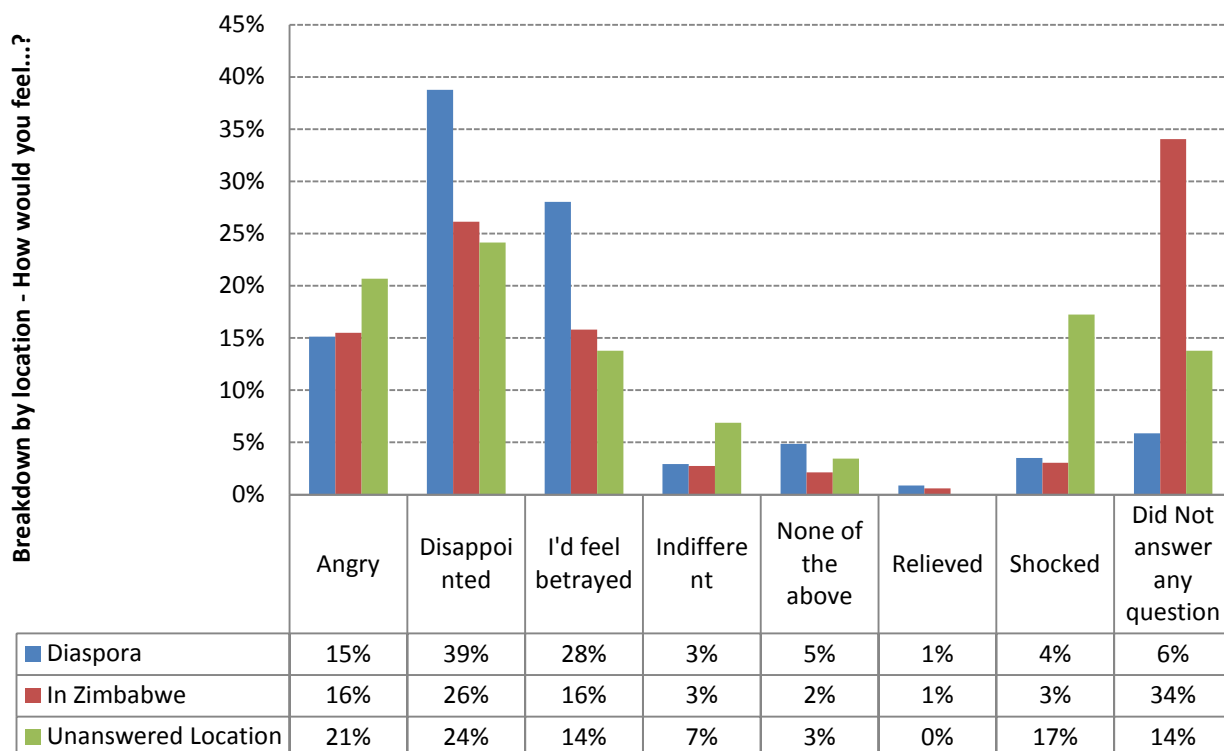


Chart 30: Breakdown by location - Answers to the question "How would you feel if there was no redress for politically motivated crimes / human rights abuses committed since the time you selected?" (N=1039)

TRUTH AND RECONCILIATION

An overriding majority of our sample of 1039, 722 respondents (69%) - see Chart 31 below - believe that Zimbabwe should have a process similar to South Africa's Truth and Reconciliation Commission (TRC). The majority of those who answered 'Yes' to a TRC process (84%), indicated that they believed this would help heal Zimbabwe – a response that suggests that this is why a majority supported a TRC process. On the other hand, the majority of those who said 'No' to TRC process (50%) indicated that they thought having one would make no difference to national healing at all while 39% of those who answered 'No' thought it could make things worse.

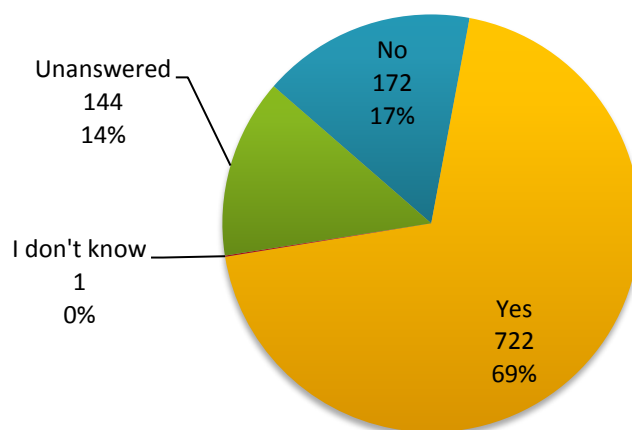


Chart 31: Responses to the questions "Do you think Zimbabwe should have a process similar to South Africa's 'Truth & Reconciliation Commission'?" (N = 1039)

16% of those who supported a TRC process were also equivocal, skeptical or uncertain, but supported a TRC process regardless: 5% thought it would make no difference; 8% were uncertain about whether it would make a difference or not; and 2% thought it could make things worse. The results from this subset of respondents suggests that an open expression of 'truth' resonates for people, and that this makes the process worthwhile regardless of whether the desired 'national healing' outcome is achieved or not. It should also be pointed out that a Truth and Reconciliation Commission could take a variety of forms, and some might support it only if certain conditions were fulfilled. Full details for all responses are contained in Chart 32 below.

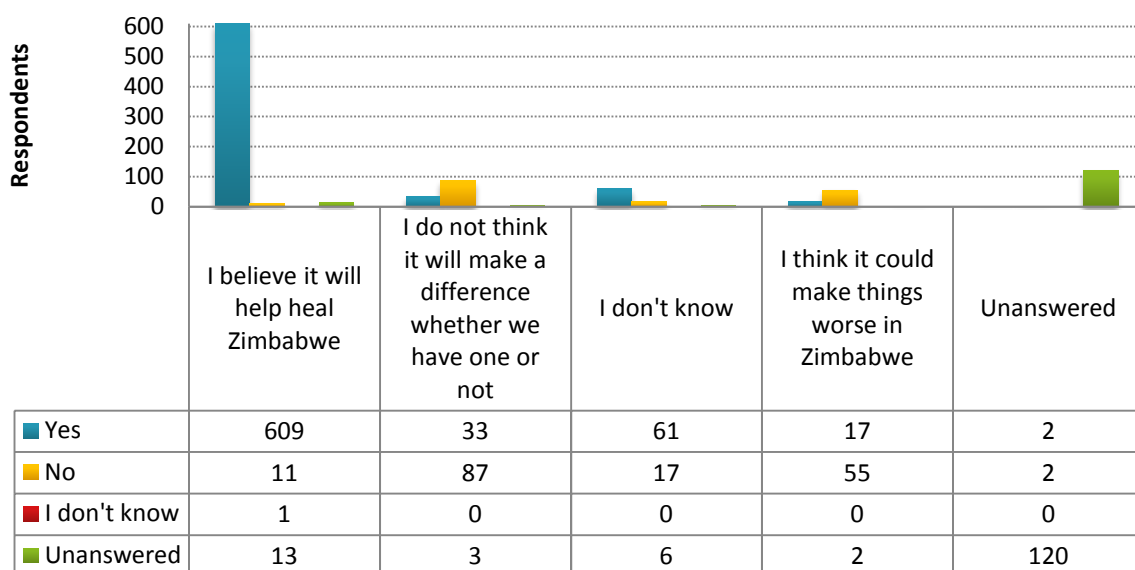


Chart 32: Responses to the question "Do you believe a process similar to South Africa's 'Truth & Reconciliation Commission' will heal Zimbabwe or make things worse?" (N = 1039)

SELECTED PUBLIC COMMENTS ON 'THE FOUNDING PRINCIPLES'

Zimbabwe must always remember that it is a member of SADC, AU & UN and to that extent our own Constitution must be in agreement and not in conflict with any laws that may come from these bodies. ~ Anonymous – 1 January 2010

It is unfortunate that when we were colonised we had no written laws though our traditions and customs were well known. We should therefore preserve the good things and abolish bad ones. Culture is dynamic. We should add better things according to this developed world. We should also endeavour to develop. We must also be able to distinguish between a traditional chief and president/prime minister of a country. When making a constitution we must not try to please an individual for the constitution is paramount for future generations. Everyone including leaders must abide by the constitution. ~ David Gondokondo – 2 March 2010

The republic of Zimbabwe was ill served by the Lancaster House document. Surely it was wrong to model a republic on a constitutional monarchy. Would it not be better to take the USA as a better model or even France. So start with a clean sheet and produce a constitution that fits the needs of Zimbabwe by taking indigenous traditions and building from there. Then we might indeed see African solutions to African problems. ~ Anonymous – 18 March 2010

There is no need to have Constitutional Law studied in schools before A level. This is simply because the nation might not have the capacity to do that (financially, manpower for teaching and capacity to examine among others). However the Min of Education should design an awareness component fused in the curriculum so that any reasonable school graduate (eg O level) should be able to articulate and demonstrate a sound understanding of civic issues. By the way, having the Constitution contents taught in schools unconsciously can have a far better effect in inculcating civic awareness and produce a highly patriotic cadre that cannot be compared to the notorious Green Bombers. ~Anonymous – 12 May 2010

HUMAN RIGHTS AND FREEDOMS

BILL OF RIGHTS

We asked our sample to complete a checklist for rights and freedoms that should be included in the new Constitution as a 'Bill of Rights'; we also provided free text space for rights and freedoms not included in our list.

An overwhelming majority of all of our respondents checked all the rights we listed with very little to distinguish between which Rights were favoured more than others; in fact, 90% or more of respondents checked every single right with one exception, the 'Right to control of one's own body' which was supported by 83% of respondents (we discuss this later in the section).

Top-ranking rights that attracted more than 1000 'votes' (out of a possible 1039) were as follows

- Freedom of political opinion (1013)
- Freedom from discrimination (1010)
- Freedom of movement (1010)
- Right to education (1009)
- Freedom from torture and inhuman or degrading treatment (1007)
- Freedom of speech and expression (1006)
- Rights to equality before the law (1001)
- Right to property (1000)

The most common request for a Right to be included via free-text submissions was for 'Gay rights'. This, however, is covered separately in the survey as are many of the other requests left as free-text responses.

Of the free text responses for rights not covered in this section (or elsewhere in the survey), many asked for the simple 'Right to Vote' to be included, and there were several requests for 'Animal Rights' to be acknowledged as well.

Full details for answers to all the rights in our checklist are provided in Chart 34 on page 40.

Chart 33 below reveals that 73% of our total sample believes that the Bill of Rights should only ever be changed by the People, through a referendum. 14% felt Parliament should be able to amend, while 3% opted for an Independent Commission.

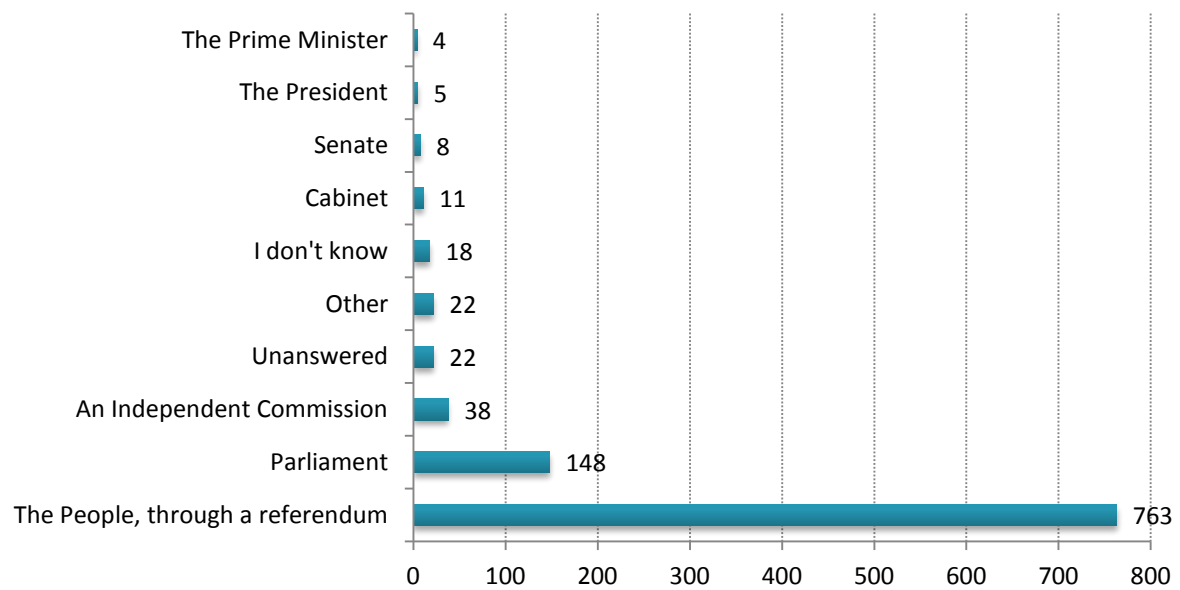


Chart 33: Responses to the question "Who should have the power to make changes to the Bill of Rights?" (N = 1039)

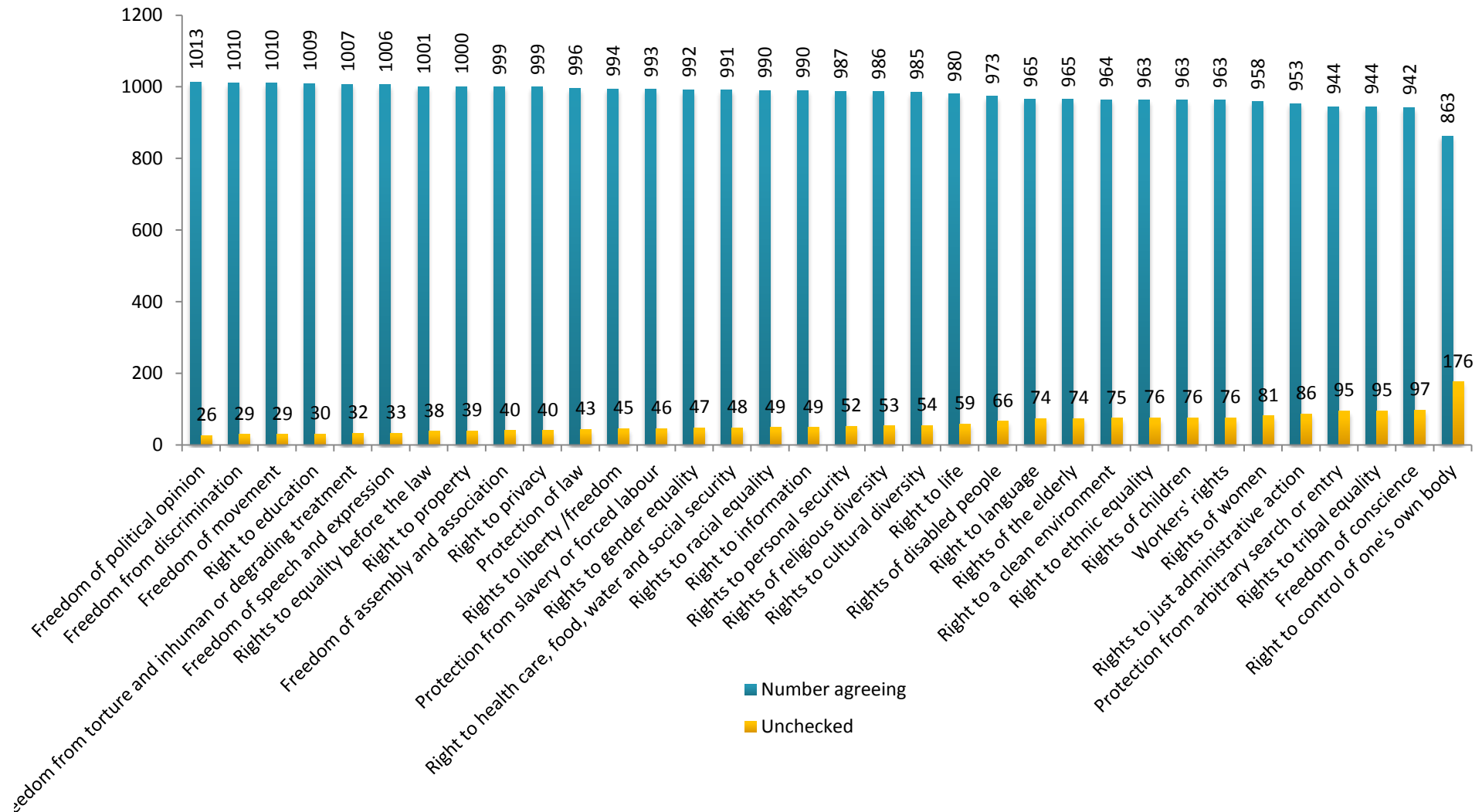


Chart 34: Support for rights and freedoms that should be included in the new constitution as a 'Bill of Rights' (N = 1039)

RESTRICTIONS/LIMITATIONS TO HUMAN RIGHTS AND FREEDOMS

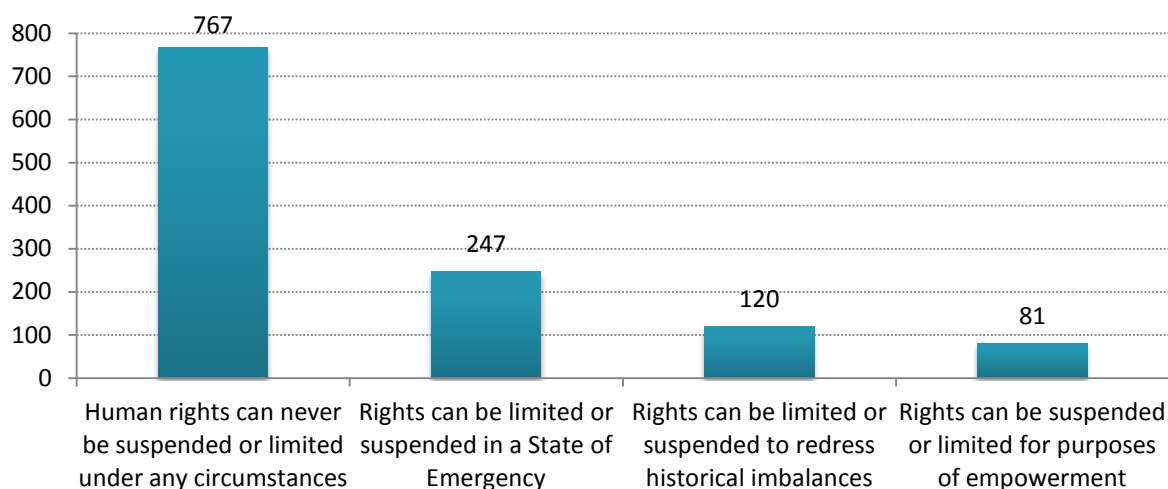


Chart 35: Chart showing support for occasions when it is acceptable to suspend, or restrict, some human rights provided in our checklist (N = 1039)

We asked our respondents whether there were occasions where it was acceptable to suspend or restrict human rights. The majority of people we surveyed (74%) felt that human rights should never be limited or suspended under any circumstances. Other circumstances which justified the suspension or limitation of human rights are as follows: a State of emergency (23%), redressing historical imbalances (12%), and limitations or suspensions for the purposes of empowerment (8%). The small numbers accepting limitation of rights during a state of emergency reflects experience of Zimbabweans in the 1980's when many people suffered detention without trial for political reasons. They obviously ignore the fact that in times of war or natural disaster it is sometimes necessary to suspend some rights. The small numbers accepting suspension for correction of historical imbalances or empowerment of disadvantaged groups suggests little support for affirmative action of any kind. This assumption is however contradicted by the answers shown in Chart 135 (p.140) where more than half the respondents accepted affirmative action to correct gender imbalances.

RIGHTS THAT CHALLENGE THE NATION

We separated human rights that many people find controversial from our broader 'Bill of Rights' checklist in an effort to make sure that our respondents noticed them and responded fully. These included the questions relating to the death penalty, rights to same-sex relationships and marriage, abortion rights, and the relationship between human rights and culture. Each is addressed in turn here.

THE DEATH PENALTY

The numbers who favour retaining the death penalty (44%) and those who are opposed (49%) are very close, with a slightly larger number opposing. 62 respondents, making up 6% of the sample, are undecided, and possibly the other 7 who did not answer the question are also undecided. Generally it is assumed, and apparently the data collected by the COPAC outreach confirmed, that a much larger percentage of the general population favour retaining the death penalty. The discrepancy here is probably attributable to the higher education standard of the respondents as well as the fact that many live in countries where the death penalty has already been abolished. It is not clear why this has become such an emotive issue, but in this regard Zimbabwe is not different from other countries.

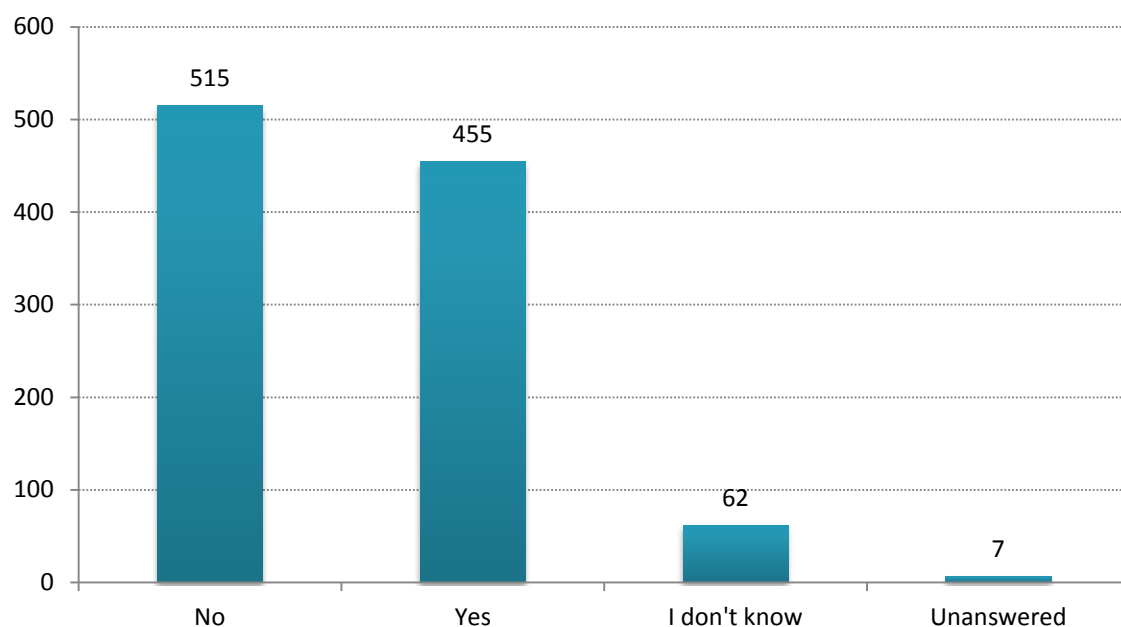


Chart 36: Responses to the question "Do you think Zimbabwe should keep the death penalty?" (N = 1039)

SAME-SEX RELATIONSHIPS AND SAME-SEX MARRIAGE

Zanu PF has leveraged its belief that there is widespread intolerance for homosexual rights among Zimbabweans to use the issue as a campaign tool against the MDC parties during the constitution outreach; for example, a working paper by the Zanu PF Constitution Making Process Group argued

that the MDC favoured a broad based approach to discrimination, to include “the protection of personal preferences (*i.e. gays and lesbians should be protected by the constitution*)” (p. 6).¹⁸

Abortion rights, another emotive issue in countries around the world, have also been used as a way to campaign against the MDC parties (abortion rights are discussed in the next section on page 46).

Nelson Chamisa, in January 2010, publically tried to distance the MDC-T party from comments being made by Zanu PF campaigners:

Zanu PF is peddling a lot of lies about the party of excellence, the MDC. They are going around telling people that our party supports homosexuality and abortion. These are all lies meant to disturb the masses attention on the new constitution process.¹⁹

In March 2010 Robert Mugabe argued that “If you are doing that [being homosexual], you are destroying nationhood.”²⁰ And then again referring to homosexual rights and the new constitution in July 2010, he said “We say no to gay rights. We will not listen to those advocating for their rights in the new constitution”.²¹

We sought to explore how deeply ingrained this intolerance is among the Zimbabweans we surveyed. We asked our respondents two questions: “Do you think a new Constitution should allow same-sex relationships?”, and “Do you believe that the new Constitution should allow same-sex couples to marry, or form civil partnerships?” The results are detailed in Chart 37 below.

¹⁸ ‘Comparative Analysis of MDC and Zanu (PF) Constitutional Positions’, 24 November 2009, *Zanu (PF) Constitution Making Process group*: <http://www.sokwanele.com/node/1476>

¹⁹ ‘MDC does not support pro-Gay policies – Chamisa’, 18 January 2010, *The Zimbabwe Mail*: <http://www.thezimbabwemail.com/zimbabwe/4329.html>

²⁰ ‘Robert Mugabe: Gays Are ‘Destroying’ The Nation’, 26 March 2010, *On Top Magazine*: <http://ontopmag.com/article.aspx?id=5487&MediaType=1&Category=24>

²¹ ‘No gay voice in new Zimbabwe constitution: Mugabe’, 18 July 2010, *AFP*: <http://www.google.com/hostednews/afp/article/ALeqM5giVWswVTzJxcH8bsrK5UdZzkuKKQ>

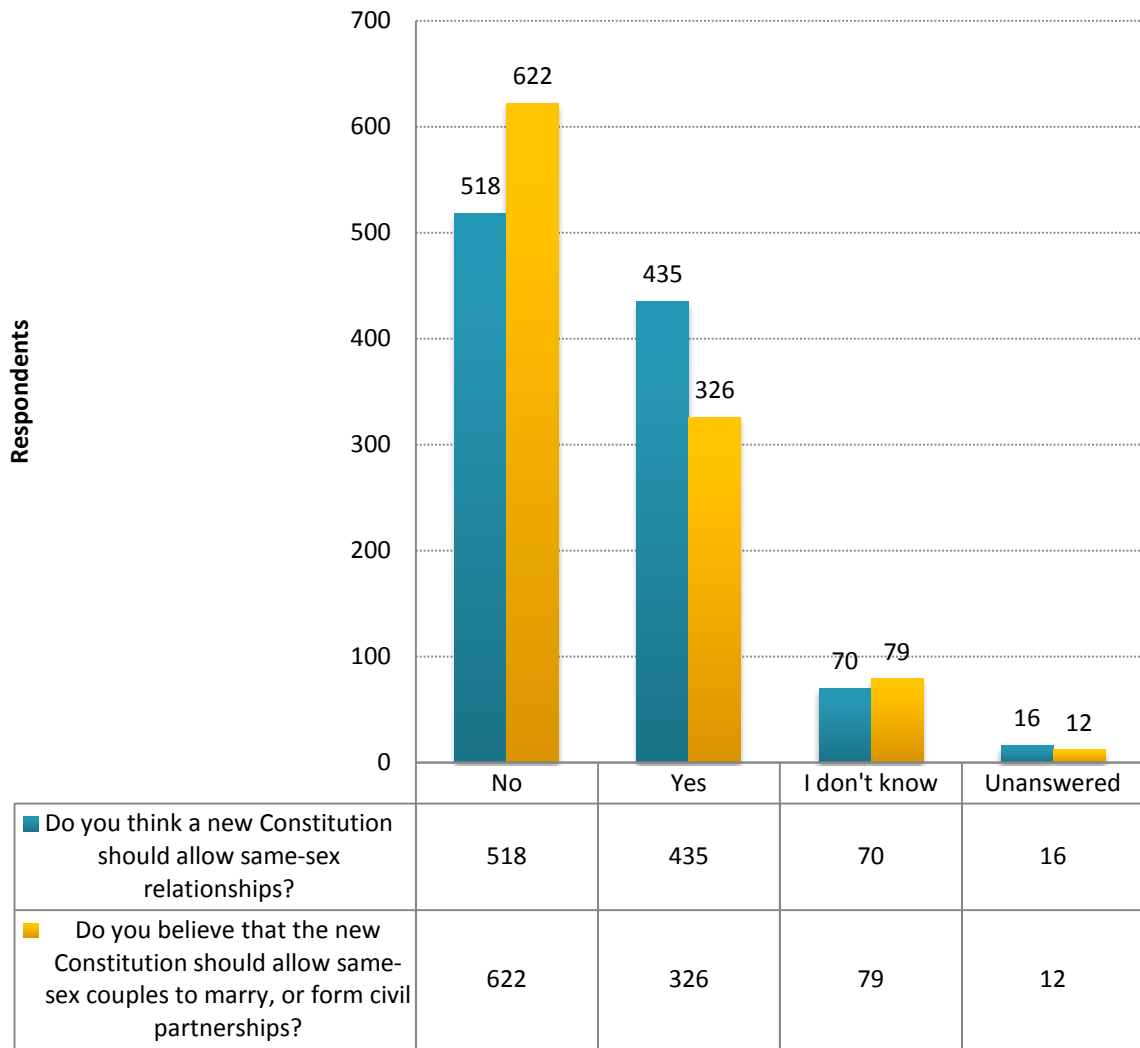


Chart 37: Responses to questions about rights for same-sex couples (N = 1039)

A majority of those we surveyed were opposed to the constitution recognizing same-sex relationships, but not a large majority of people: 50% said 'No' to the question 'Do you think a new Constitution should allow same-sex relationships?' , 42% said 'Yes', and 7% answered 'I don't know'.

In regard to the right of same-sex couples to marry the opposition was more emphatic, with 60% opposing. The 31% who said "yes" represent a significant minority and 8% answered 'I don't know'.

	Black	White	Mixed Race	Asian	Other	Race withheld	Unanswered	TOTALS
No	409	83	9	2	3	6	6	518
Yes	141	254	16	3	6	13	2	435
I don't know	30	34	2	0	1	3	0	70
Unanswered	12	1	0	0	0	0	3	16

Table 7: Breakdown, by race, of answers to the question 'Do you think a new constitution should allow same-sex relationships?' (N = 1039)

We also carried out a racial analysis of responses to the question ‘Do you think a new Constitution should allow same-sex relationships?’ Table 7 on page 45 contains all the responses given by our sample, and Chart 36 shows the same data as percentages in graphic form.

The table and the chart together reveal a clear racial divide between those in our sample group who support same-sex rights and those who do not: the majority of black respondents said “No” (69%), while the majority of whites (68%) said “Yes”, and the majority in all other race groups were also in favour of the new Constitution allowing same-sex relationships, with 60% or more of people in each group answering ‘Yes’ to the question.

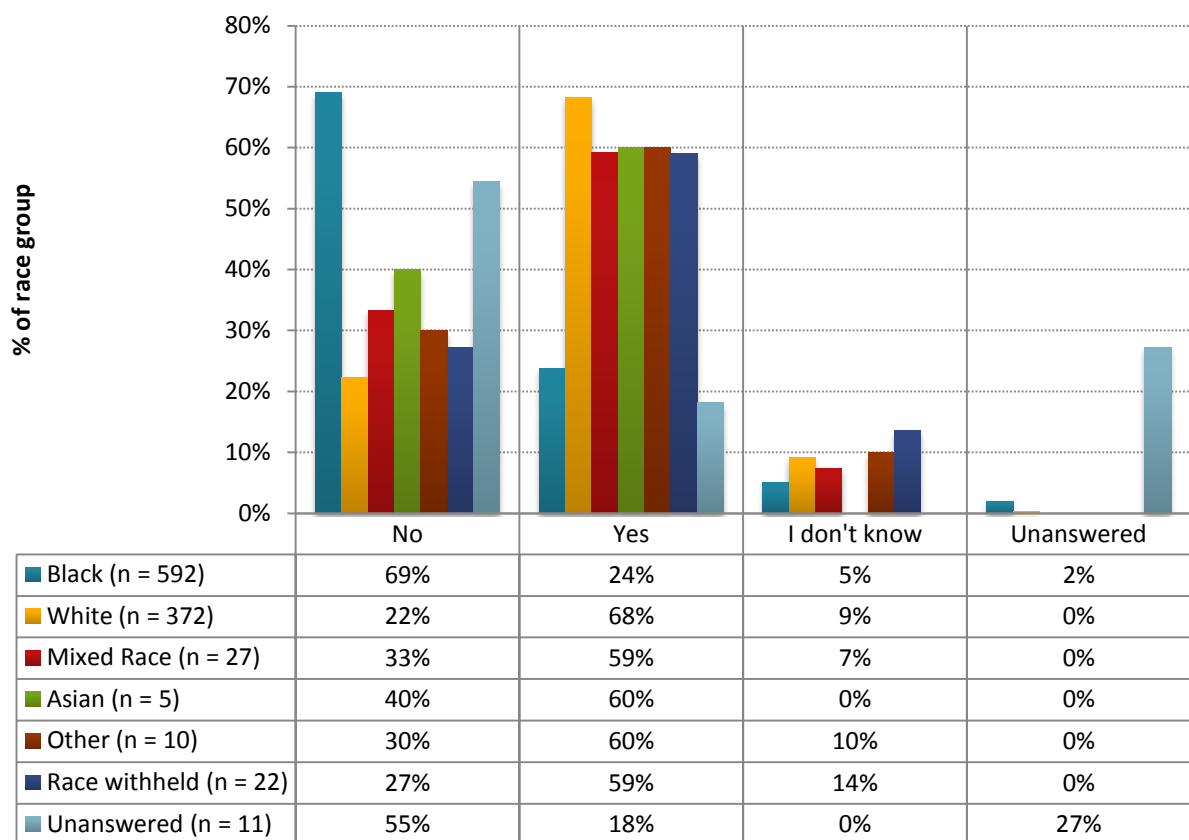


Chart 38: Results from Table 7 (see page 44) displayed as a percentage of each race group responding (N = 1039)

ABORTION

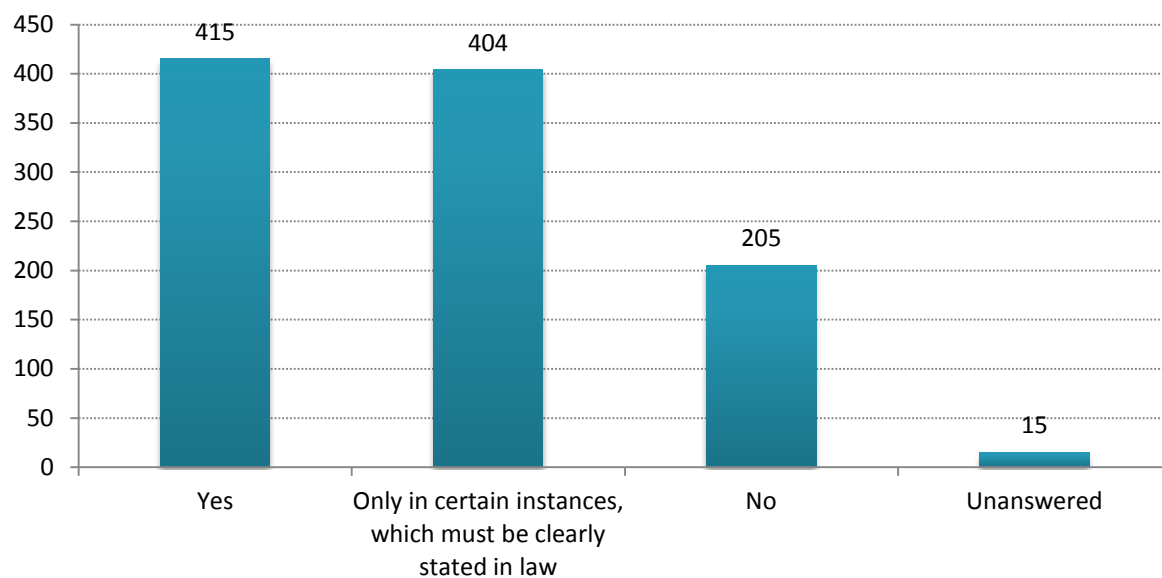


Chart 39: Responses to the question 'Should the Constitution provide women with rights to have an abortion?' (N = 1039)

Abortion is another very emotive and contentious rights issue. A minority of those we surveyed (19%) were completely opposed to the constitution guaranteeing the right to abortion in any condition. By a narrow margin, the largest number of those we surveyed were in favour of the constitution preserving full rights to abortion (40%) while a few less (39%) believed that abortion rights should be preserved but, 'Only in certain instances, which must be clearly stated in law'. (See Chart 39 on page 46 for all responses.)

Table 8 below breaks down all the responses to the question by gender, and these results are depicted in Chart 40 on page 47 as a percentage of each of the gender groups responding.

Gender	Yes	Only in certain instances, which must be clearly stated in law	No	Unanswered	Total gender
Male	288	280	54	8	630
Female	119	106	145	3	373
Gender unspecified	8	18	6	4	36
	415	404	205	15	1039

Table 8: Gender analysis of responses to the question, 'Should the Constitution provide women with rights to have an abortion?' (N = 1039)

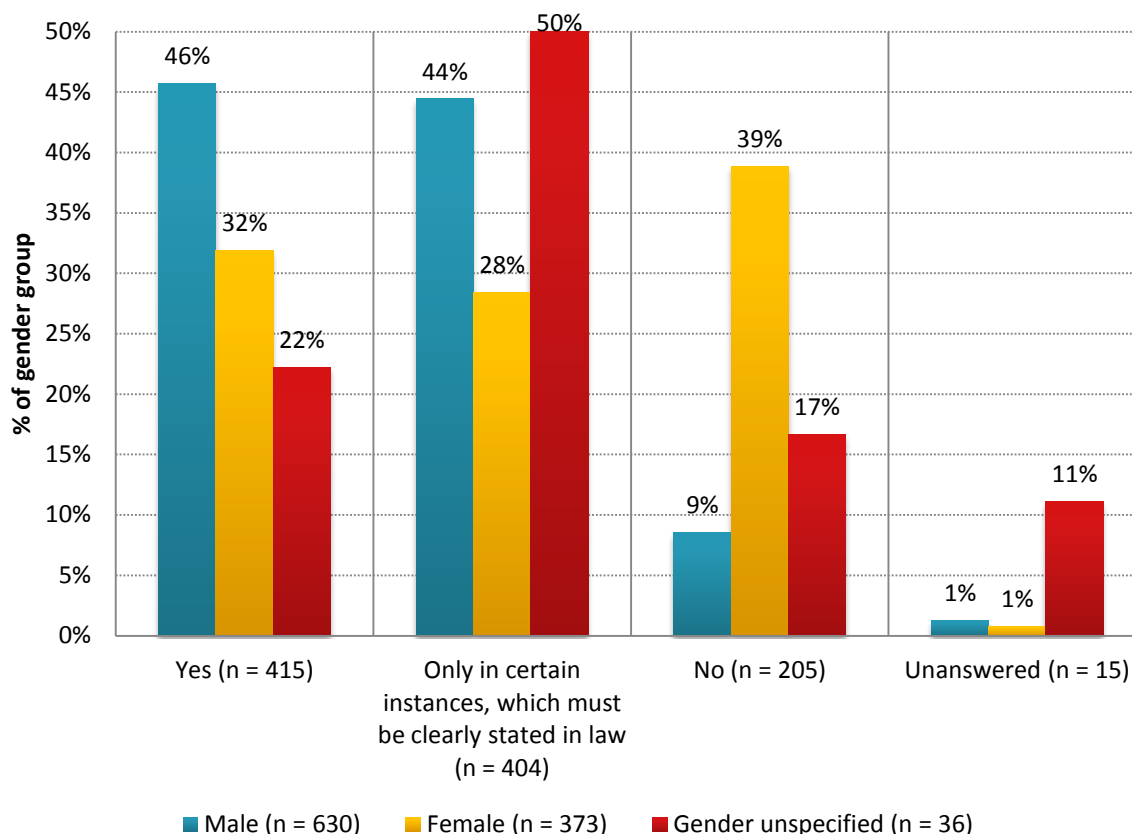


Chart 40: Results from Table 8 (see page 46) displayed as a percentage of the relevant gender group responding (N = 1039)

Chart 40 shows that 39% of women respondents are opposed to the constitution providing for any right to abortion, while 46% of the men who responded favoured full rights to abortion. If we combine the figures in the first two responses, we find that 90% of men, but only 60% of women are prepared to accept the right to abortion either on demand or in specific situations. We can assume that those situations would be those prevailing in the current law, such as rape, incest, or threat to the health of the mother. What seems surprising is the large discrepancy between men and women, which could only be explained by further investigation.

CULTURE AND HUMAN RIGHTS

We asked all of our respondents to tell us whether they thought there were ever occasions where 'culture' should take priority over human rights, defining 'culture' as 'traditional African values'. The responses to this question are contained in Chart 41 on page 48. The vast majority (64%) of those who answered said that 'Human Rights must always take priority over culture'.

But because this question is concerned with 'traditional African values', we also carried out a proportional analyses of these answers by race. A summary of all responses, by race, are contained in Table 9 on page 48.

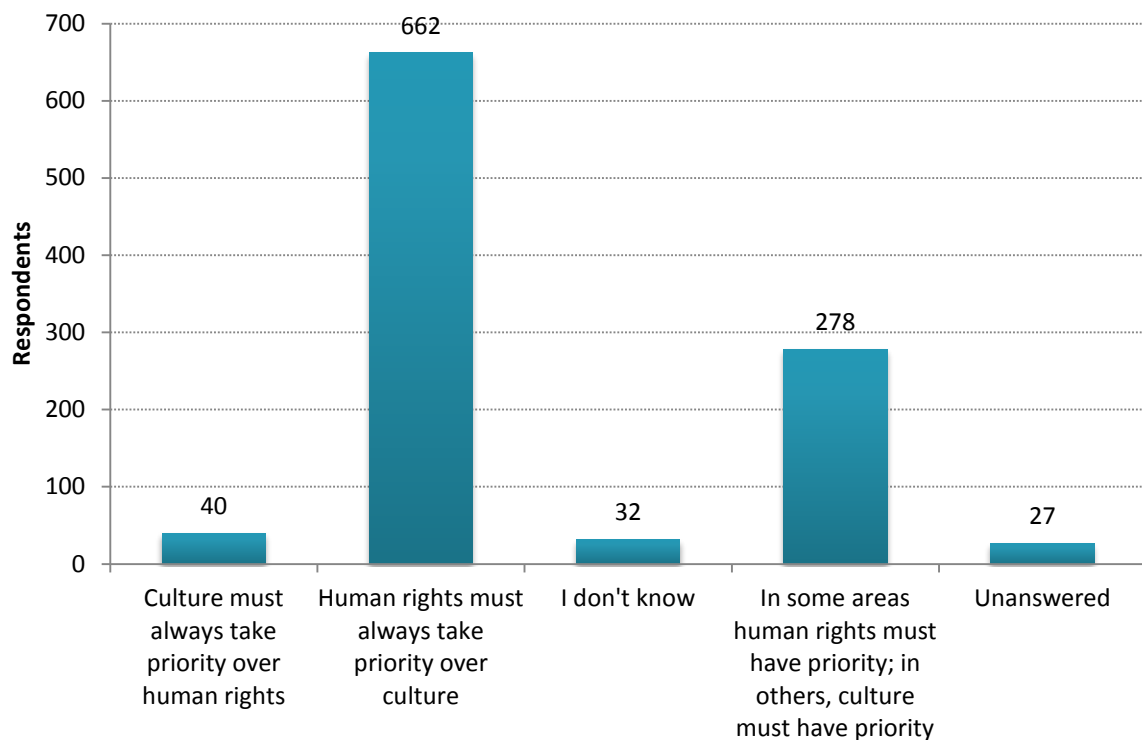


Chart 41: Responses to the question 'Do you think culture always takes priority over human rights, or do human rights take priority over culture?' (N = 1039)

	Black	White	Mixed Race	Asian	Other	Race withheld	Unanswered	Totals
Culture must always take priority over human rights	36	3	0	0	0	0	1	40
Human rights must always take priority over culture	315	297	20	3	9	15	3	662
I don't know	21	9	0	1	0	1	0	32
In some areas human rights must have priority; in others, culture must have priority	201	60	6	1	1	6	3	278
Unanswered	19	3	1	0	0	0	4	27

Table 9: Responses, by race, to the question 'Do you think culture always takes priority over human rights, or do human rights take priority over culture?' (N = 1039)

A majority of people from each race group said that ‘Human rights must always take priority over culture’ although significantly a smaller proportion of black people (53% of all black people who answered the question) agreed with this view. Proportionally more black people, when compared to other race groups, believed that ‘In some areas human rights must have priority; in others, culture must have priority’: this correlated to 34% of all black people compared with 16% of whites, 22% mixed race, and 20% of all Asians. It is hardly surprising that a larger percentage of black respondents are prepared to allow for some situations where culture will trump human rights. Of course “traditional African values” can scarcely be defined and mean different things to different people, and include variations according to ethnic group as well as historical time.

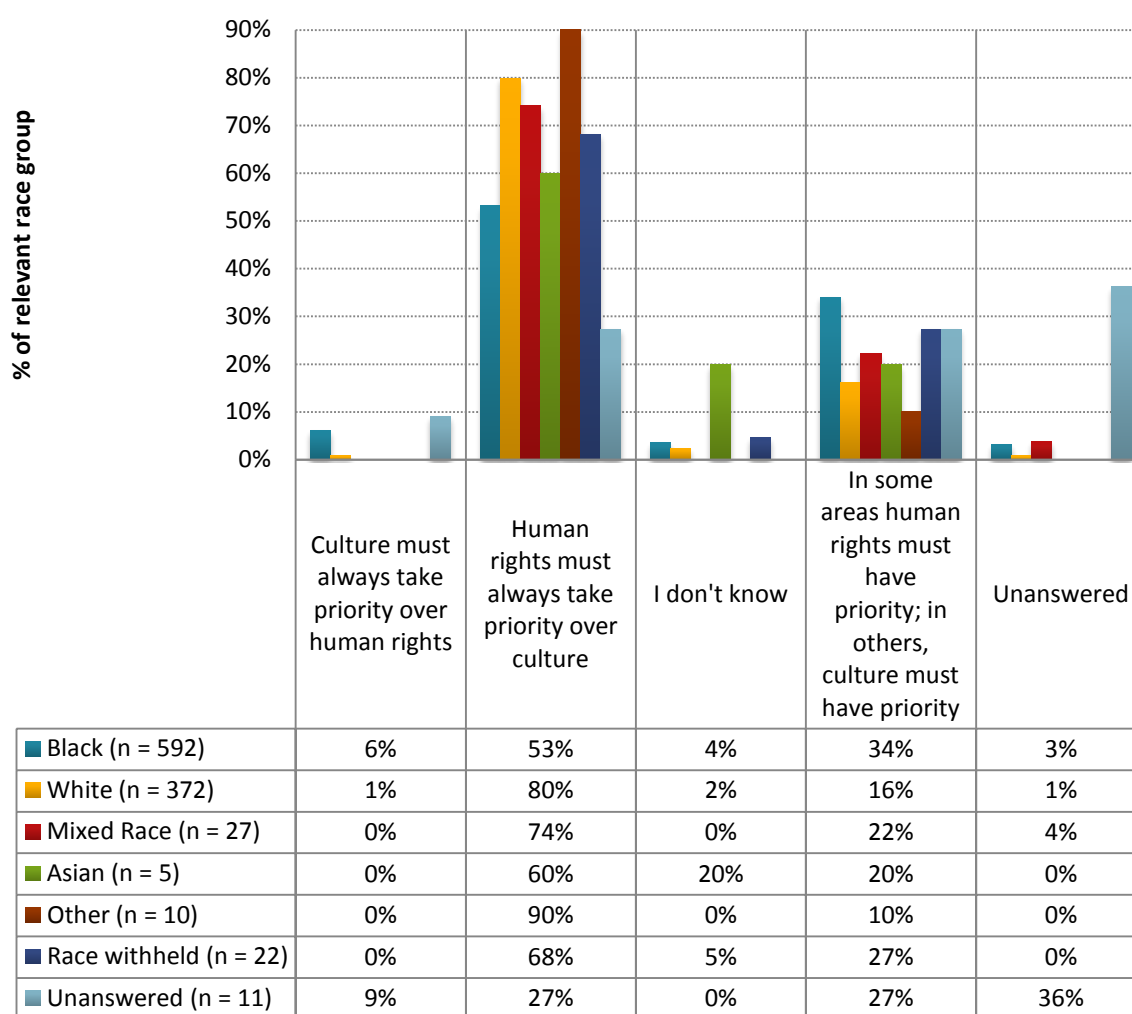


Chart 42: Responses from Table 9 as proportional values for each relevant race group (N = 1039)

SELECTED PUBLIC COMMENTS ON 'HUMAN RIGHTS AND FREEDOMS'

The problem with this entry [Kariba Draft entry on 'Marriage'] is the words "of the opposite sex" effectively legislates for homophobia. Why have a law that enshrines DISCRIMINATION in such an important document of human rights? If South Africans can recognise the rights of all human beings to marry the person they love then why can't Zimbabweans? The new constitution offers us the chance to truly respect ALL human rights of EVERYONE. ~ Unfair – 1 January 2010

The reference to the opposite sex is not in keeping with the modern world. Why can't people marry who they want! It was frowned upon for whites to marry blacks not so long ago. What's the difference between racial discrimination and sexual orientation discrimination? ~ Anonymous - 11 January 2011

We find it annoying that white folk or westerners in general keep yapping on about 'modern world', human rights' and equality...to try and corrupt us and our morals. If John sleeping with Adam is your piece of cake, then by all means, carry on...but not in Zimbabwe, not in Uganda, not in Malawi...by God...not in Africa! Just as Africans settling in Europe must learn to conduct themselves in ways acceptable to Europeans ... guess what Europeans settling in Africa must do! ~ James Watadza – 3 February 2010

CITIZENSHIP

The citizenship section of our survey yielded clear unequivocal responses to questions.

DUAL CITIZENSHIP

90% of the people responding to our survey believe that Zimbabweans should be allowed dual citizenship - only 4 people out of a total 1039 respondents chose not to answer the question. 8% of respondents felt that Zimbabweans should not be allowed dual citizenship.

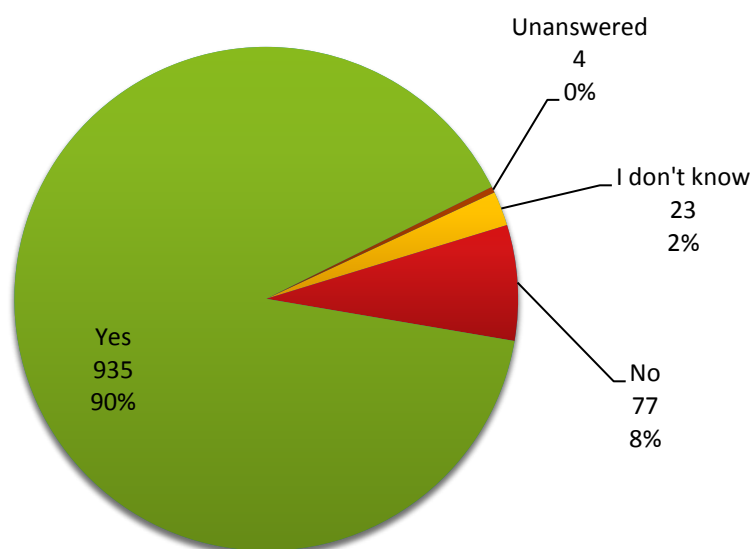


Chart 43: Responses to the question 'Do you believe that Zimbabweans should be allowed dual citizenship?' (N = 1039)

Because the majority of our respondents live in the diaspora, and therefore may be more inclined to favour dual citizenship, we also focused on answers from respondents still living in Zimbabwe – excluding responses from those in the diaspora and those who split their time living part-time between Zimbabwe and another country. These are contained in Chart 44 on page 52.

A clear majority of those living in Zimbabwe also believe that Zimbabweans should be allowed dual citizenship (82% compared to 90% of diasporans), but 14% felt they should not (compared with 8% of our total sample). The racial factor may also be at play on this topic, with more than a third being white, and therefore being more likely to have ancestral ties with a country other than Zimbabwe.

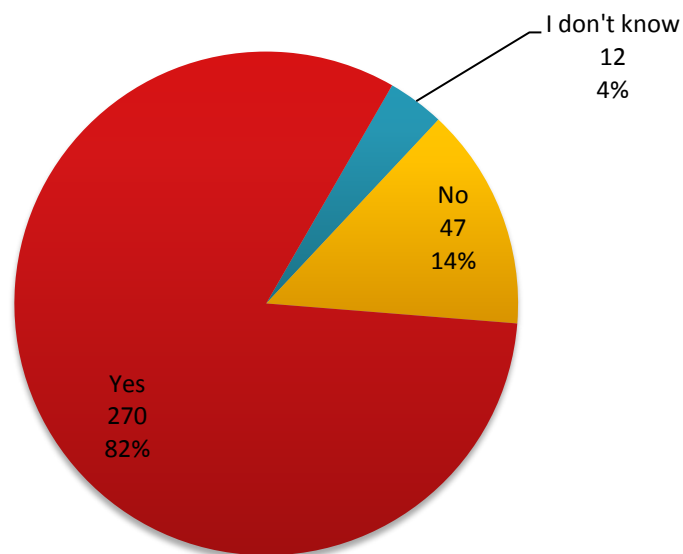


Chart 44: Responses from respondents living in Zimbabwe to the question 'Do you believe that Zimbabweans should be allowed dual citizenship?' (n = 329)

CITIZENSHIP BY BIRTH, DESCENT AND REGISTRATION

Chart 45 below details responses identifying different circumstances which our respondents think should qualify a person for Zimbabwean citizenship.

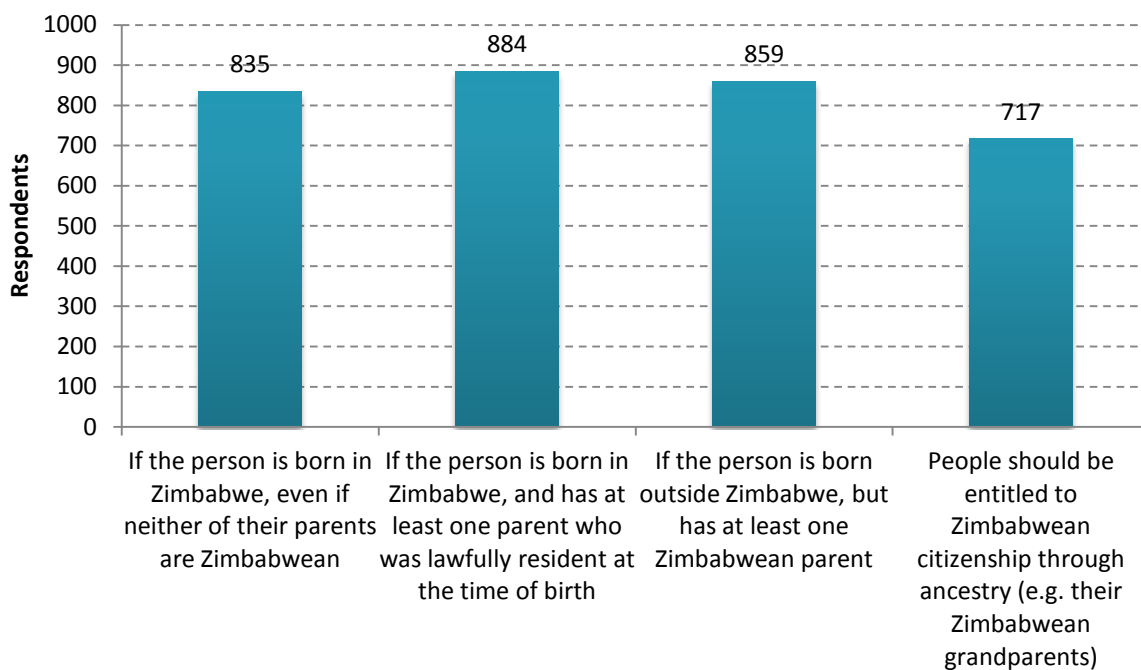


Chart 45: Responses supporting circumstances under which a person should be entitled to Zimbabwean citizenship? (N = 1039)

The responses show that Zimbabweans living in Zimbabwe are prepared to give a generous interpretation of citizenship, essentially allowing anyone with a birth or descent connection to Zimbabwe to claim citizenship. 80% believe that entitlement should follow if a person is born in Zimbabwe, even if neither of their parents are Zimbabwean. 85% believe this should apply if the person born in Zimbabwe has at least one Zimbabwean parent. 83% think that if a person is born outside Zimbabwe, but has at least one Zimbabwean parent, that this should qualify them for citizenship, and 69% believe people should be entitled to citizenship through their ancestry. Ancestry was the least supported option out of the four given, but is still clearly supported by the majority of our respondents.

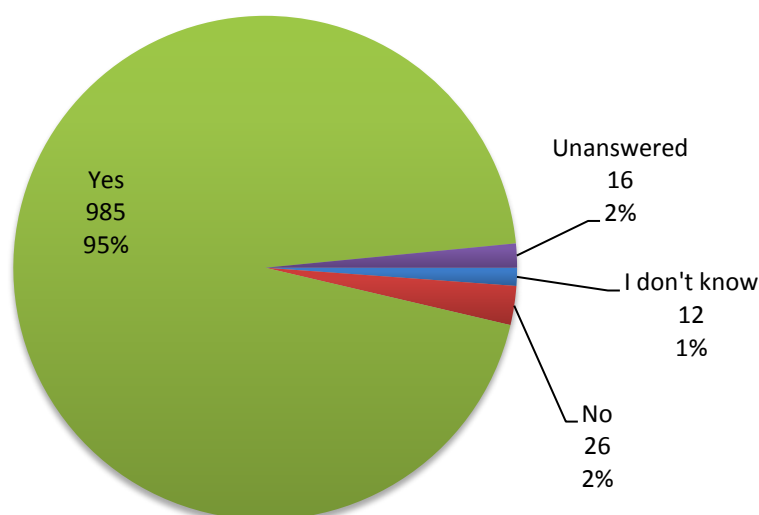


Chart 46: Responses to the question 'Should someone foreign, married to a Zimbabwean, be allowed to apply for Zimbabwean citizenship by marriage?' (N = 1039)

They are also prepared to accept spouses of Zimbabweans as citizens. 95% of all our respondents believe that people married to Zimbabweans should be allowed to apply for citizenship by marriage, with only 2% disagreeing.

We asked those we surveyed if a permanent resident in Zimbabwe should be allowed to apply for citizenship if they have lived in the country for a stipulated period of time, and we asked how long that time period should be.

95% believed that permanent residents should be allowed to apply for citizenship, while 3% disagreed (see Chart 47). Of the 95% who felt that permanent residents should be entitled to apply for citizenship, the majority (60%) think that people should be permanent residents in Zimbabwe for

at least five years before they can apply, with a smaller number suggesting 10 years. Full responses are contained in Chart 48 on page 54.

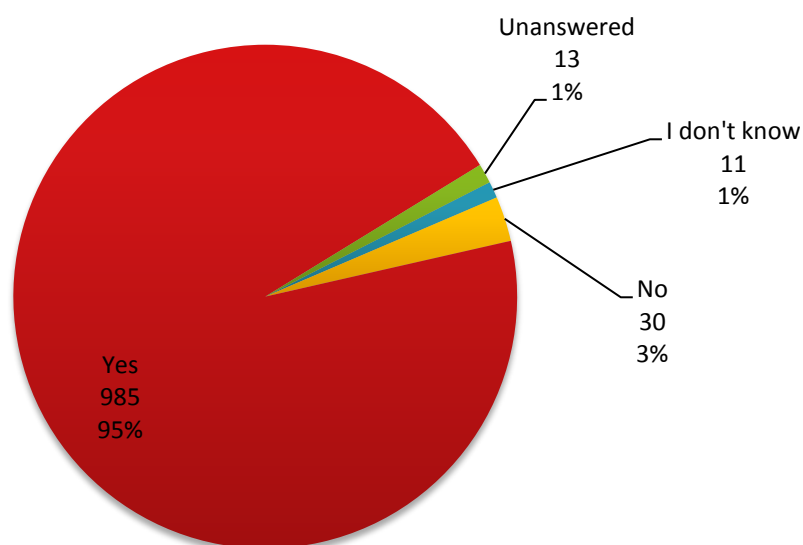


Chart 47: Responses to the question 'Do you think a permanent resident in Zimbabwe should be allowed to apply for citizenship if they have lived in Zimbabwe for a stipulated period of time?' (N = 1039)

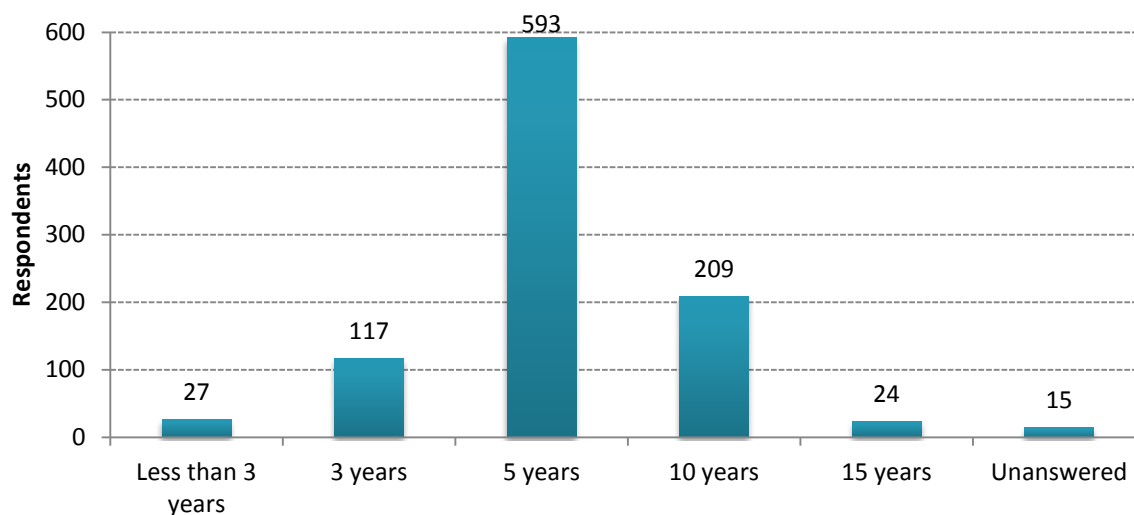


Chart 48: Responses to the question 'How many years should a person be a permanent resident in Zimbabwe before they can apply for citizenship?' (n = 985)

NATIONAL DUTIES FOR ZIMBABWEAN CITIZENS

Duties or obligations can be seen as the converse of rights – if one has rights one should also be bound by duties. These are not contained in the present constitution, but appear in such international instruments as the African charter on Human and Peoples rights, and clearly most Zimbabweans in this survey feel they should be included. Only 12% of those we surveyed believed that Zimbabwean citizens should not be bound by duties. The majority, 91%, believed that Zimbabwean citizens should be bound by a duty to ‘observe the Constitution and to respect its ideals and institutions’. In ascending order for the remaining options, 67% believe that citizens should be bound by a duty to respect the national anthem; 68% feel they have a duty to respect the national flag, and 75% believe that citizens should have a duty to defend Zimbabwe to the best of their ability at a time of need. See Chart 49 for all the responses.

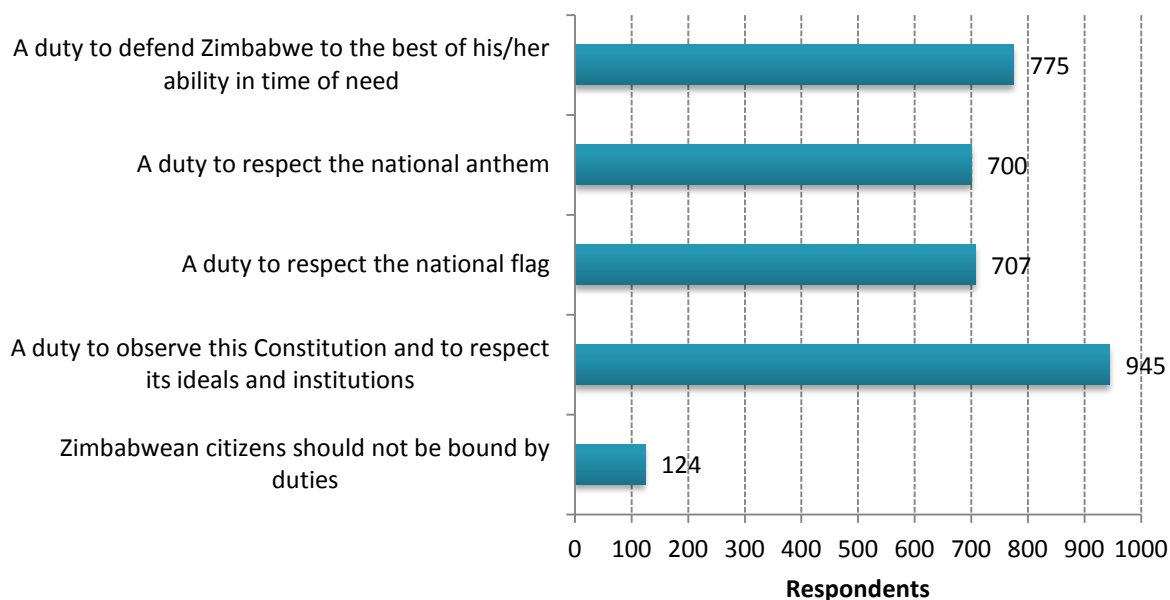


Chart 49: Responses to the question 'Should Zimbabwean citizens be bound by certain duties?' (N = 1039)

STATE REVOCATION OF CITIZENSHIP

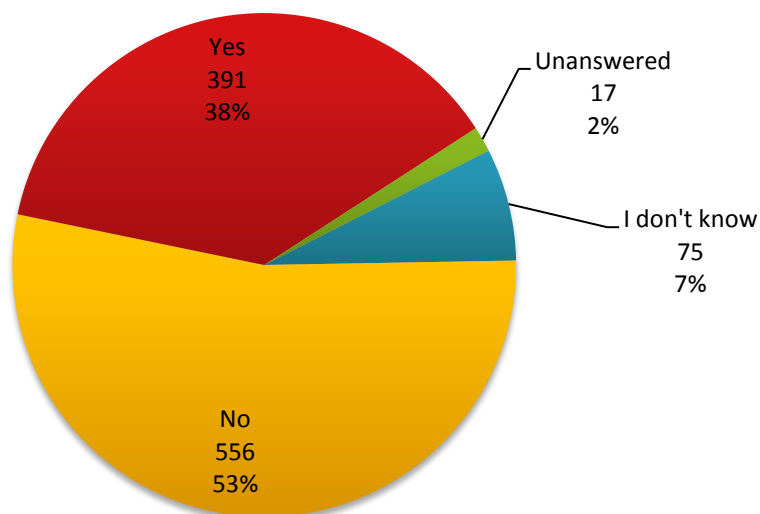


Chart 50: Responses to the question 'Should the State be allowed to revoke citizenship once it has been granted?' (N = 1039)

Since 2000, ZANU PF has pursued a campaign to remove the citizenship of certain groups of Zimbabweans whom they perceive to support their political opponents. These are those of foreign ancestry, whether white or black. Citizenship has thus become a political tool, and some people feel the constitution should minimize this as much as possible. Hence we asked those we surveyed if they felt the State should be allowed to revoke citizenship once it has been acquired. This was a question which did not appear in the COPAC talking points, but seemed to be relevant, especially as the right not to have citizenship revoked is contained in the South African constitution.

A majority of respondents, 53%, believe that that revocation should not be allowed while 38% felt the State should be allowed to revoke citizenship. 7% of our respondents answered 'I don't know' to the question. (See Chart 50 on page 56). The question did not ask on what grounds citizenship might be revoked, hence it is possible that if specific reasons were given, we might find that those who favoured the capacity to revoke might have been thinking of such reasons as criminal activity.

NATIONAL ID CARDS

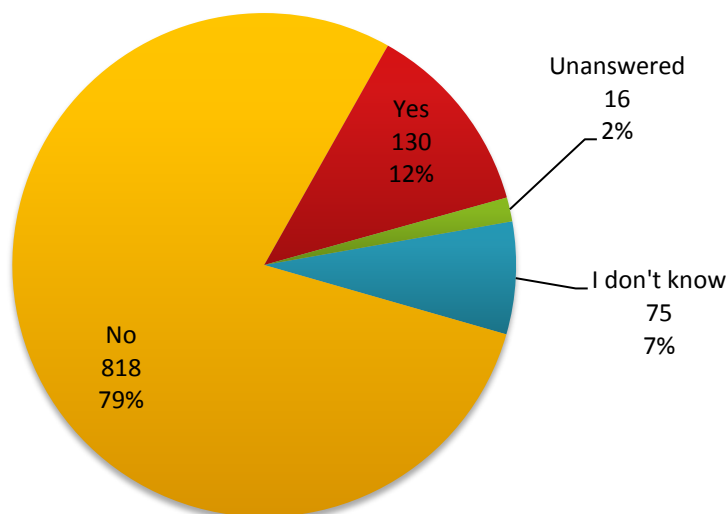


Chart 51: Responses to the question 'Should National ID cards be abolished?' (N = 1039)

Again, this is a question which does not appear in the talking points, but it is relevant to abuses which have been practiced by ZANU PF, especially in relation to voting. At the age of 16, Zimbabweans apply for national ID cards. These become one of the main forms of identification that Zimbabweans have to produce at a polling station before being allowed to vote, and they are also required for many other transactions, both bureaucratic and commercial. So ID cards are critical for many Zimbabweans. However, bureaucratic delays in obtaining a card or its replacement upon loss or theft have infringed on many people's rights, and violent elements have also deliberately deprived people of their cards in order to deny them their vote.

With this in mind, we took the opportunity to ask people whether they thought National ID cards should be abolished. A clear majority, 79%, answered no. Only 12% of those in our sample believed the cards should be abolished, while 7% were unsure. This seems to suggest that the respondents find ID cards useful, in spite of the problems of processing.

HEALTH, WELFARE AND HUMANITARIAN ASSISTANCE

FOOD, SHELTER AND HEALTHCARE

Normally the notion that the state has an obligation to provide the necessities of life is included under the concept of rights of citizens. However, in this survey it was expressed rather as the state's obligation. Most of the people surveyed believed that the State had a responsibility to provide food, shelter and healthcare to Zimbabweans who cannot provide for themselves, with over 90% or more of all respondents supporting each category (see Chart 52).

239 (23%) respondents believed the State had other responsibilities too, and we provided a free text area for them to leave extra comment. Their responses highlighted three other areas where respondents believed the State had core responsibilities: 33% of the 239 added 'education' as a priority while 22% identified 'security'.

Security concerns included 'Protection from political violence'; 'safety and security'; 'protection against unlawful persecution'; and 'defense, from other organs of itself and from other assailants'. This strong emphasis on security reflects the lack of security existing in Zimbabwe over the past decade.

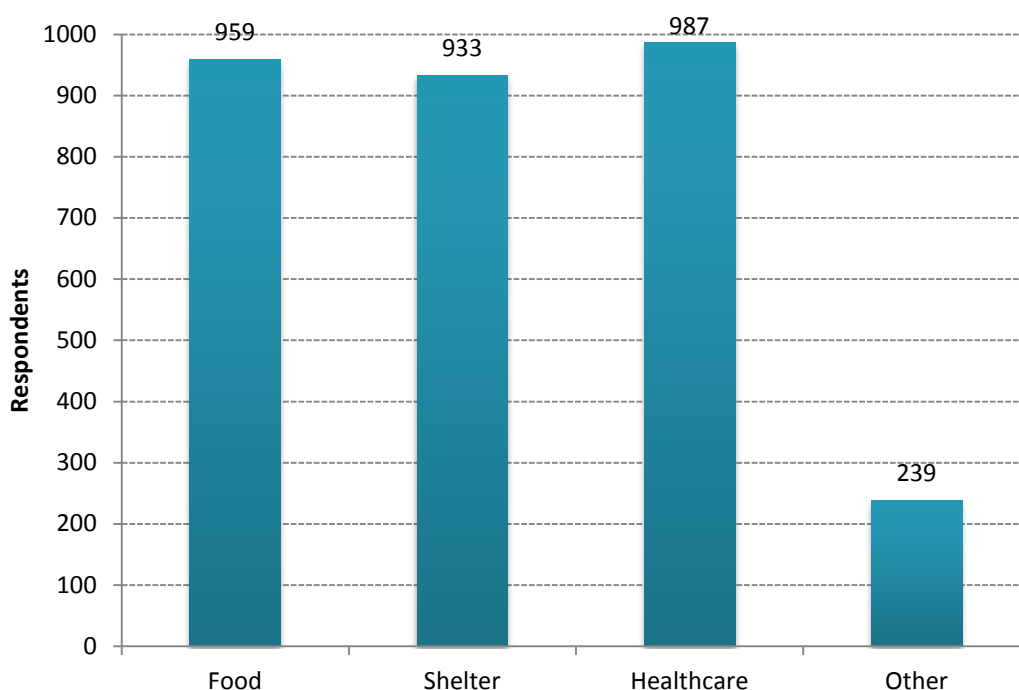


Chart 52: Responses to the question 'Which of the following should be the State's responsibility to provide at a time of need?' (N = 1039)

9% of the 239 who selected 'other' said that the State had a responsibility to provide clean water, with some including the need to provide water during drought periods. These responses indicate that the majority of respondents wish to include socio-economic rights within the constitution's Bill of Rights.

ANTIRETROVIRAL DRUGS FOR HIV/AIDS

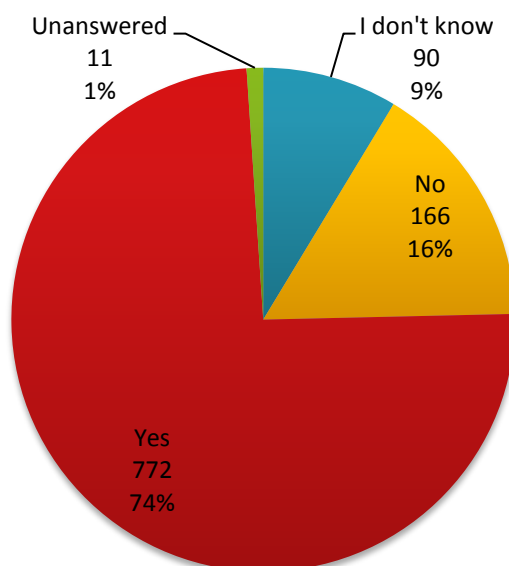


Chart 53: Responses to the question 'Should the Constitution make the State provide ARVs to combat HIV/AIDS free of charge to all who need them?' (N = 1039)

It was estimated that, in 2009, 14.3% of adults in Zimbabwe were living with HIV²² making it one of Zimbabwe's major health issues. We asked those we surveyed if they thought the State had a responsibility to provide ARVs to combat HIV/AIDS to all who needed them. Chart 53 shows that 74% of all respondents said 'Yes', 16% said 'No', and 9% were uncertain. Again, this falls within the concept of the right to health care, giving one particular example. HIV/AIDS is the most prevalent disease at present in Zimbabwe²³, but one presumes that if the population has a right to treatment for this disease they should also have the right to access treatment for other diseases such as TB or cancer or malaria.

²² CIA World Factbook: <https://www.cia.gov/library/publications/the-world-factbook/geos/zi.html>

²³ World Health Organisation 'Epidemiological Fact Sheet on HIV and AIDS: 2008 Update': http://apps.who.int/globalatlas/predefinedReports/EFS2008/full/EFS2008_ZW.pdf

COLLABORATION BETWEEN STATE, CIVIL SOCIETY AND INTERNATIONAL AGENCIES

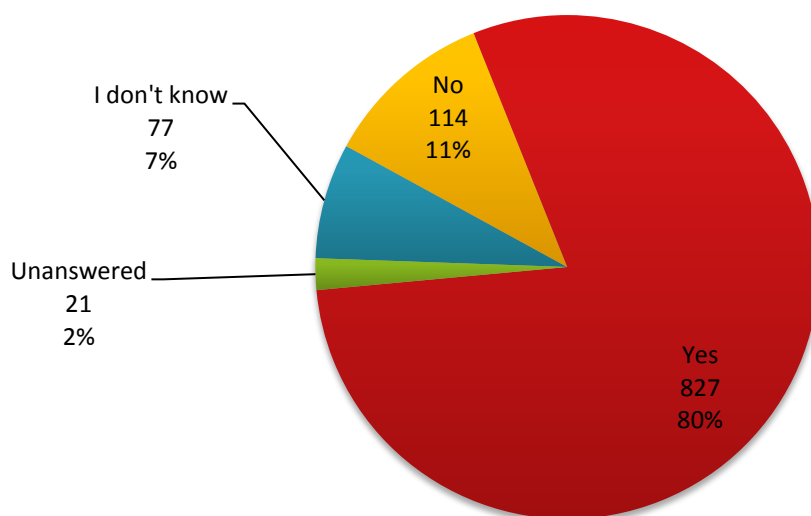


Chart 54: Responses to the question 'Should the Constitution provide direction on how the State, civil society and international bodies collaborate in a crisis?' (N = 1039)

There have been several occasions in the past where humanitarian aid work has been mired in local politics, with terrible consequences for the most desperately needy people in Zimbabwe. For example, in June 2008 (the month of the Presidential run-off election), the Zimbabwe government suspended all field work by aid groups and non-governmental organisations.²⁴ Robert Mugabe justified this by saying,

NGOs were cashing in on that and coming to [Zimbabweans] saying, 'We are feeding you so don't vote ZANU-PF, vote the MDC instead.' Now we have shut down those NGOs. We want to scrutinise them.²⁵

Amnesty International responded by accusing the government of attempting to use food as a political weapon in the lead up to the elections:

“The suspension of NGO operations is yet another attempt by the government to manipulate food distribution for political ends,” said Amnesty International.

²⁴ 'Zimbabwe suspends aid operations', 6 June 2008, *BBC*: <http://news.bbc.co.uk/1/hi/7439016.stm>

²⁵ 'NGOs were abusing food aid – Mugabe', 17 June 2008, *PoliticsWeb*: <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71627?oid=92001&sn=Detail>

“Suspension of humanitarian operations by NGOs ensures that the government has a monopoly over food distribution through the state-controlled Grain Marketing Board (GMB) during the pre-election period.”²⁶

This experience provoked the question whether the new Constitution should provide direction on how the State, civil society and international bodies collaborate in a time of crisis. 80% of our respondents said ‘Yes’, while 11% said ‘No’; 7% of respondents answered ‘I don’t know’. This shows a clear wish, but how it could be done in a constitution is something more difficult to determine.

²⁶ ‘Amnesty International Press Release’, 6 June 2008, *SW Radio Africa*: <http://www.swradioafrica.com/pages/Amnesty060608.htm>

NATURAL RESOURCES

STATE OWNERSHIP OF NATURAL RESOURCES

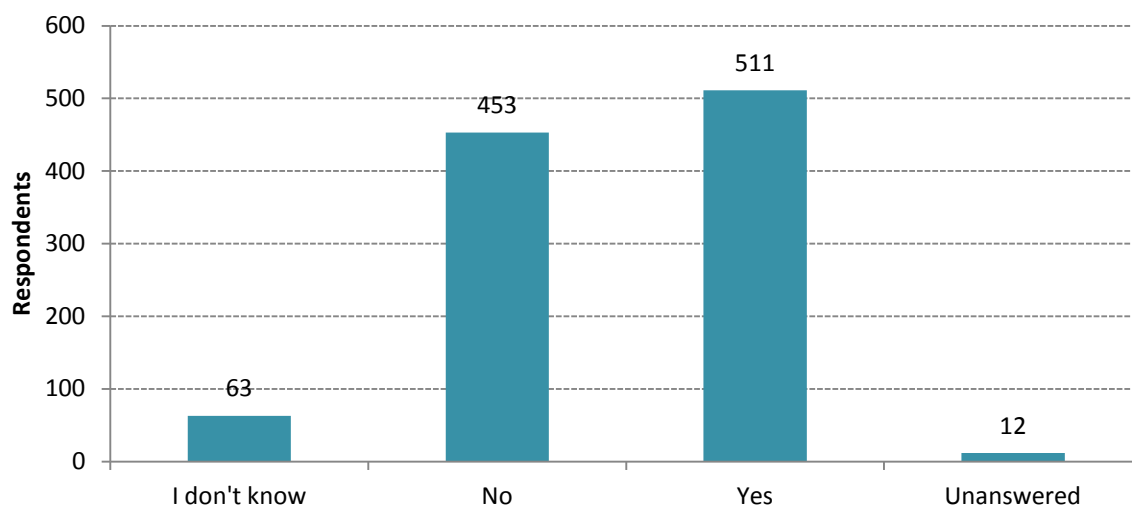


Chart 55: Responses to the question 'Should the Constitution establish that all natural resources are the property of the State?' (N = 1039)

Just under an absolute majority of respondents (49%) believed that the Constitution should establish that all of Zimbabwe's natural resources are the property of the State, but almost as many people (44%) thought the Constitution should not stipulate this, showing a starkly divided opinion. One assumes that most people would take "natural resources" to include land, especially since this question comes before the section on land.

BENEFIT TO LOCAL COMMUNITIES

When asked 'Should communities living adjacent to natural resources have an automatic right to benefit from those resources?', 65% of those we surveyed said 'Yes', while 26% said 'No' (see Chart 56 on page 63). The question was left quite open in order to allow for any possible arrangement where the community would benefit, from ownership to profit-sharing to use rights to the right to levy taxes.

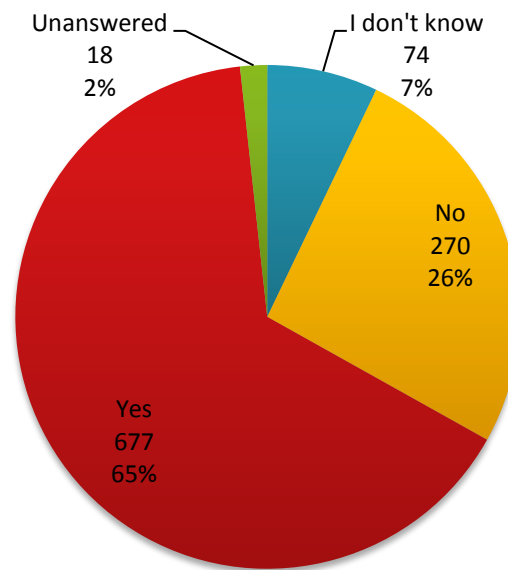


Chart 56: Responses to the question 'Should communities living adjacent to natural resources have an automatic right to benefit from those resources?' (N = 1039)

CONSIDERATION FOR THE ENVIRONMENT

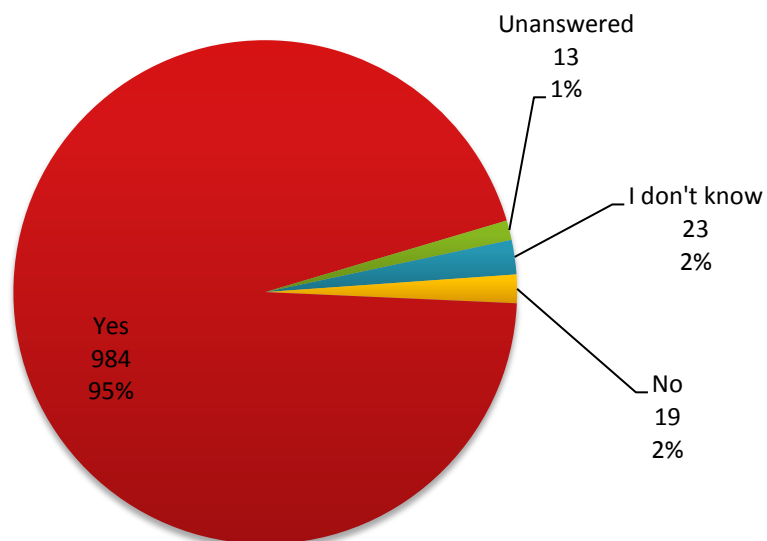


Chart 57: Responses to the question 'Should the Constitution include a principle that the environment must always be considered in new developments?' (N = 1039)

As detailed in the chart above, 95% of all the people we surveyed believe that the Constitution should include a principle that the environment is always considered in new developments. Only 2% of respondents said 'No', and another 2% responded 'I don't know'.

Again, the question is left very open, meaning that the provision might be made in a variety of ways, although a common way to include it would be in the form of a right to environment.

SEPARATION OF POWERS

We defined 'separation of powers' within our survey as follows:

The principle of 'separation of powers' requires the LEGISLATURE (i.e. Parliament), the EXECUTIVE (i.e. government) and the JUDICIARY (i.e. courts and judges) to be kept separate. The idea is that this principle will mean each institution can function as a check against abuse of power by the others.

Responses to the three questions we asked specific to 'separation of powers' yielded unequivocal responses, indicating that a clear majority of those we surveyed favoured the new Constitution recognizing the principle of separation of powers.

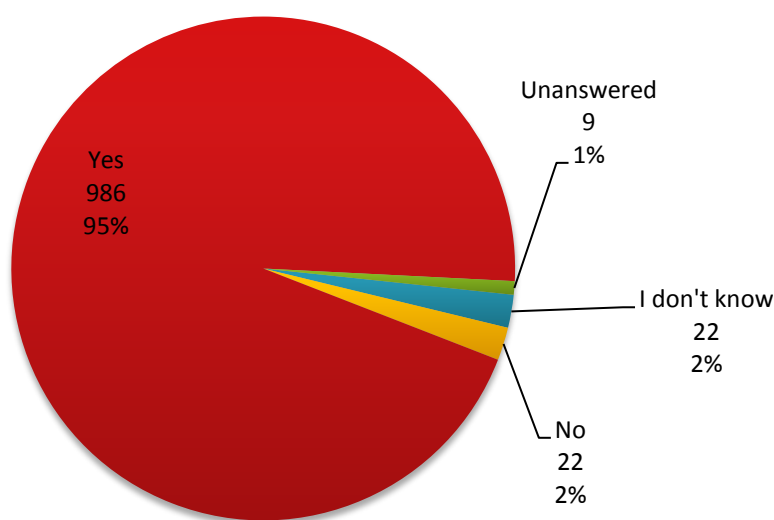


Chart 58: Responses to the question 'Do you think the principle of the separation of powers should be recognised in the Constitution?' (N = 1039)

For our first question, we asked all our respondents if they thought the principle of 'separation of powers' should be recognised within Zimbabwe's new Constitution. Chart 58 above shows that 95% of our respondents – 986 people out of a possible 1039 – answered 'Yes' to this question. Just 2% said 'No'.

We were able to identify the political affiliation for 15 out of the 22 people who said 'No', and worked out a proportional value for their response based on the number of people representing support for their preferred party in our survey.²⁷ 13 MDC-Tsvangirai supporters said 'No', representing 3% of all the people in our survey who support the Tsvangirai formation of the MDC. 1

²⁷ Full details for the political affiliation of all our respondents can be found on page 17 of this report.

MDC supporter (Mutambara formation) said 'No' also representing 3% of Mutambara supporters responding to our survey. Finally, 1 Zanu PF supporter responded 'No': this answer represents 10% of all answers by Zanu-PF supporters. We cannot conclude much from this except that the "no" response is not associated with any particular party affiliation. It is likely that this concept is not well understood, but the suggestions that separation of powers acts to restrict abuses attracted the "yes" answer from such a high percentage.

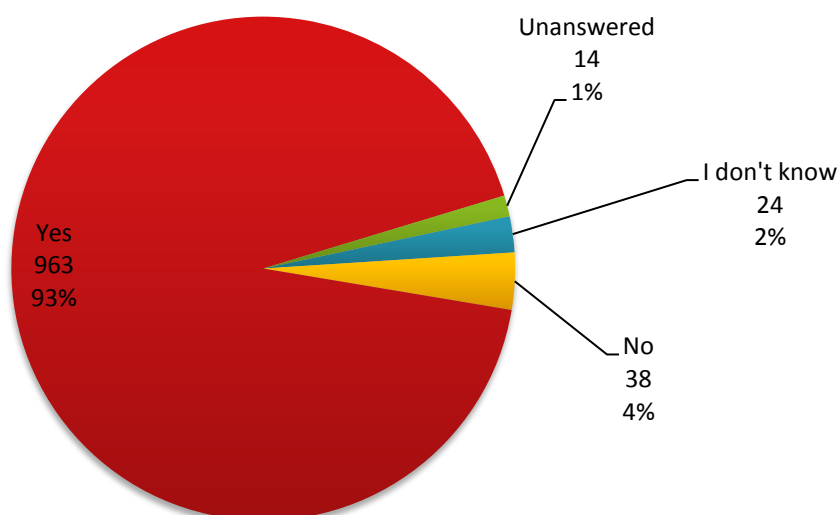


Chart 59: Responses to the question 'Do you believe that separation of powers would be good for Zimbabwean democracy?' (N = 1039)

We also asked our respondents if they thought separation of powers would be good for Zimbabwean democracy. The results above are very similar to the previous chart (Chart 58) with 93% saying 'Yes', separation of powers would be good for Zimbabwean democracy. 4% of those we surveyed disagreed and answered 'No'.

21 people out of the 38 who answered 'No' to this question, also answered 'No' to the previous question asking whether separation of powers should be included in the new Constitution. However, 15 of these people answered 'Yes' to the first question. This suggests that although those people believe that separation of powers is important, they are not clear about its connection with democracy.

In our third question, we asked our respondents if they thought separation of powers would increase people's confidence in the three arms of the State, or decrease it. Again, a large majority of

our respondents, 90%, said 'It would increase people's confidence'. All responses to this question can be found in Chart 60 on page 67.

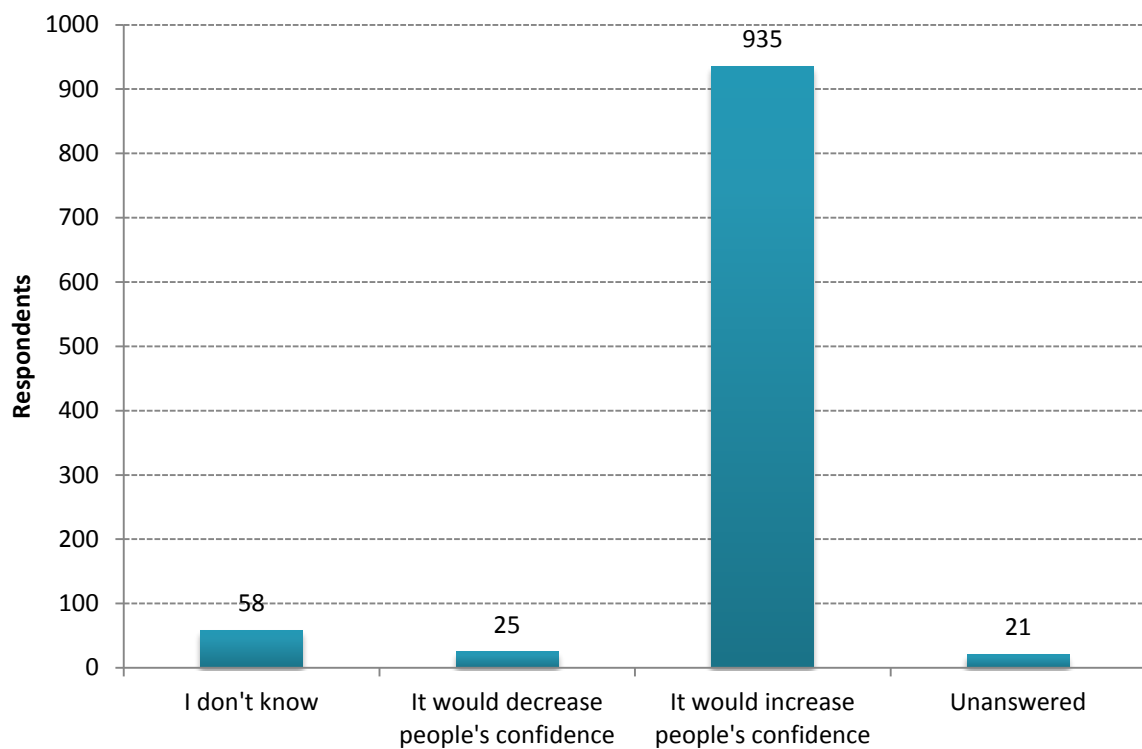


Chart 60: Responses to the question 'Do you think separation of powers would increase people's confidence in the three arms of the state, or decrease it?' (N = 1039)

THE THREE ARMS OF THE STATE

THE LEGISLATURE

Our survey contained the following explanatory text for ‘The Legislature’:

The Legislature refers to Parliament. Zimbabwe's parliament is currently made up of two houses: the House of Assembly and the Senate. From 1988 to 2005, Zimbabwe's Parliament was made up of only the House of Assembly.

Members of Parliament of both houses are responsible for making laws and for representing the people in the part of the country they come from.

Both houses have to agree in order to make a law.

We began by asking our respondents the following question: “Do you think it is worthwhile having two houses of Parliament (National Assembly and Senate) or would we be better off with only one?.” Responses to this are contained in Chart 61 on page 68.

The majority of those we surveyed believe that Zimbabwe should have only one house of parliament (62% of our total sample), while 33% thought Zimbabwe should keep its two houses of parliament. 42 people (4%) answered ‘I don’t know’.

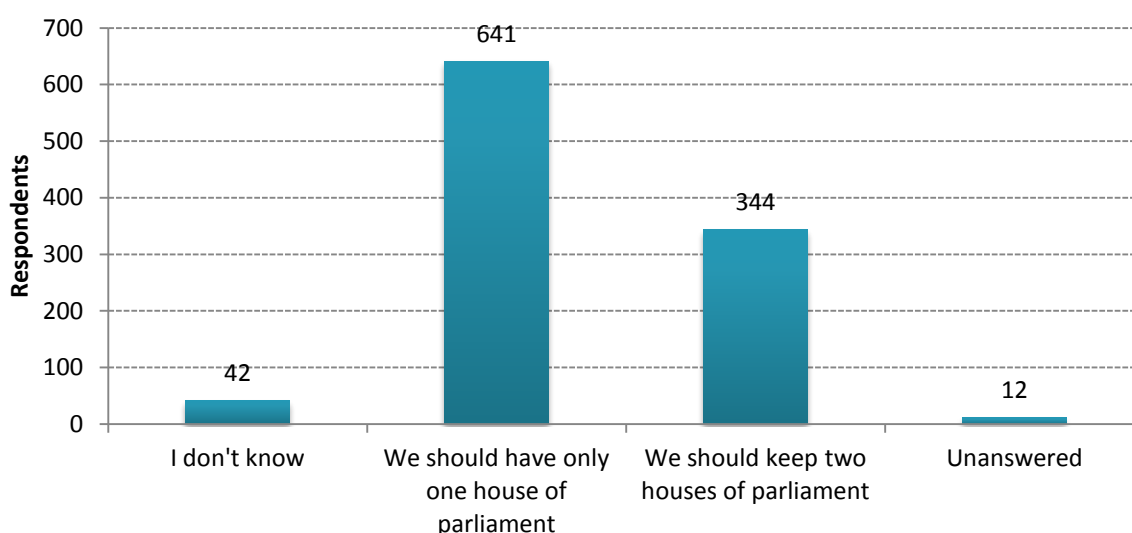


Chart 61: Responses to the question 'Do you think it is worthwhile having two houses of Parliament (National Assembly and Senate) or would we be better off with only one?' (N = 1039)

We also looked at the political affiliation for these answers, and these details are contained in Chart 62.

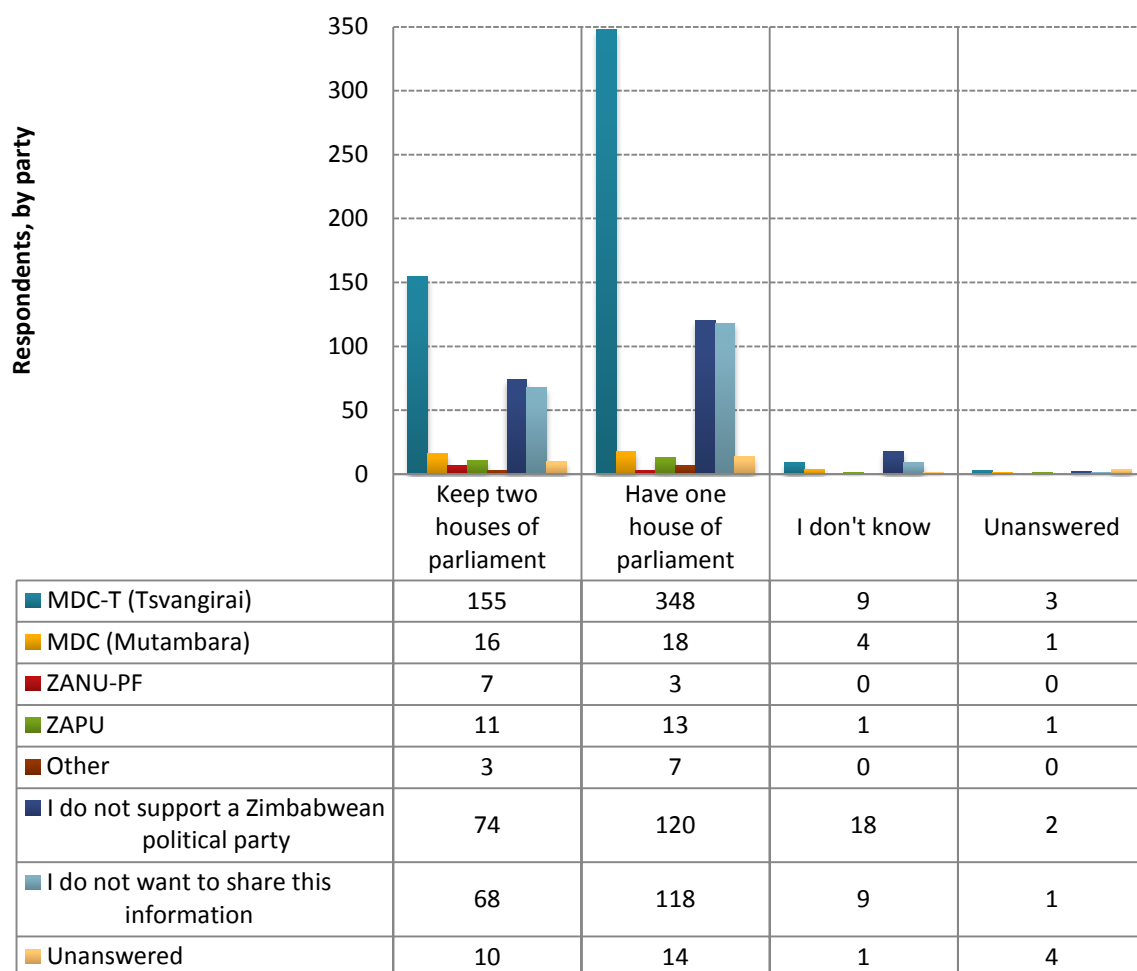


Chart 62: Break down by 'political affiliation' of responses contained in Chart 61 (N=1039)

If we look at the political party responses in Chart 62 and calculate proportional values based on the total number of supporters for each political party responding in our survey, the results are contained in Chart 63.

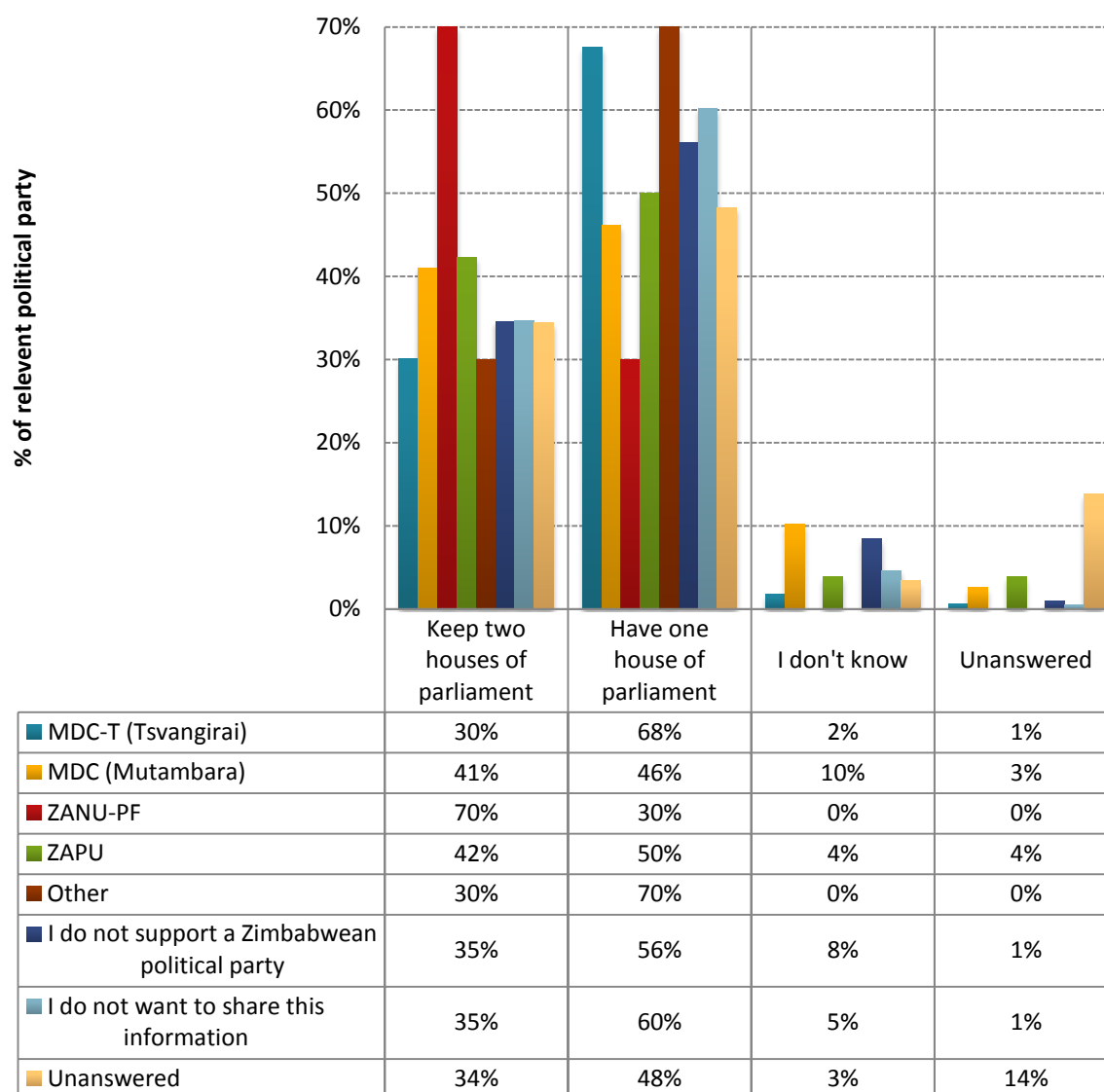


Chart 63: Response from Chart 61 as proportional values for each relevant political party (N = 1039)

This shows that a majority of 68% of MDC-T (Tsvangirai) supporters think Zimbabwe should have one house of parliament. The largest number of MDC (Mutambara) supporters also favour one house of parliament but by a narrower majority (46% want one house and 41% think we should keep two houses of parliament). Like the other two parties, ZAPU supporters are also mainly in favour of one house of parliament (50% of them), but like MDC (Mutambara), this is by a narrower majority than for MDC-T (Tsvangirai) supporters (42% of Zapu supporters are happy with the status quo).

Zanu PF responses differ from the other parties, with the majority of Zanu-PF supporters - 70% of all Zanu PF supporters' answers - responding that Zimbabwe should keep two houses of parliament. (It's worth keeping in mind that only 10 people out of 1039 respondents identified themselves as Zanu PF supporters). Since the numbers for all parties except MDC – T are very small, these results

cannot be considered very meaningful. However, the overall preference for a single-chamber parliament is clear, as the vast majority of the politically unidentified also support it.

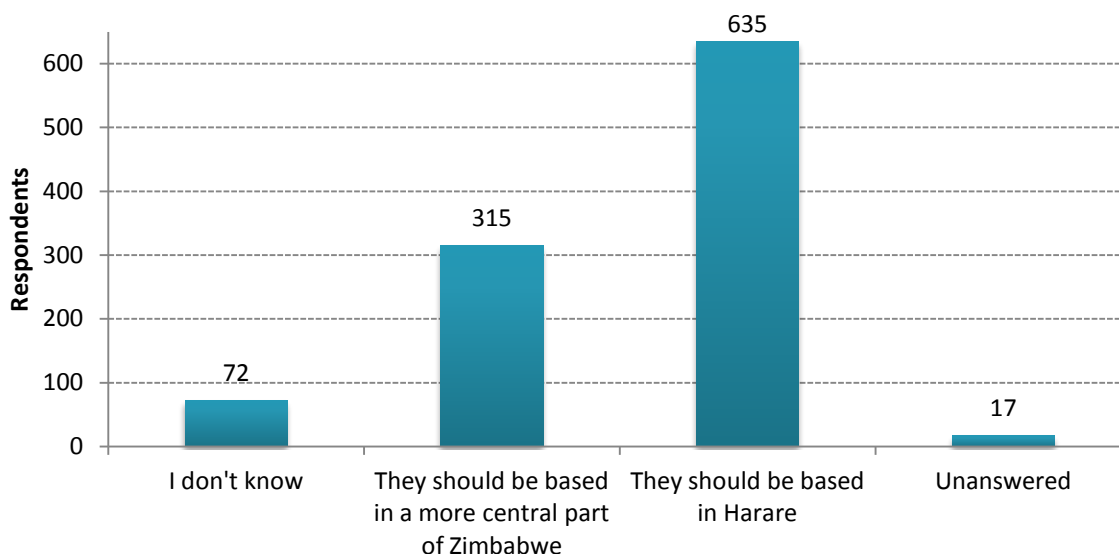


Chart 64: Responses to the question, 'Should the Houses of Parliament be based in Harare, or should the Constitution stipulate a more central location?' (N = 1039)

When asked if the Constitution should stipulate a different location for Parliament (currently based in Harare) a majority of 61% said it should be based in Harare while 30% thought it should be based in a more central part of Zimbabwe (see Chart 64). This was an issue which was not addressed in the COPAC talking points.

86% of all our respondents felt that the new Constitution should stipulate the roles and responsibilities of parliament, and also stipulate the number of seats that parliament should have – both of these standard inclusions in any Constitution. The 14 % who answered otherwise are an indication that a significant number of respondents don't really understand what must be in a constitution. Chart 65

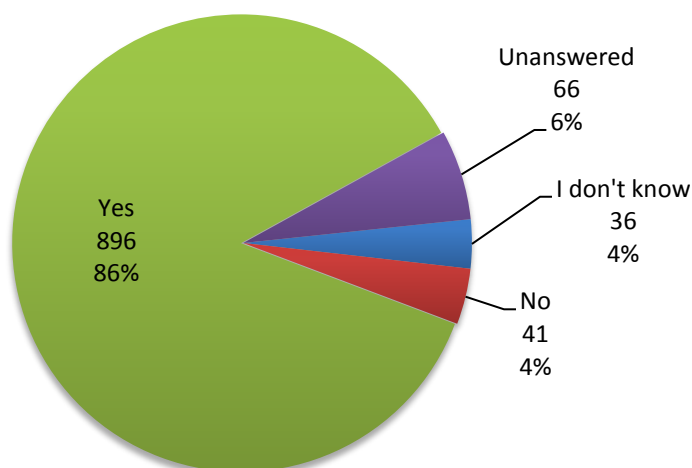


Chart 65: : Responses to the question 'Should the Constitution determine the roles and responsibilities of both houses of Parliament?' (N = 1039)

We also asked if the new Constitution should allow MPs to keep their seats if they changed to a different political party after being elected (see Chart 66).

Most of those surveyed (78%) felt that MPs should not be allowed to keep their seats, and that a by-election should be held if they changed political parties after being elected. 15% of respondents thought they should be allowed to keep their seats. The responses here doubtless reflect the common practice of voting for the party, rather than the individual candidate in parliamentary elections.

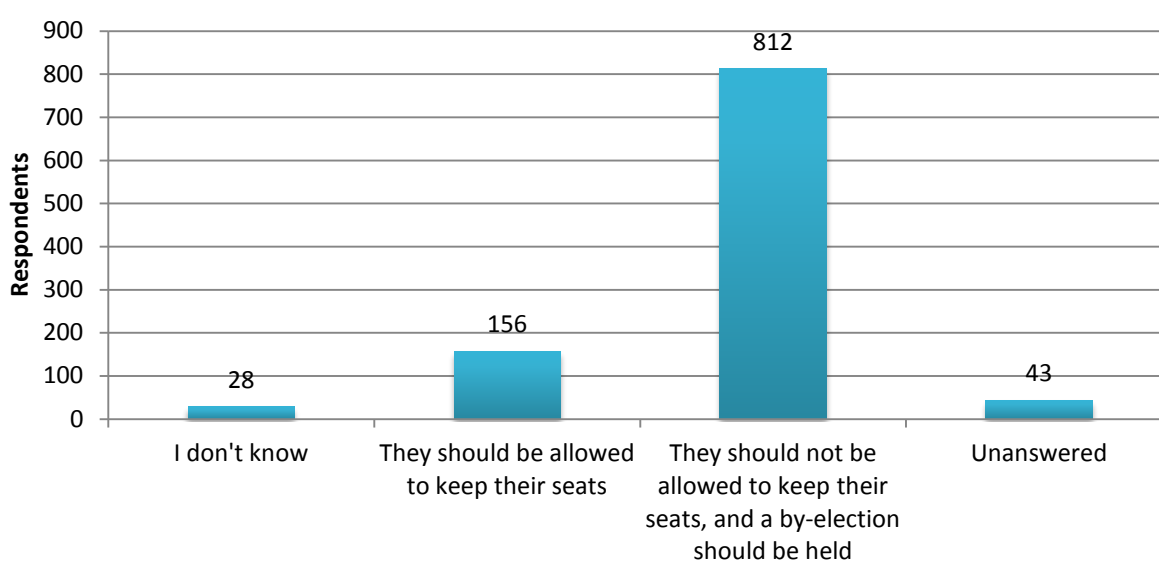


Chart 66: Responses to the question 'Should members of Parliament be allowed to keep their seats if they change to another party after being elected?' (N = 1039)

We asked whether all seats in the legislature should be filled by elected MPs, or whether some seats could be filled by unelected appointed MPs. A majority of those we surveyed believe that all MPs should be elected by the people (87%), while 10% thought it was acceptable for some seats to be filled by unelected representatives (see Chart 67). Again, the responses reflect the experience of the constitution adopted in 1987 which provided for an executive President and allowed the incumbent to appoint 30 of the MPs. This gave him and his party an advantage which they used to frustrate opposition parties.

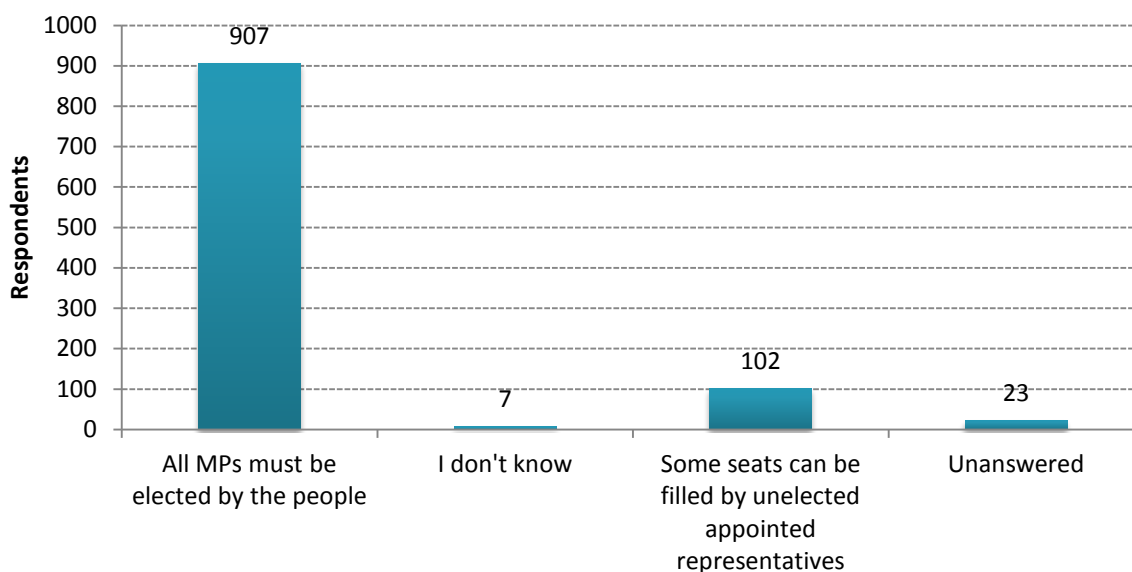


Chart 67: Responses to the question 'Should all seats be filled by elected MPs, or can some seats be filled by appointed (unelected) representatives?' (N = 1039)

Still on the subject of seats, we asked our respondents whether seats in parliament should be reserved for special interest groups - for example women and/or the disabled) - and in a separate question, if seats should be reserved for traditional leaders.

Exactly half of those surveyed (50%) answered 'Yes' to reserving seats for special interest groups; 44% disagreed and said seats should not be reserved for special interest groups (Chart 68).

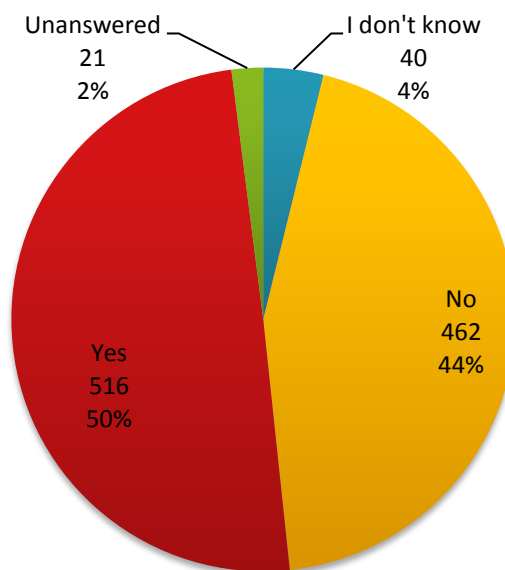


Chart 68: Responses to the question 'Should seats in parliament be reserved for special interest groups (e.g. women, the disabled)?' (N = 1039)

The results for the question about reserving seats for traditional leaders yielded a less equivocal response, with 70% of all respondent saying that seats should not be reserved for traditional leaders (Chart 69). Again, the seats which have been reserved for traditional leaders have been used by Zanu PF over the years to bolster party support rather than truly represent the interests of chiefs.

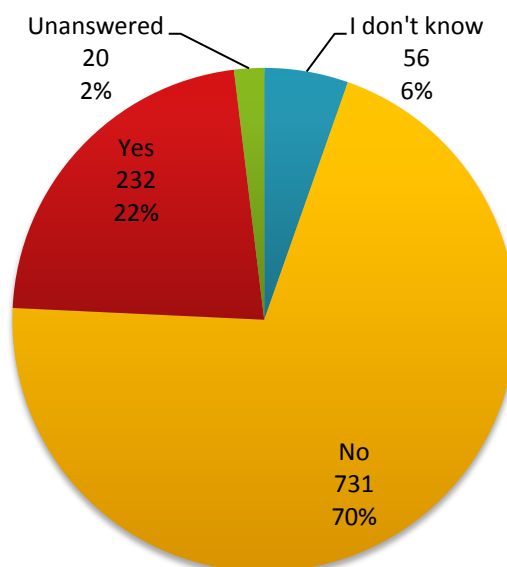


Chart 69: Responses to the question 'Should seats in parliament be reserved for traditional leaders?' (N = 1039)

We narrowed our focus for the question about traditional leaders, and looked at only those responses from black people; the results are very similar to those arrived at collectively by all respondents regardless of race (compare Chart 69 with Chart 70): 73% of all black people surveyed opposed reserving seats for traditional leaders, while 22% thought seats should be reserved for traditional leaders.

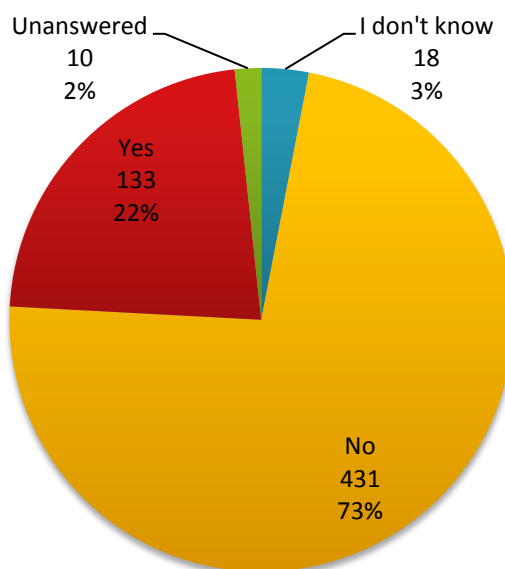


Chart 70: Responses by black people to the question 'Should seats in parliament be reserved for traditional leaders?' (n = 592)

The survey included a question which tested the interest in being able to recall their member of parliament. A majority of those surveyed – 86% - answered 'Yes' to the question, 'Should voters in a constituency have 'sacking powers' by being given the right to recall their MP if his/her performance is unsatisfactory?' 10% of respondents opposed giving voters this power (Chart 71). The strong response on this question reflects the general dissatisfaction that most MPs fail to represent the interests of the electorate.

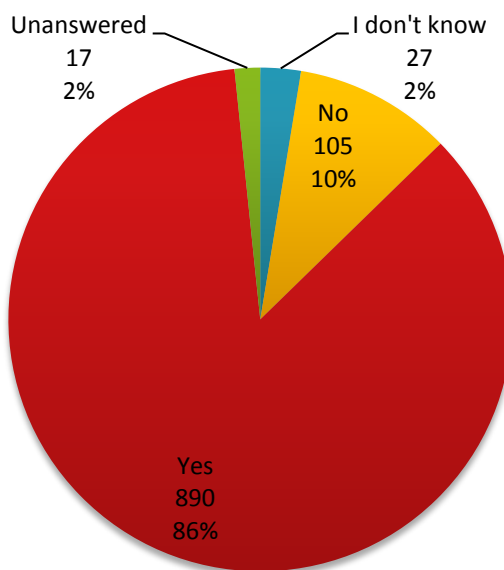


Chart 71: Responses to the question 'Should voters in a constituency have 'sacking powers' by being given the right to recall their MP if his/her performance is unsatisfactory?' (N = 1039)

An even higher percentage would give Parliament the power to remove the head of the executive. When asked if parliament should have the power to remove the President or Prime Minister from office if they misused their powers, an overwhelming majority of 95% of all respondents answered 'Yes', and only 3% answered 'No' (see Chart 72).

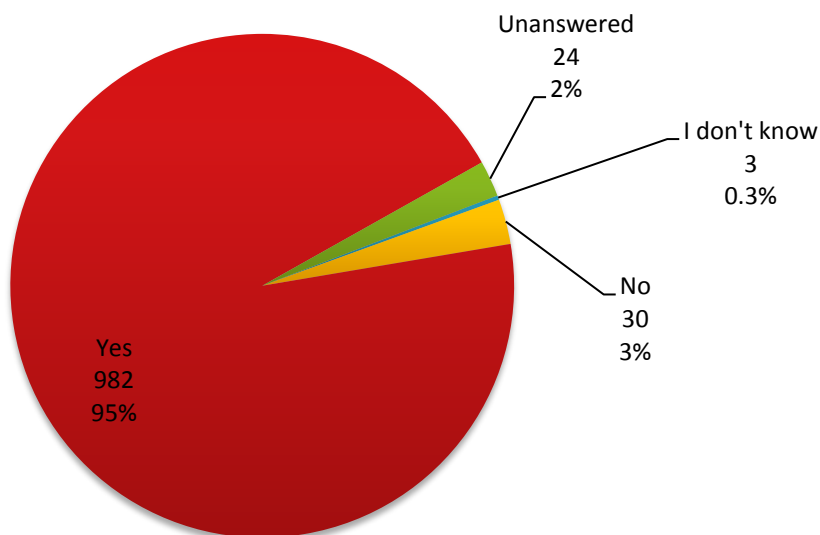


Chart 72: Responses to the question 'Should parliament have the power to remove the President or Prime Minister from office if they are misusing their powers?' (N = 1039)

THE EXECUTIVE

The questions in this section proved somewhat problematic. The executive arm of government can be organised in a variety of ways, and the relationships between ceremonial President, executive and Prime Minister subtle and complex. These do not lend themselves to presentation in multiple choice alternatives. Furthermore, the vast majority of people do not understand the distinctions.

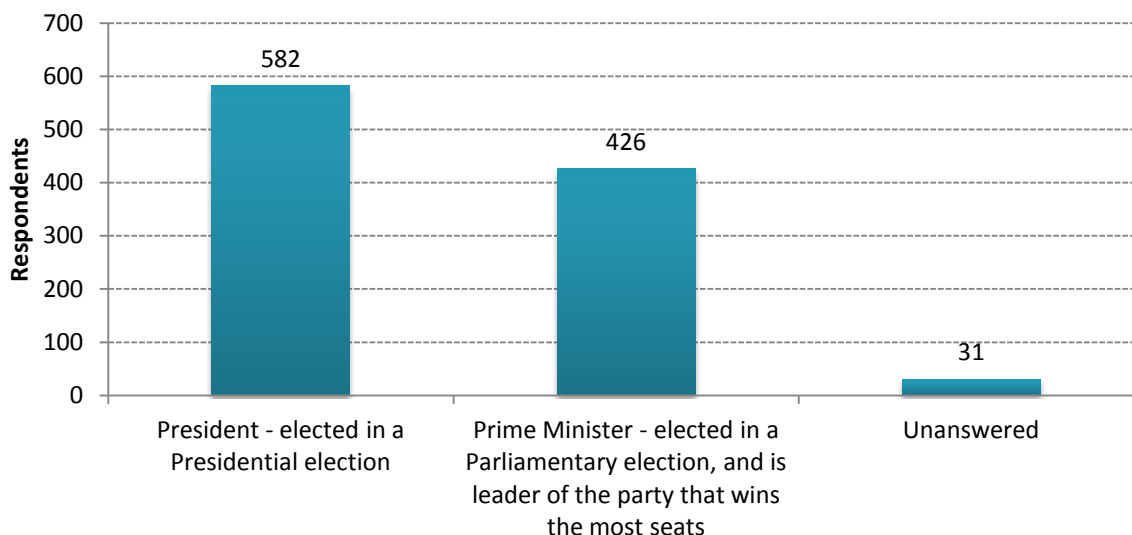


Chart 73: Responses to the question 'Who should be the Head of State?' (N = 1039)

In this case, there is clearly confusion over the term “Head of State”. Generally governmental systems which have prime ministers as head of executive have someone else as head of state – whether it be a monarch or a president. No option was given for a ceremonial head of state. It is probable that the majority of respondents did not respond to this distinction and were answering on the basis of who they wished to see as the head of the government, or executive; however, we cannot be sure of this. 56% of the respondents indicated that they wanted the Head of State to be a ‘President – elected in a Presidential election’, while 41% preferred the idea of a ‘Prime Minister – elected in a Parliamentary election, and is the leader of the party that wins the most seats’ (Chart 73). We then asked if Zimbabwe needed both a President and a Prime Minister; these responses were more ambiguous with there being an almost deadlock three-way split between the answer options provided, as shown in Chart 74.

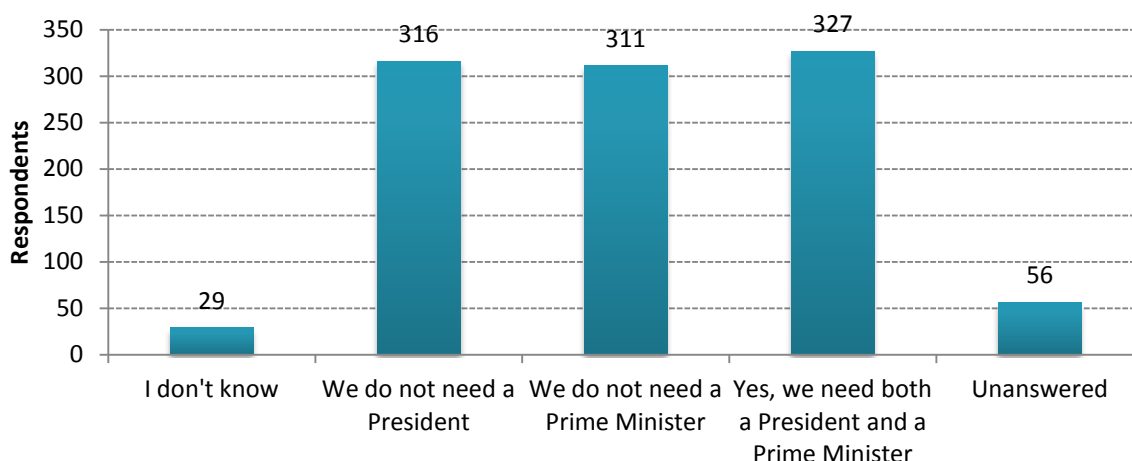


Chart 74: Responses to the question 'Do we need a President and a Prime Minister?' (N = 1039)

30% said 'We do not need a President'; 30% said we do not need a Prime Minister; and 31% said 'Yes, we need both a President and a Prime Minister'. This response is not entirely surprising. We can reasonably hypothesize that if the same question was asked of Americans, that the response would be a resounding 'We do not need a Prime Minister'; and if people in Britain were asked this question, it is highly likely that the majority would say 'We do not need a President' – with respondents inclined to favour positions that fit within the well-functioning systems of government for their respective nations.

In contrast, in the short 30 years that Zimbabwe has been independent, Zimbabweans have experienced various systems of government. In 1980 Robert Mugabe was elected Prime Minister while Canaan Banana served as a ceremonial President. The constitution was revised in 1987 to abolish the office of Prime Minister, and allow Mugabe to become an executive President.

After the signing of the Global Political Agreement, the power-sharing arrangement saw Zimbabwean governance changed into a hybrid system, with the constitution being revised again (through Amendment 19)²⁸ to allow Morgan Tsvangirai as Prime Minister and Mugabe as President to share executive power, while Mugabe as President is also head of state. Mugabe who chairs cabinet is still de facto head of government. It is therefore not surprising that Zimbabweans as a whole seem confused about which system they prefer. Furthermore, the answers to the question could depend on the functions assigned to each position, which the question could not include. Again, the multiple choice format does not lend itself to the fine distinctions that need to be made.

²⁸ All details for Amendment 19, as well as a downloadable copy of the document, can be found on Sokwanele's website on our Constitution Resource: <http://www.sokwanele.com/zimbabweconstitution>

By combining answers to the various questions we have concluded the following preferences of our respondents:

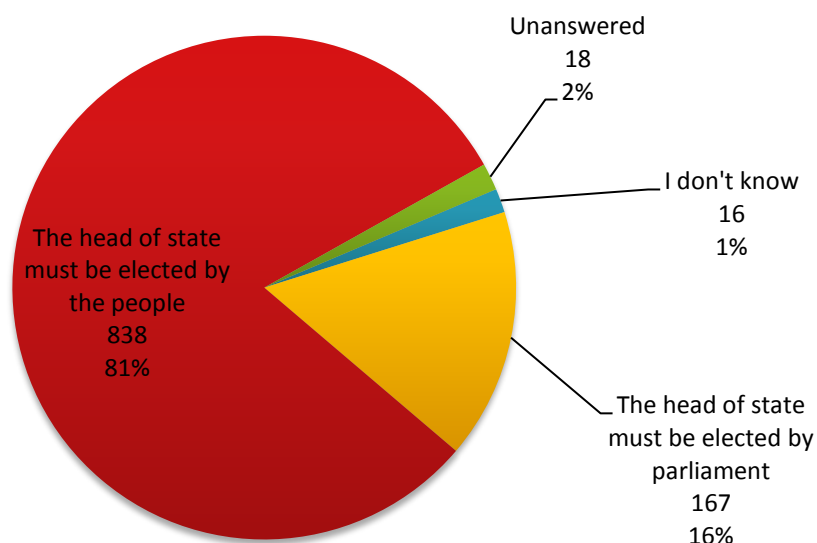


Chart 75: Responses to the question 'Who should elect the Head of State?' (N =1039)

A clear majority of those surveyed believed that the Head of State should be elected by the people, with 81% of all respondents selecting this option (Chart 75). An even larger majority of respondents (95%) said that there should be term limits for the Head of State. However, again, it is difficult to know whether they really are referring to the head of state or the head of government. Those who answered that no term limits are needed could be thinking of a ceremonial head of state. However, we can assume that what the respondents really want is a limit on the time a person can hold executive power.

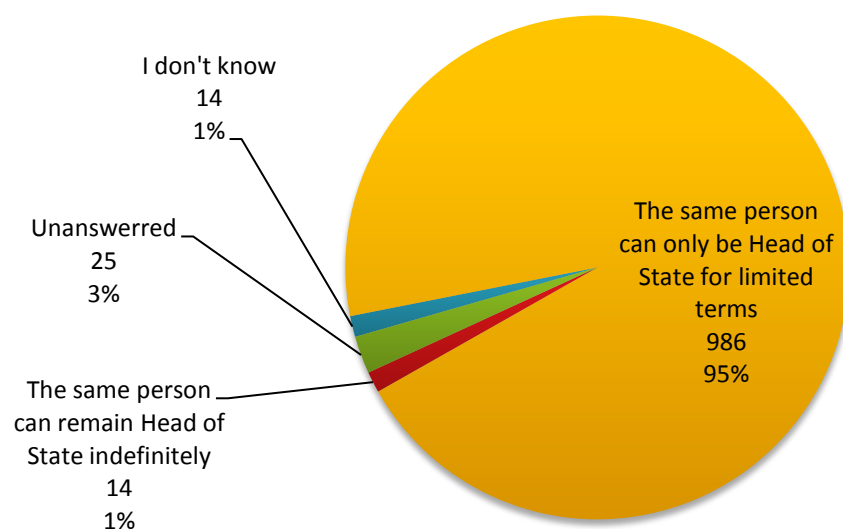


Chart 76: Responses to the question, 'Should there be term limits for the Head of State, or should they be allowed to be Head of State indefinitely?' (N = 1039)

A majority of 33% of respondents (341) believed that individuals needed to be at least 40 years of age before they could serve as the Zimbabwean Head of State. All other responses to a minimum age limit contained in Chart 77. Here again, and for the next question for which the responses appear in Chart 79, we would like to assume that the concern is with the individual who is chief executive, and minimum age and retirement age of the person who might be a ceremonial head of state is not at issue. We believe the point is that the vast majority of respondents wish to see a minimum age to assume executive power and a maximum age to hold it.

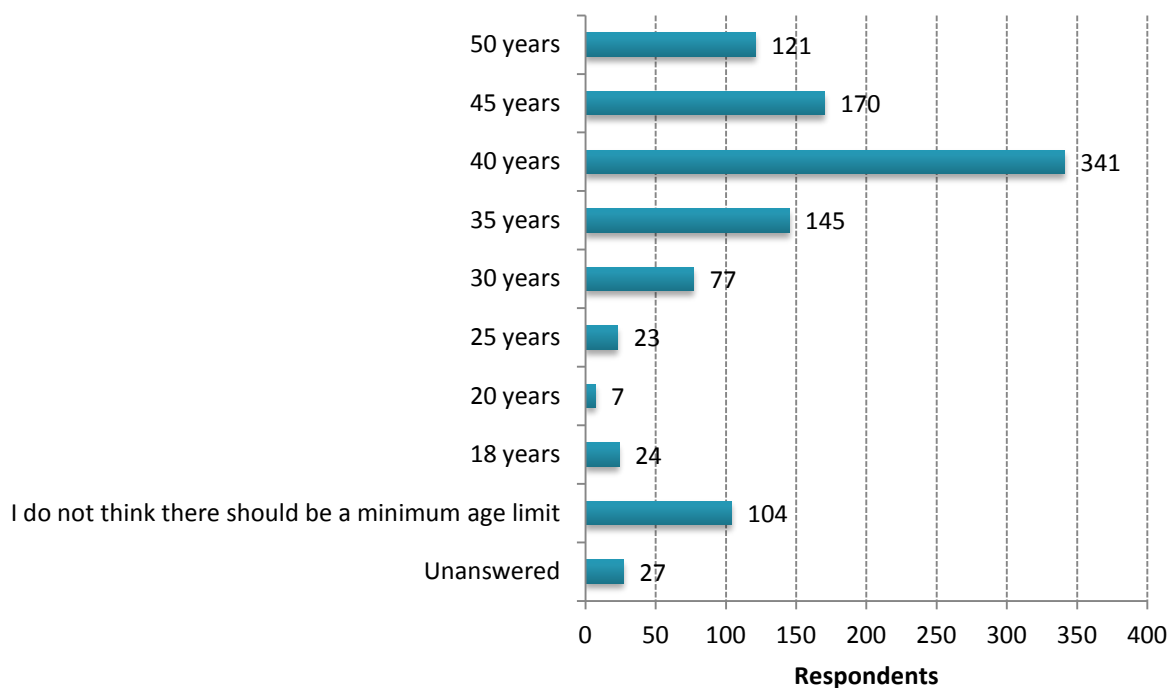


Chart 77: Responses to the question, 'What should the MINIMUM age limit for the Head of State be?' (N = 1039)

And when we asked if there should be a compulsory retirement age for the Head of State, 84% said 'Yes' there should be, while 12 answered 'No' (Chart 78).

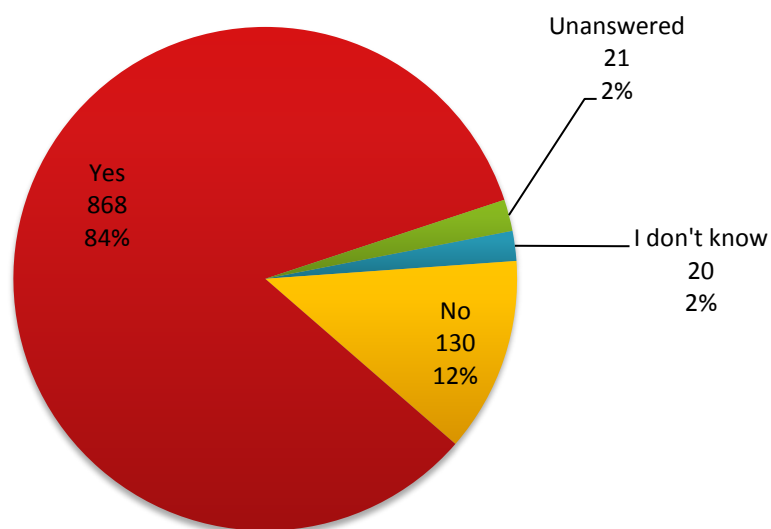


Chart 78: Responses to the question, 'Should there be a compulsory retirement age for the head of state?' (N = 1039)

The size of the cabinet has become an issue in Zimbabwe. Even before 2009 it was much larger than necessary, causing the tax payer to carry a heavy burden, but with the Government of National Unity needing to cater for three political parties, extra posts were created to accommodate everyone, producing a massive unwieldy body gobbling up huge amounts of expenditure. Previous constitutional drafts had proposed a numerical limit on cabinet ministers. 82% of respondents to the survey agreed that the constitution should stipulate the number of Ministers in the cabinet. The question answered in Chart 79 could be misleading, but probably most respondents understood it to mean “appointed from among the elected MPs and Senators” since there has never been a situation in Zimbabwe where ministers are elected to be ministers. On the other hand there has been a situation from 1988 to 2008, where ministers could be appointed from MPs appointed by the President. 66% believe that all Ministers must be elected (i.e. appointed from elected members of parliament) while 31% think some Ministers can be appointed (i.e. from appointed members of parliament). And yet, Chart 67 shows us that only 102 or 13% felt that any members of parliament should be appointed, and Chart 80, which essentially repeats the question in Chart 67, had 151 responses or 15% accepting that the head of the executive should be able to appoint MPs. Clearly there is some confusion over the interpretation of these questions.

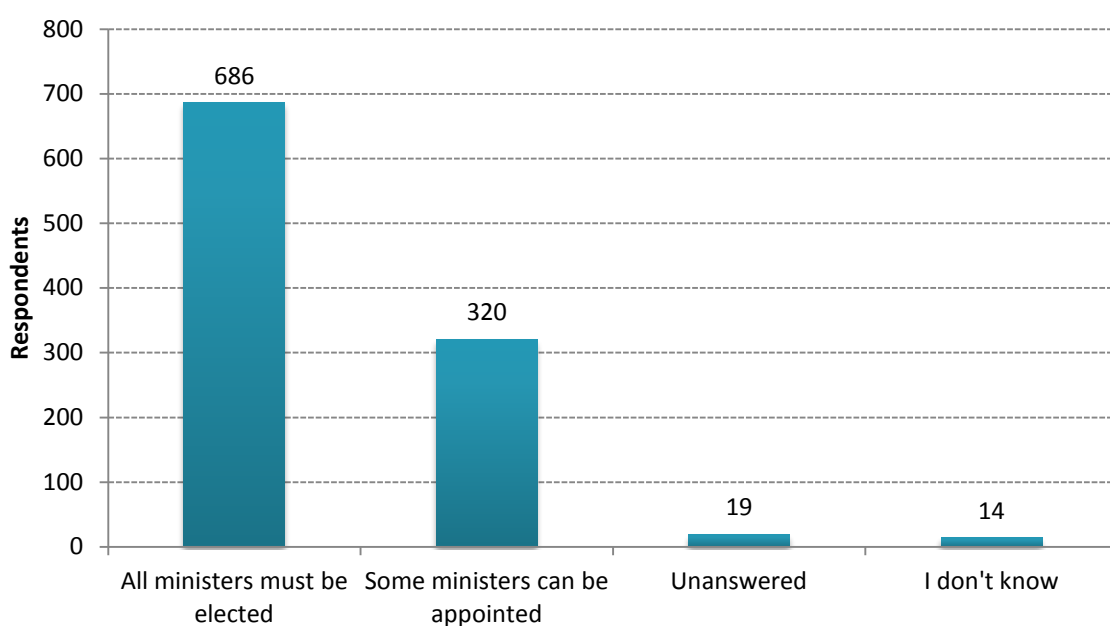


Chart 79: Responses to question 'Should all ministers be elected by the people (MPs or Senators), or can some ministers be appointed?' (N = 1039)

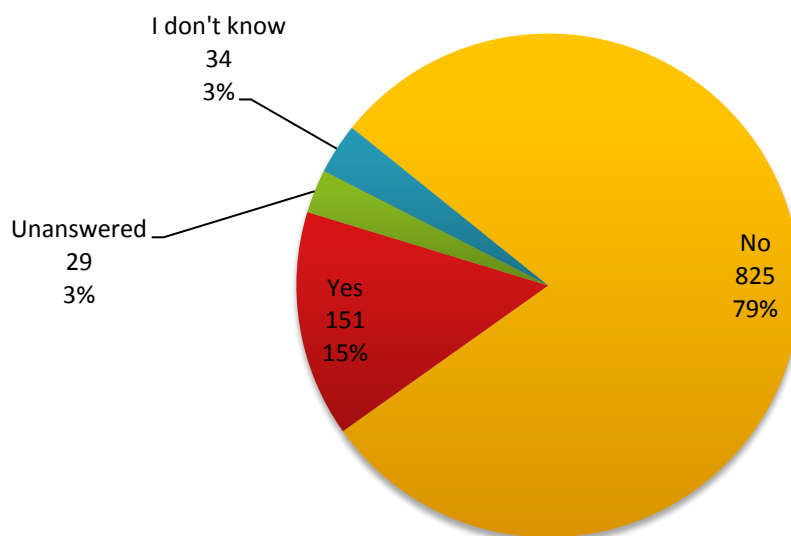


Chart 80: Responses to the question 'Should the Head of the Executive have the power to appoint MPs?' (N = 1039)

The responses also clearly reflect the concern that in the past, under the constitution of 1987, the President was able to pack the legislature with appointed MPs. Respondents would not like this to be able to happen.

THE JUDICIARY

Although the current constitution recognizes the independence of the judiciary, politicians in power have found ways of bringing it under their influence. This is an issue which many people would like the constitution to address. We began this section by asking “Should the constitution recognize the independence of the judiciary?” The responses were overwhelmingly positive, with 996 (95.8%) answering ‘yes’, and 10 (.9%) answering ‘no’, and 13 saying ‘I don’t know’. They are shown in Chart 81.

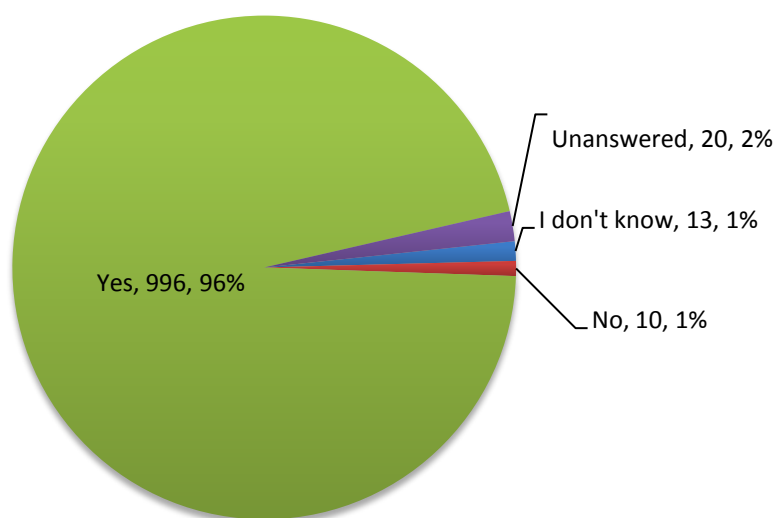


Chart 81: Responses to the question 'Should the Constitution recognise the independence of the judiciary?' (N = 1039)

Independence of the judiciary depends at least partly on how members are appointed, so the next question asked "How should judges be appointed?", and options were given. 590 (53.8%) selected the option 'by an Independent Judicial Commission', 259 (24.9%) selected 'by the Head of State in consultation with an Independent Judicial Commission', 96 (9.2%) preferred 'by Parliament' and 53 (5.1%) 'by the Prime Minister and the cabinet'. Thus nearly 60% feel that an Independent Judicial Commission should play either the sole role or a major role. See Chart 82.

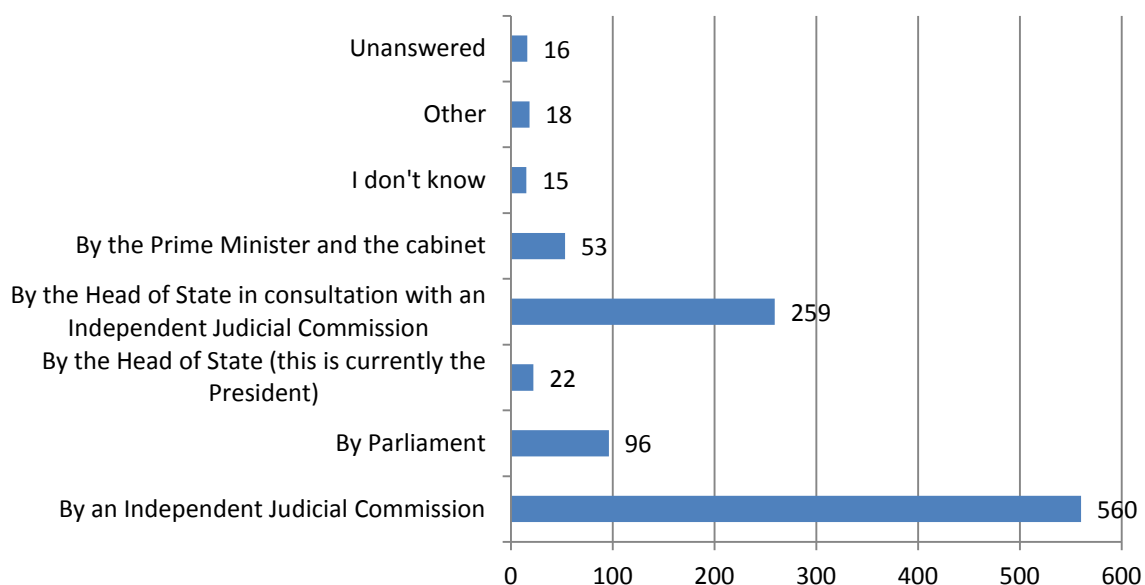


Chart 82: Responses to the question 'How should judges be appointed?' (N = 1039)

The third question asked about term limits for judges. “Should judges serve limited terms of office, or can they be judges indefinitely?” The largest number (431 or 41.5%) chose the response “Judges must serve limited terms of office, but can continue for another term after their work has been reviewed.” Who will review is not included. The next most frequent response selected (320 or 30.7%) was “Judges can serve until they reach retirement age”, again without any age being specified. Another significant number chose “Judges must serve limited terms of office” (252 or 24.2%). It is clear, then, that the respondents would like there to be some form of circumscription to the time which a judge can serve. The current position is that a judge retires at the age of 65 but can extend to 70. It appears that a significant number are happy with this provision. Chart 83

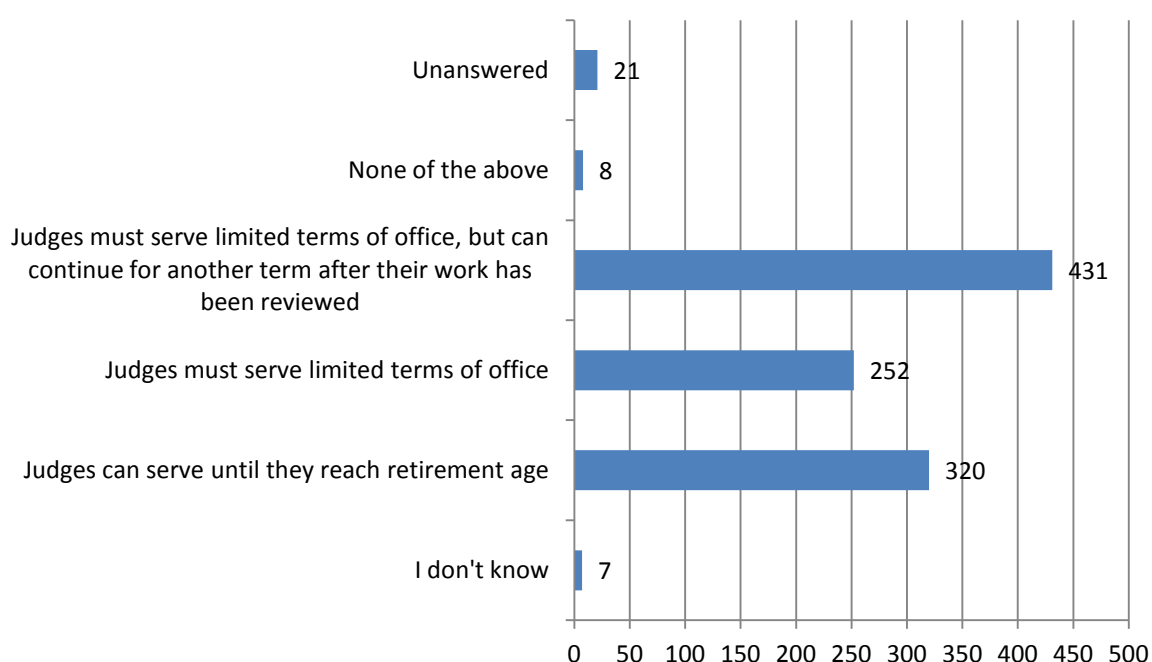


Chart 83: Responses to the question ‘Should judges serve limited terms of office, or can they be judges indefinitely?’ (N = 1039)

On the removal of a judge from office we asked the question “Who should decide if a judge should be removed from office? A significant majority (648 or 62.3%) selected “an Independent Commission and another 23.2% (242) selected “The Head of State can decide on advice of an Independent Commission”. One assumes this means that the Head of state is required to accept the advice of the Commission, so in effect it amounts to the same thing as the first preference. The third most frequent answer (68 or 6.5%) was “The Head of State must appoint a tribunal to decide this”. The first two take power away from the Head of State (who may or may not be the head of the executive) and place it in the hands of an independent body. Only 15 (1.4%) felt that this power could be held solely by the head of State. Chart 84

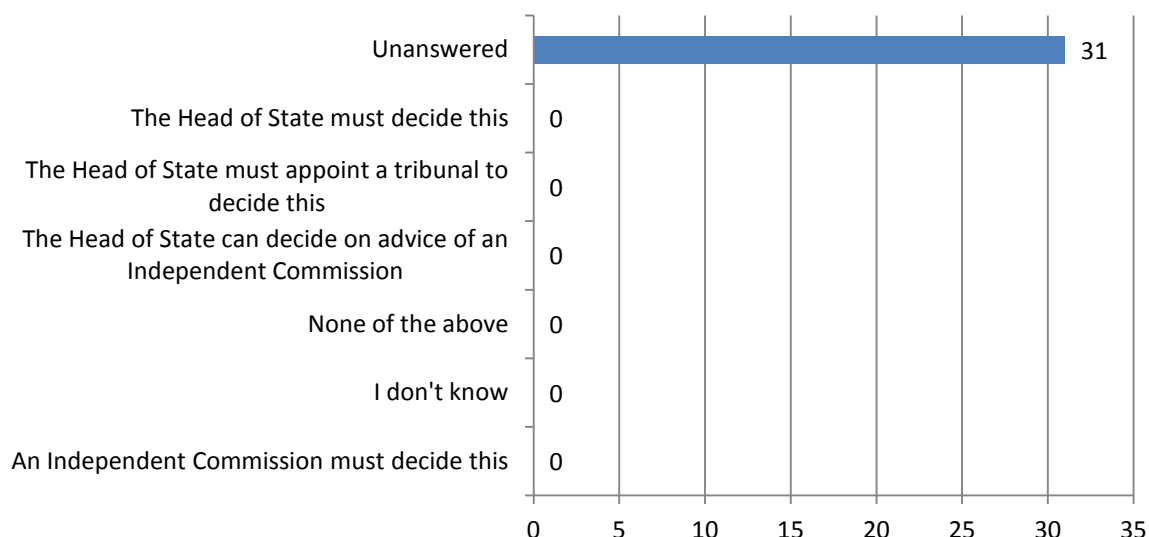


Chart 84: Responses to the question 'Who should decide if a judge should be removed from office?' (N = 1039)

The question “When should international treaties (written agreements between states) become law within Zimbabwe?” was included in this section on the judiciary. The responses tend toward giving this power primarily to Parliament. The commonest answer, chosen by 457 or 43.9%, was “Only Parliament has the right to decide when an International Treaty should be law within Zimbabwe” . The next answer, given by 327 (31.5%) was “As soon as the government (Executive) has signed the treaty, but only if Parliament does not object to it”. This would then give Parliament the right of veto. Finally 165 selected “As soon as the government (Executive) has signed the treaty”; this would of course give the executive legislative powers. However, 55 or 5.2% answered “I don’t know” or “None of the above”, indicating perhaps that this is an area with which they are not familiar. Chart 85

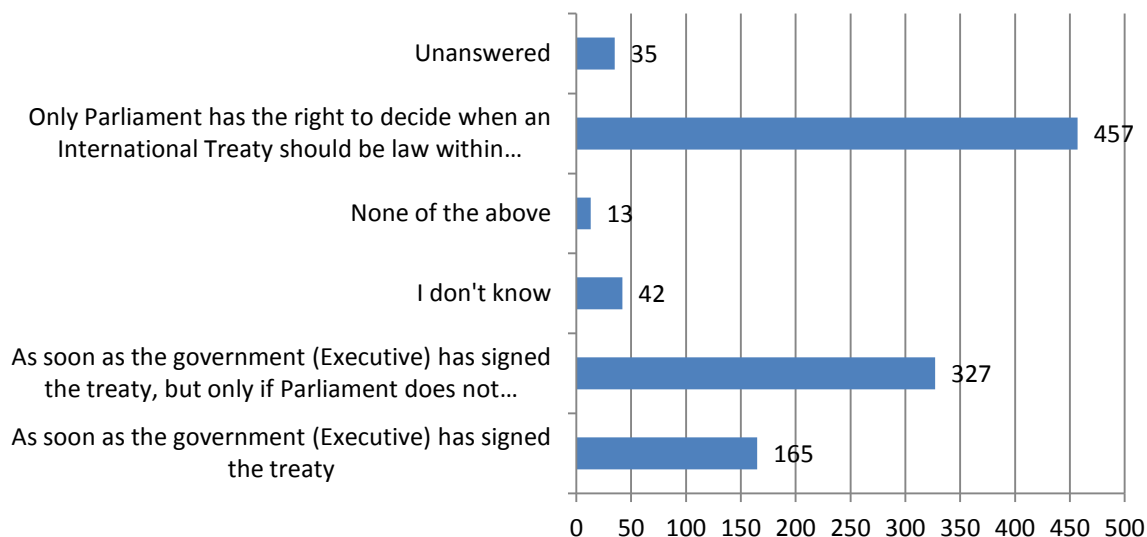


Chart 85: Responses to the question 'When should international treaties (written agreements between states) become law within Zimbabwe?' (N = 1039)

Finally, we asked “Do we need a separate constitutional Court, specifically to ensure that the laws in the new constitution are adhered to?” The answers were strongly in favour, with 844 or 81% answering ‘Yes’ and only 109 or 10.4 % answering ‘No’. Again this shows a concern with ensuring the powers of the executive can be checked. Chart 86

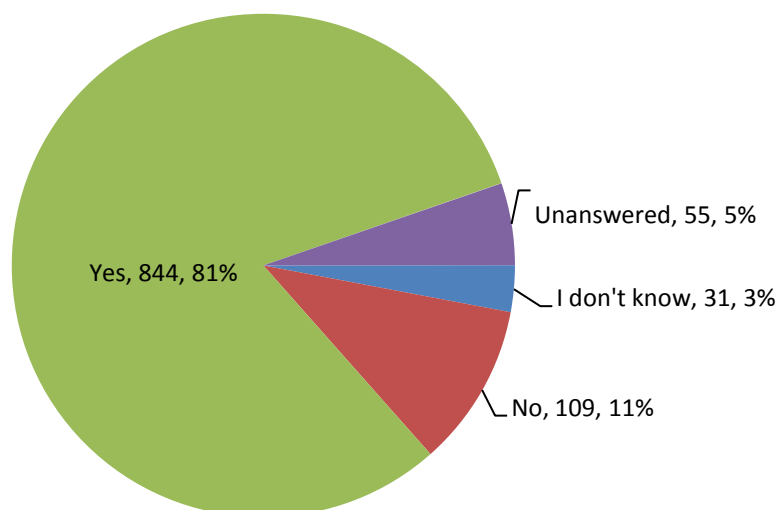


Chart 86: Responses to the question 'Do we need a separate Constitutional Court, specifically to ensure that the laws in the new constitution are adhered to?' (N = 1039)

DEFENCE, POLICE, PRISON AND PUBLIC SERVICES

The control of the security sector has been a burning issue during the time of the Government of National Unity, as it has consistently been used to promote the political grasp of Zanu PF. Thus the questions focused on issues of control and independence of these bodies. Firstly we asked “Should the constitution specify neutrality, impartiality, and non-partisanship as guiding principles for the defence, police, prison and public services?” 970 (93.3%) responded ‘Yes’ while only 25 said ‘No’ and another 25 “I don’t know”. Chart 87

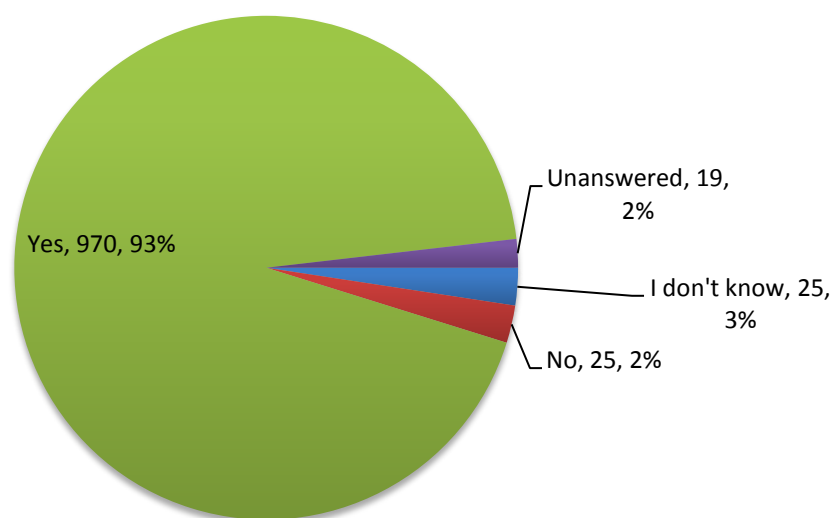


Chart 87: Responses to the question ‘Should the constitution specify neutrality, impartiality, and non-partisanship as guiding principles for the defence, police, prison and public services?’ (N = 1039)

The next question asked “Who should appoint the Attorney-General?” His position is important in relation to the police and the justice system because he controls who will be prosecuted in the courts. Here there was quite a divergence of responses, with the most frequent choice being “President, in consultation with relevant Independent commissions, and with the approval of Parliament”. This was selected by 405 or 39%. 196 (18.8%) selected “Parliament”, while 168 (16.1%) selected “President, in consultation with the Prime Minister and with the approval of Parliament”. The vast majority, then would like Parliament to be involved. Other options were also selected as shown in Chart 88.

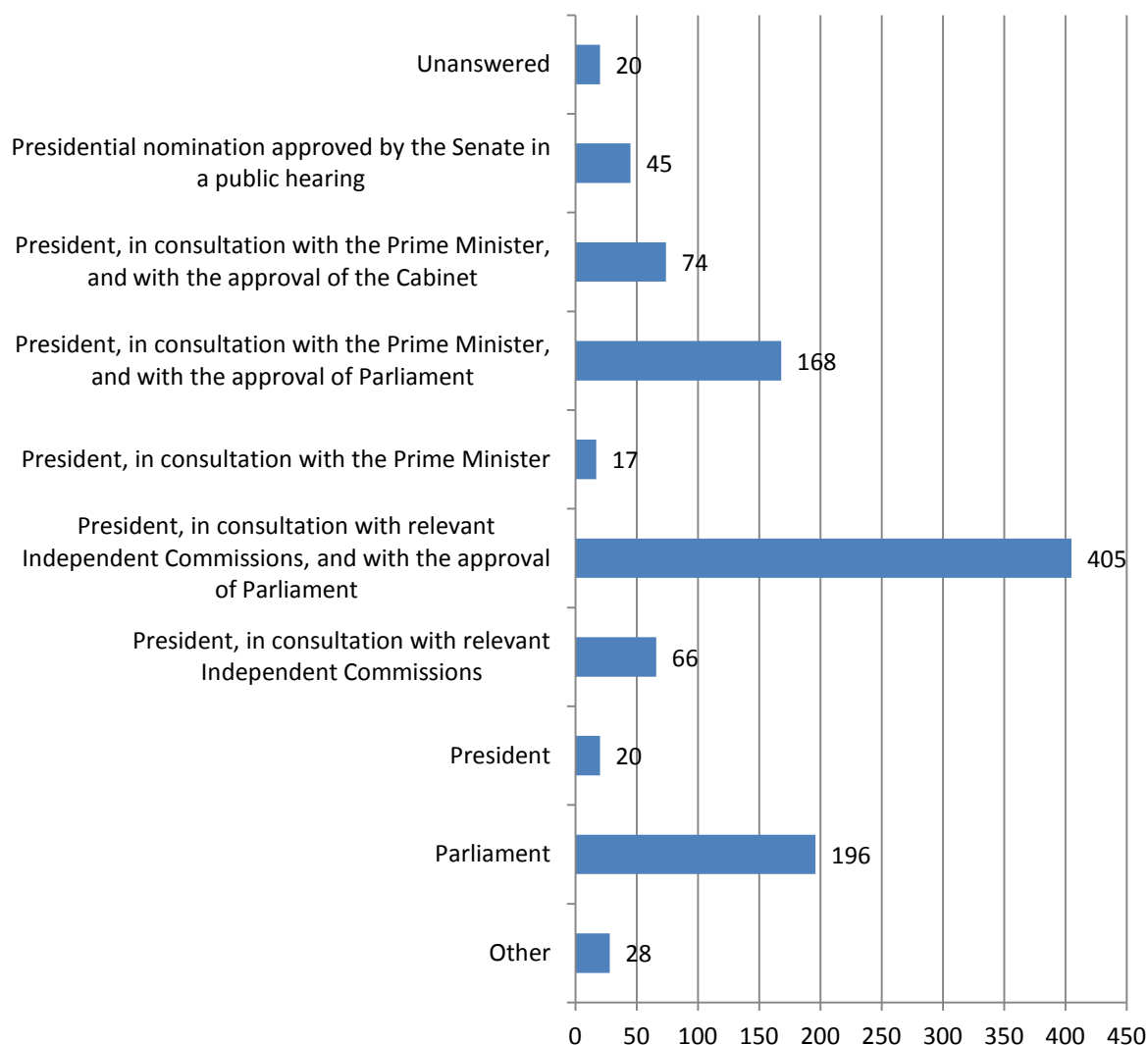


Chart 88: Responses to the question 'Who should appoint the Attorney-General?' (N = 1039)

A similar question asked about appointments of the service commanders: “Who should appoint the Commanders of the Defence Forces, the Police Commissioner and the Prisons Commissioner?” Once again, the respondents preferred parliament to be involved. 345 or 33.2 % selected “President, in consultation with relevant Independent Commissions, and with the approval of Parliament”, 182 (17.5%) selected “President in consultation with the Prime Minister and with the approval of Parliament” and 153 (14.7%) simply chose “Parliament”. 57 selected “Presidential nomination approved by the Senate in a public hearing”. Another 74 selected “President, in consultation with relevant Independent Commissions”, but only 40 (3.8%) were prepared to give this power to the President alone. Chart 89

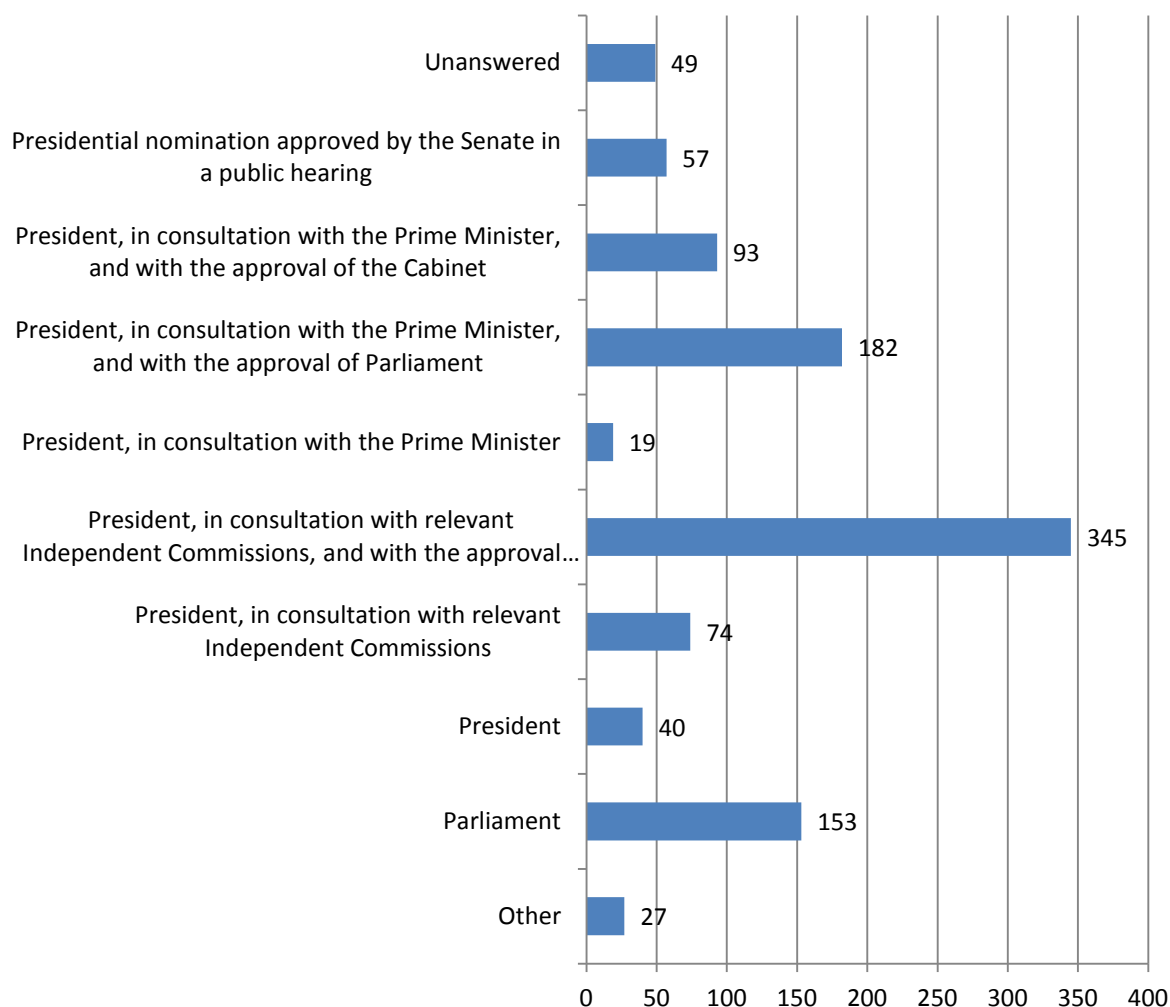


Chart 89: Responses to the question 'Who should appoint the Commanders of the Defence Forces, the Police Commissioner and the Prisons Commissioner?' (N = 1039)

Two comments must be made about the question. It does not state whether the President is an executive president or ceremonial, and it does not make clear whether the president must take the view of the body with which he consults. However, we can assume that most people read this to be an executive president and believed the “in consultation with” meant that he or she must take the advice given. It is interesting that while only 10 of the respondents claimed affiliation with ZANU PF, there are still substantially more than this number who would give unfettered powers to the president on such matters.

Two questions followed about the waging of war. The first asked “Who should have the power/authority to deploy Zimbabwe’s Defence Forces locally and internationally?” This was doubtless answered in light of Zimbabwe’s experience of having the army deployed in high density urban areas in 1998 during food riots, and to the Democratic Republic of the Congo in the same year. The largest number, a majority (596 or 57.3%) selected “The President, in consultation with

Cabinet, and the approval of Parliament”. The next largest number 205 or 19.7% answered “Parliament”. 90 would be satisfied with “The President, in consultation with Cabinet”, while 30 would give this power to the President alone. Chart 90

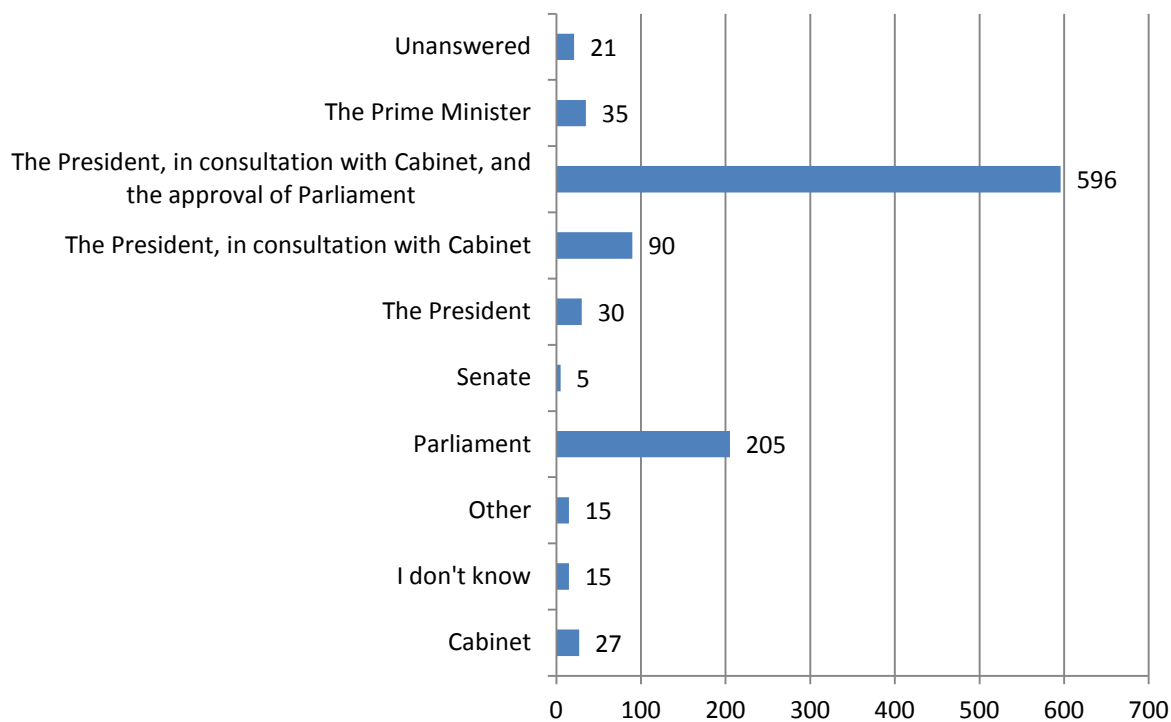


Chart 90: Responses to the question ‘Who should have the power/authority to deploy Zimbabwe’s Defence Forces locally and internationally?’ (N = 1039)

This question was followed up by a similar one which asked “Who should have the power to declare war?” Not surprisingly, the responses were similar, with 644 (62%) selecting “The President, in consultation with cabinet, and the approval of Parliament”, and 166 (15.9%) selecting “Parliament”. The next highest number was 74, choosing “The President, in consultation with Cabinet”, and presumably the same 30 answering “The President” alone. Chart 91

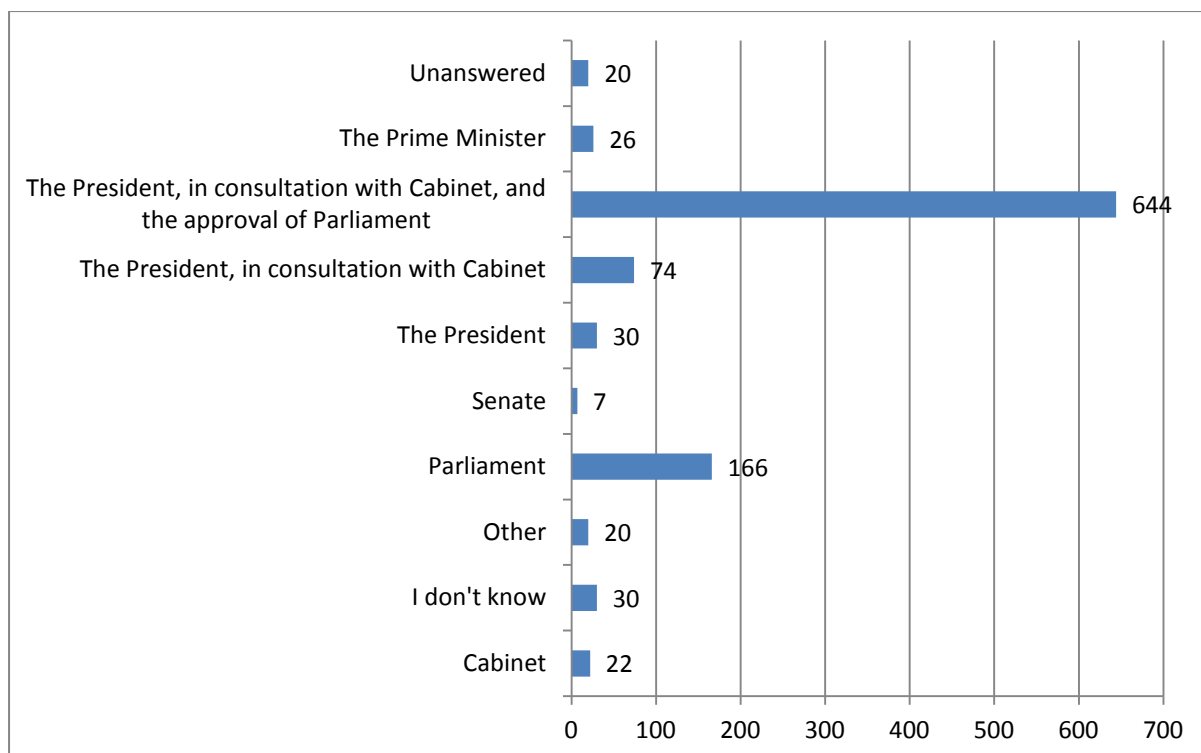


Chart 91: Responses to the question 'Who should have the power to declare war?' (N = 1039)

Regarding the civil service, a question asked "Should members of the Public Service (civil servants) be allowed to participate in politics?" 588 answered 'No' and 398 answered 'Yes'. We have no valid way of assuming what the thinking was behind these answers. Clearly, the civil service has been politicized under Zanu PF, and the majority clearly would like this to stop, but a substantial number still believe that civil servants should not be restricted in participating in politics, for reasons that we have not identified. Chart 92

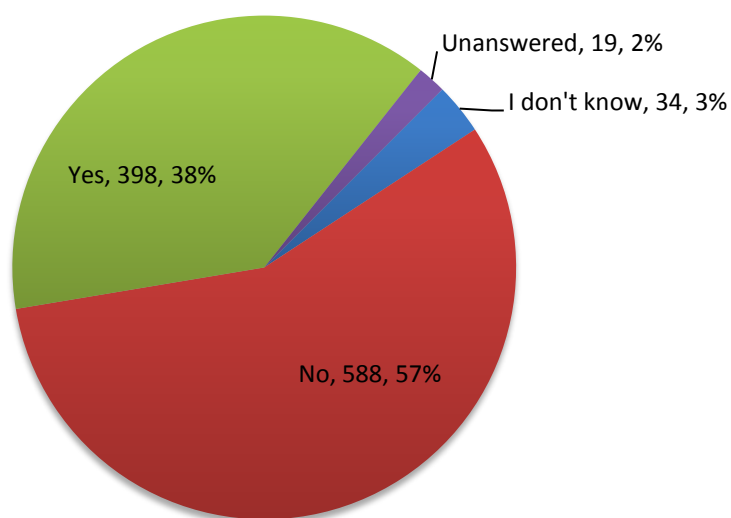


Chart 92: Responses to the question 'Should members of the Public Service (civil servants) be allowed to participate in politics?' (N = 1039)

Finally in this section, the survey asked "Should the constitution state the state's responsibilities with regards the health and welfare of prisoners?" 972 answered 'Yes' and only 27 answered 'No'. The sentiment is very clear, even though normally such responsibilities are contained in specific legislation, especially if such rights are guaranteed for everyone in a constitution's Bill of Rights.

Chart 93

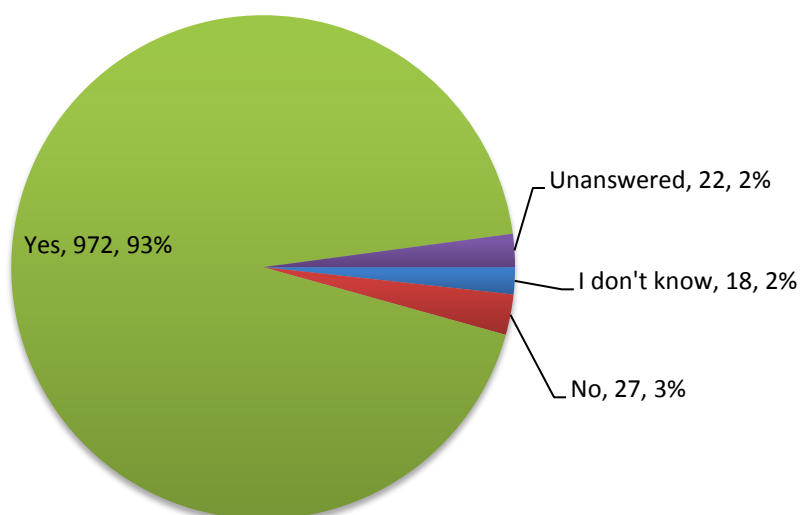


Chart 93: Responses to the question 'Should the constitution state the state's responsibilities with regards the health and welfare of prisoners?' (N = 1039)

WAR VETERANS

The term 'war veteran' has acquired significant political overtones in recent Zimbabwean history. The Zanu PF political agenda has posited war veterans at the heart of the land reform debate²⁹, and in 2008 war veterans, alongside the army, police and youth militia, were used by the Mugabe regime to invade commercial farms and to wage terror against Zimbabwean civilians before³⁰, but most significantly after³¹, the controversial March elections. These perpetrators have perpetrated violence against Zimbabweans in all elections in the last decade, but 2008 saw the worst glut of abuses.

Both Mugabe and military leaders have argued that only those who have 'liberation war credentials' are entitled to lead the country. The extent to which liberation credentials take priority over democratic principles was clearly evident in June 2008, when Mugabe declared "They, [war veterans], said they got this country through the barrel of gun, so they cannot let it go by a ballot".³²

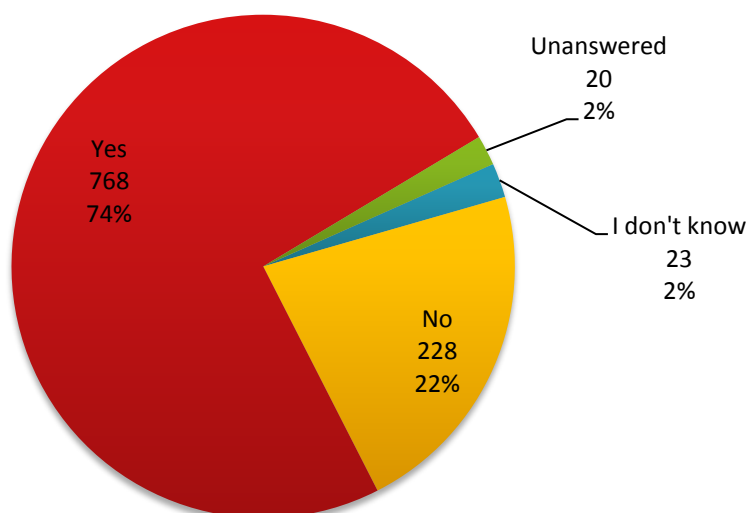


Chart 94: Responses to the question 'Should the Constitution define who is entitled to be called a 'war veteran'?' (N = 1039)

The question of who is a 'war veteran' has become so linked with current political events, that individuals allied to the Zanu PF party are implicitly afforded a greater status; this is most evident

²⁹ 'Court backs Mugabe land reforms', BBC, 4 December 2001:

<http://news.bbc.co.uk/1/hi/world/africa/1691357.stm>

³⁰ Chinaka, Chris. 'Mugabe's iron fist - war veterans and green bombers', *Reuters*, 20 March 2008:

<http://uk.reuters.com/article/2008/03/20/uk-zimbabwe-election-mugabe-idUKL1813904020080320>

³¹ 'Zimbabwe military supplying Mugabe supporters: rights group', *ABC News*, 30 April 2008:

<http://www.abc.net.au/news/stories/2008/04/30/2232049.htm>

³² 'Mugabe: War vets ready to fight for me', *CNN*, 13 June 2008:

<http://edition.cnn.com/2008/WORLD/africa/06/13/zimbabwe.mugabe/>

when it comes to bestowing 'hero status' on people after death ('National Heroes' are discussed in more detail on page 98). In many respects, current party loyalty takes priority over a history of fighting in the liberation war, leading to the title 'war veteran' being used to also encompass individuals who are clearly far too young to have ever fought in the war, their main qualification appearing to be their commitment to the Zanu PF party.

Given the contentious, and central role that war veterans have played in Zimbabwe's recent political history, we asked our survey respondents whether the constitution should define who is entitled to be called a 'war veteran'. The majority of all our respondents, 74%, said yes, with 22% disagreeing (see Chart 94).

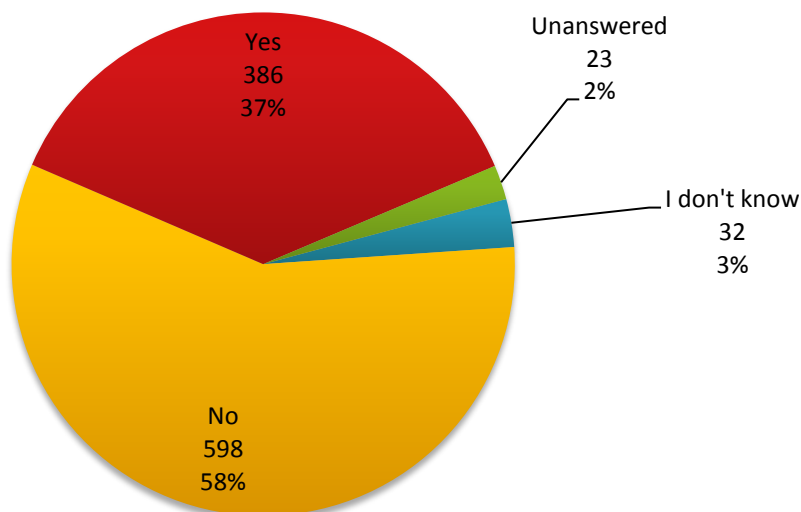


Chart 95: Responses to the question 'Should the Constitution allow for a publically funded body (e.g. ministry) to represent the interests of war veterans?' (N = 1039)

We also asked our respondents whether the constitution should allow for a publically funded body (e.g. a ministry) to represent the interests of 'war veterans'. A majority of 58% (598 respondents) said 'No', while 37% said 'Yes'. When asked the same question in a slightly different way - 'Do you think there should be an independent body (e.g. a war veteran's commission) to monitor war veterans?' – a majority of 679 people said 'Yes' (66%), with 30% disagreeing (see Chart 96 on page 96).

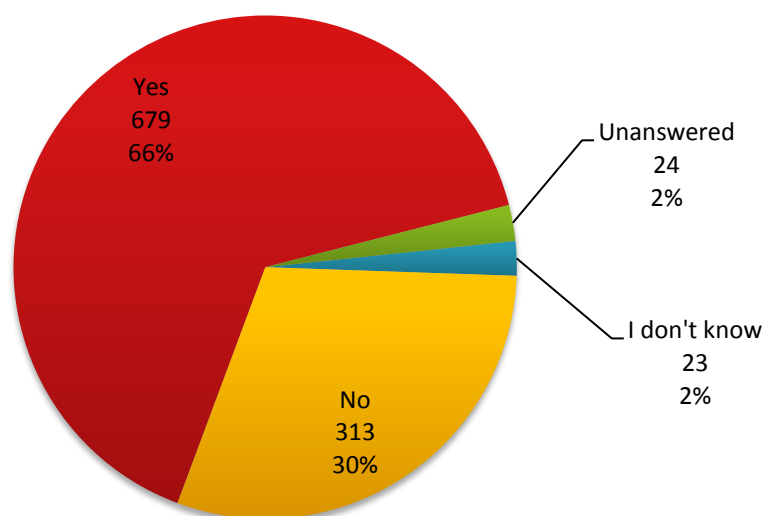


Chart 96: Responses to the question 'Do you think there should be an independent body (e.g. a war veteran's commission) to monitor war veterans?' (N = 1039)

These responses suggest that our respondents would prefer the function and purpose of 'war veterans' to be clearly and neutrally defined, and for war veterans to be overseen by an independent body. The fact that there was a significant shift in answer responses to the question containing the words 'monitor war veterans' than to the question using the phrase 'represent the interests', suggests that our sample believe that there is a greater need for 'war veterans' to be subjected to control, rather than have special attention to paid to their interests and needs. It's an unsurprising finding given the unequivocal association 'war veterans' have with political violence and political intimidation so prevalent in Zimbabwe. It is also a reflection of the break-down of the rule of law that people think an independent body is needed when in fact this should be the responsibility of the police. Our findings suggest that Zimbabweans want the public understanding of 'war veterans' to be de-politicised and addressed objectively and neutrally.

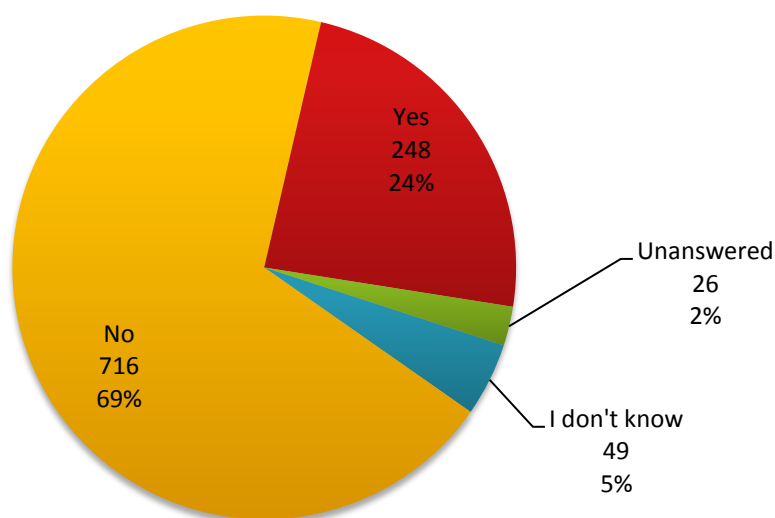


Chart 97: Responses to the question 'Should war veterans be targeted for affirmative action and empowerment programmes?' (N = 1039)

In addition to this, the 'special status' that war veterans have enjoyed in Zimbabwe, framed by Zanu PF's political rhetoric and controversial policies, is something else that the public are possibly less tolerant of. We asked our respondents "Should war veterans be targeted for affirmative action and empowerment programmes?" A majority of 716 respondents said 'No' (69%), while 248 (24%) said 'Yes' (see Chart 97 on page 97).

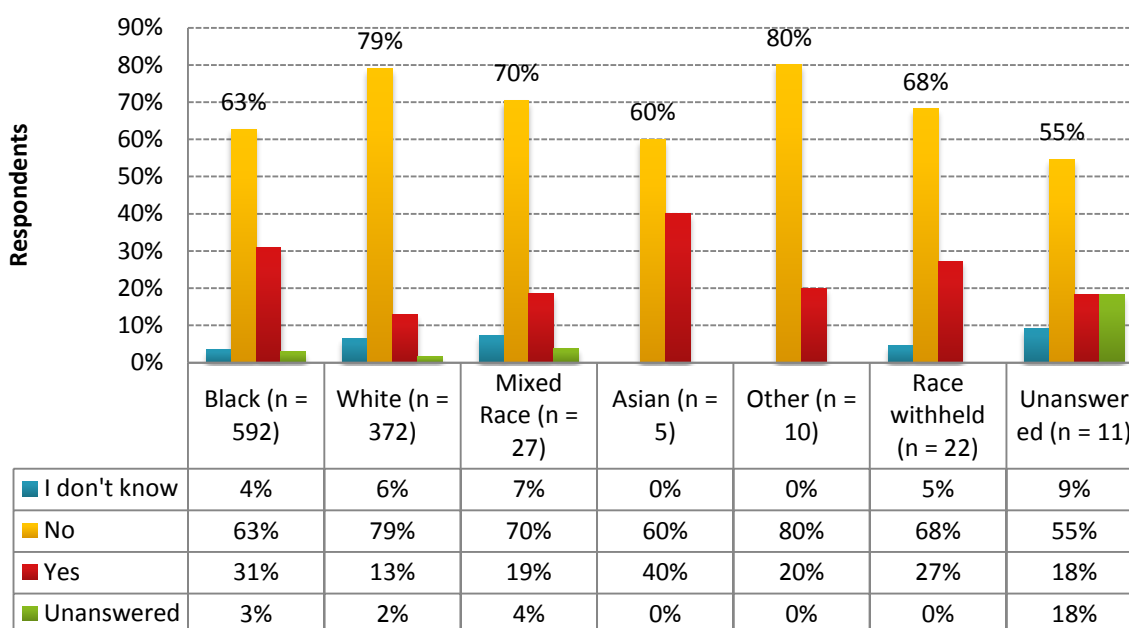


Chart 98: Responses to the question 'Should war veterans be targeted for affirmative action and empowerment programmes?' shown as proportional values by race group (N = 1039)

When we looked at these answers in more detail by calculating proportional responses by race group, we found that a majority (well over 50%) of respondents across all race groups answered 'No' to the question "Should war veterans be targeted for affirmative action and empowerment programmes?" 63% of black respondents said "No", 79% of whites, 70% of those of mixed race, 60% of the Asian, 80% other, 68% of those who deliberately withheld their race.,

Amongst the minority that answered "Yes" our analyses indicated that white respondents in our sample were the least likely to support affirmative action and empowerment programmes for war veterans, with only 13% responding 'Yes' compared to 31% of black respondents who said 'Yes'). Taken together, the responses are in fact contradictory. If war veterans are not to be given any particular consideration or benefits by the constitution, why do they need to be defined? This is surely then a political issue rather than a constitutional one.

NATIONAL HEROES

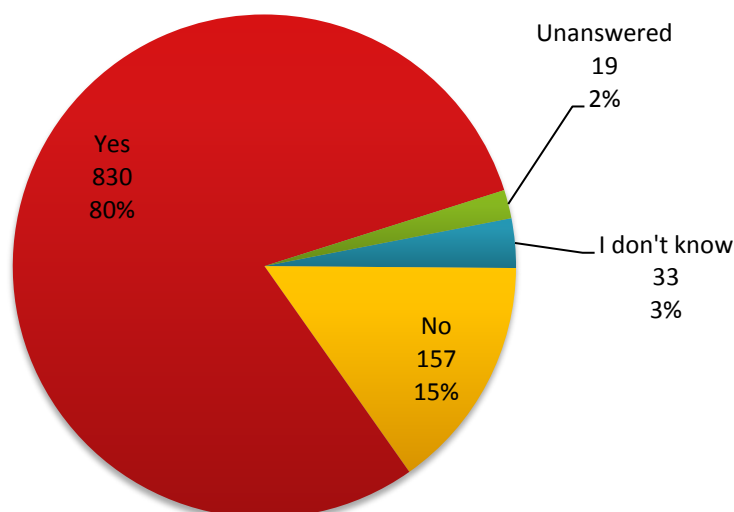


Chart 99: Responses to the question 'Should the Constitution establish the criteria that an individual must satisfy to be awarded 'National Hero' status?' (N = 1039)

A large majority of 830 respondents (80%) answered 'Yes' to the question 'Should the Constitution establish the criteria that an individual must satisfy to be awarded 'National Hero' status?' with only 15% answering 'No' (see Chart 99).

National Hero status is currently decided by the Zanu PF politburo, a fact that has led many to argue that being a 'Hero' has less to do with service to Zimbabwe, and more to do with service to the Zanu PF political party. The death of Thenjiwe Lesabe in February 2011 highlighted the partisan bias

brought to determining National Hero status. The politburo decided not to honor Lesabe as a hero based on her decision to defect from the Zanu PF party to ZAPU in 2009.³³ Didymus Mutasa, a politburo member, said “We could not confer on her the national heroine status, which was her rightful status, because she was not consistent when she joined Zapu led by Dabengwa.”³⁴

When asked 'Who should decide whether an individual is a 'National Hero'?', the majority of all our respondents (53%) said that this should be a decision taken by an Independent Commission. The next most popular option, favoured by 27% of our respondents, was for parliament to decide (see Chart 100). The combined total for these two responses equals 836 respondents, or 80% of our sample, preferring National Hero status to be decided either by democratically elected MPs, or by an Independent Commission. Both options suggest a desire for impartiality and fairness when it comes to deciding National Hero status.

Not one respondent who selected 'Other' from the options shown in Chart 100, asked for the Zanu PF politburo to retain this privilege. However, 54% of those who selected 'Other' argued that National Hero status should be abolished (this equates to 3% of our total sample). These comments represent the broad views expressed by those who feel there is no need for National Hero status: “There is no need to place emphasis on national heroes, every Zimbabwean is a hero if they serve and remain loyal to the country” ; “The concept of 'National Hero' is inherently divisive and open to historical bias. It serves no useful purpose”, and “The concept of Heroes belongs to a totalitarian state. There should be awards for contributions to society.”

³³ Moyo, Methueli. 'Mrs Thenjewi Lesabe joins ZAPU', *ZAPU*, 12 September 2009: <http://www.zapu.org/events/videos/111-lesabe-joins-zapu>

³⁴ Nkato, Lebo. 'Zanu PF suffers new Heroes Acre snub', *NewZimbabwe*, 18 February 2011: <http://www.newzimbabwe.com/news-4500-Zanu+PF+suffers+new+Heroes+Acre+snub/news.aspx>. See also Ndlovu-Gatsheni, S. 'The Changing Politics of Matebeleland', *Solidarity Peace Trust*, 24 February 2011: <http://www.solidaritypeacetrust.org/994/the-changing-politics-of-matebeleland-since-1980/>

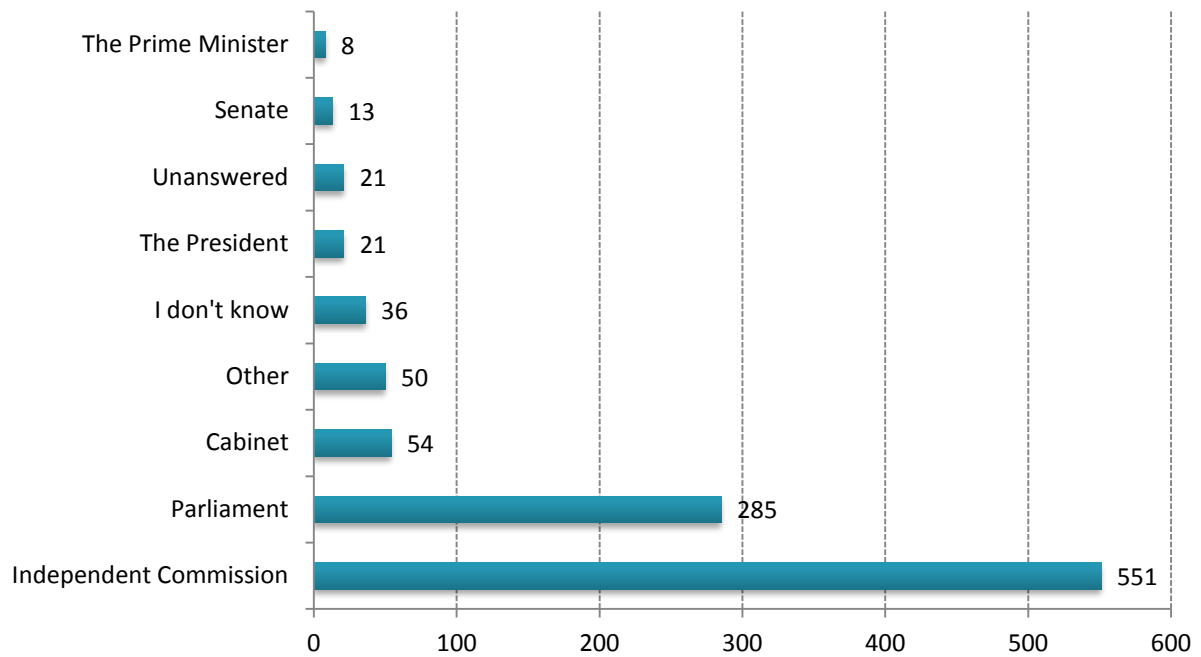


Chart 100: Responses to the question 'Who should decide whether an individual is a 'National Hero'?' (N = 1039)

LABOUR

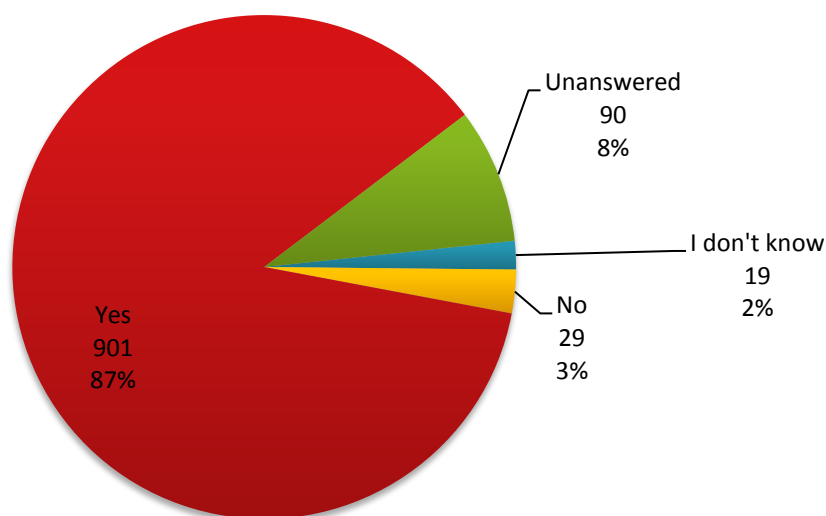


Chart 101: Responses to the question 'Should the Constitution recognise international labour laws and labour standards?' (N = 1039)

901 of our respondents (87%), believe that the constitution should recognize international labour laws and standards, with only 3% disagreeing. There are of course a number of ways in which the constitution might “recognize” such laws and standards, ranging from taking note to building them automatically into domestic law, but these details were not included.

	Respondents	% responding
Health and safety at work	998	96%
Rights to equal pay for men and women doing the same job	979	94%
Maternity leave for women workers	936	90%
Equitable opportunity for promotion	935	90%
The right to be a member of a trade union	931	90%
Adequate pay	929	89%
Periodic holidays with pay and pay for public holidays	929	89%
Limitation of working hours	860	83%
The right to strike, sit-in or stay-away, or such other concerted action	856	82%
Rights to vocational training	818	79%
Full employment	780	75%
Paternity leave for male workers	711	68%
Other	80	8%

Table 10: Responses to the question 'What labour rights should be included in the new Constitution?' (N = 1039)

Table 10 highlights responses to the question 'What labour rights should be included in the new Constitution?'. Several of the respondents who selected 'Other' pointed out that adhering to international labour standards should suffice, and that details such as these provided in Table 10 were better contained in labour law rather than constitutional law. This question was included in the survey based on the fact that various Draft Constitution documents have referred to labour rights, including the Law Society of Zimbabwe's 2010 model constitution, the Kariba Draft Constitution, and the National Constitutional Assembly Draft Constitution of 2001.³⁵ The table shows that a majority of respondents (68% or more) support each right listed in the table.

³⁵ See the Sokwanele online constitution resource for details:
<http://www.sokwanele.com/zimbabweconstitution/sections/513>

PUBLIC FINANCE

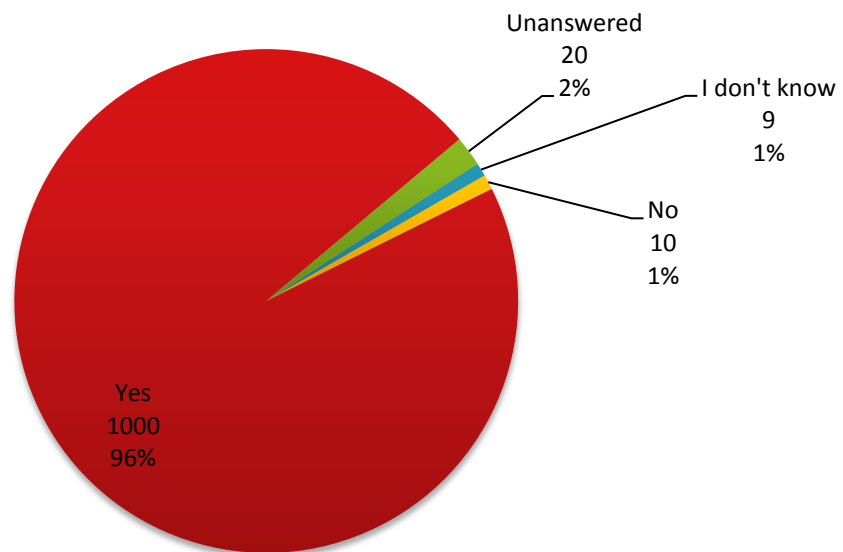


Chart 102: Responses to the question 'Should the Constitution ensure and guarantee transparency and accountability in the management of public finances?' (N = 1039)

Almost all of our survey respondents (96%) believe that the constitution should guarantee transparency and accountability in the management of public finances (shown in Chart 102), with only 1% answering 'No' to the question.

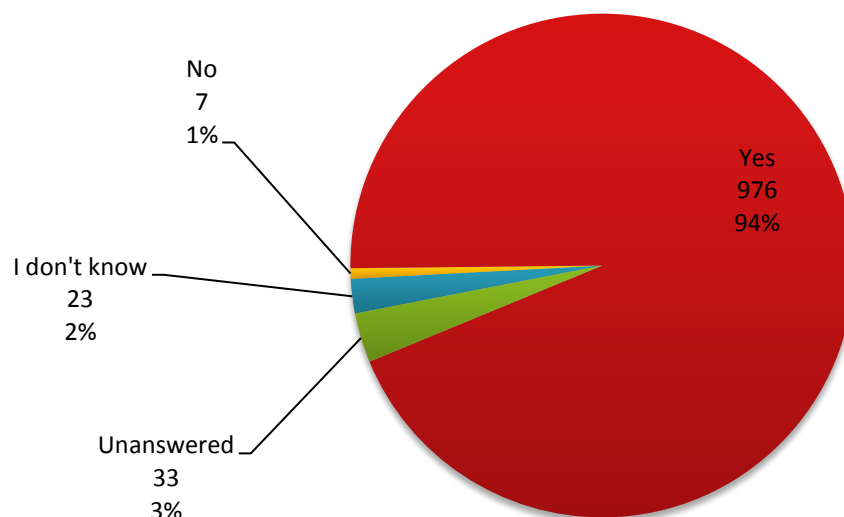


Chart 103: Responses to the question 'Should parastatal bodies be required to publish annual and half-year reports within a set period every six months?' (N = 1039)

Again, as for the previous question, a huge majority of respondents favoured a guarantee of transparency, indicating that parastatal bodies should be required to publish annual and half-year reports within a set period every six months. 94%, or 976 respondents, answered 'Yes' to the question (Chart 103).

We also asked our respondents 'How important is it that the Comptroller and Auditor-General be independent?' Assuming that these might be new terms for some respondents, we included an explanatory note as follows: "The Comptroller and Auditor-General are responsible for reporting on public accounts of Zimbabwe and they have the discretion to audit any institution that receives money for a public purpose."

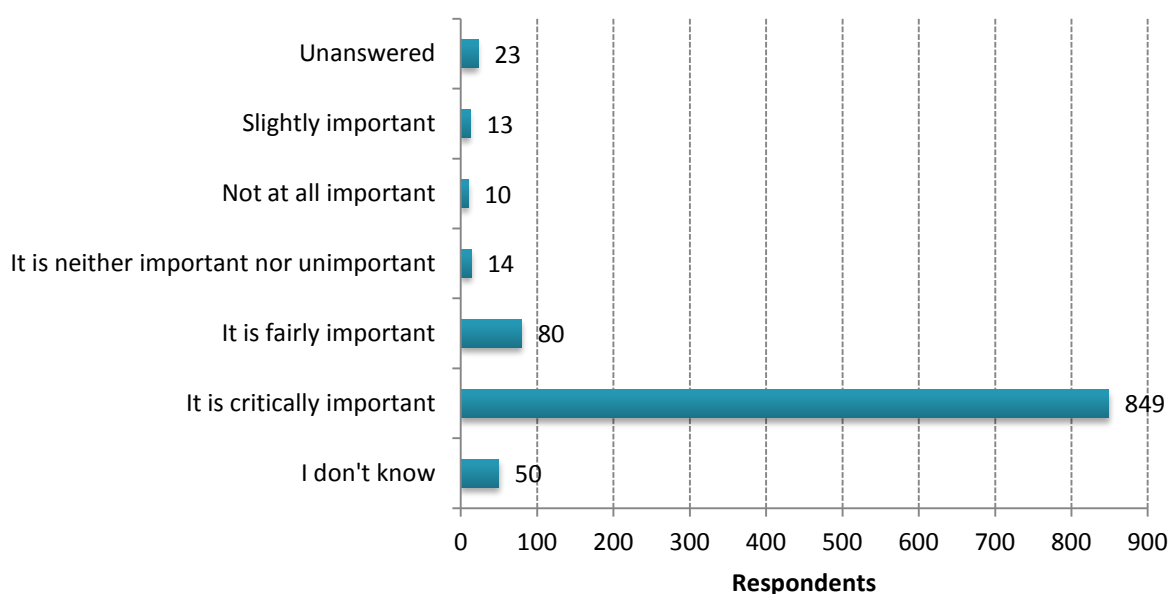


Chart 104: Responses to the question 'How important is it that the Comptroller and Auditor-General be independent?' (N = 1039)

Chart 104 shows that the most of our respondents - 849, equating to 82% of all respondents - believe that it is 'Critically Important' for the Comptroller and Auditor-General to be independent. Surely these responses reflect concern with the lack of transparency and accountability of public finances over recent years.

PUBLIC FINANCE AND MINISTERIAL ACCOUNTABILITY

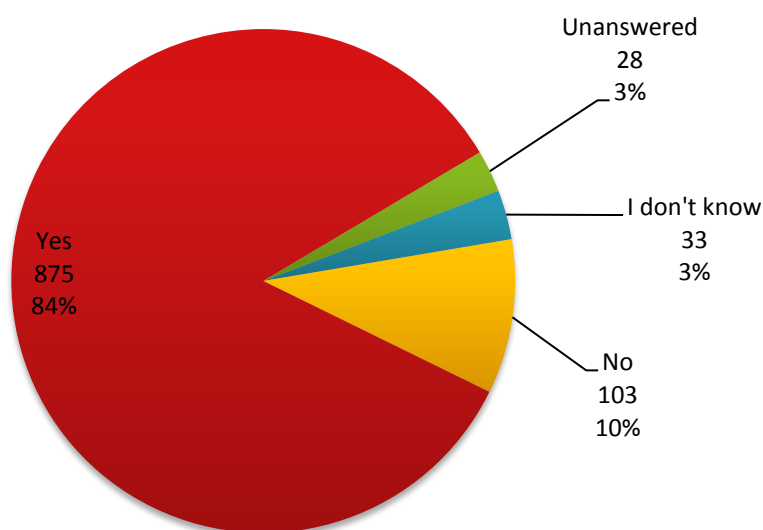


Chart 105: Responses to the question 'Should ministers be personally held to account for every financial transgression in their ministry?' (N = 1039)

84% (875) of those surveyed believe that ministers should be held personally accountable for every financial transgression in their ministry, with 10% disagreeing (Chart 105). We also asked 'Should Parliament be entitled to condone and free ministers from responsibility for ministerial expenditures in excess of the sums voted in the Budget?': 64% (661) of our respondents said 'No', they should not be entitled to free ministers from responsibility, while 27% said 'Yes', parliament should have this power (see Chart 106). It is perhaps surprising that so many, even though far less than half, are prepared to condone excess expenditure after the fact, given the high level of concern expressed over financial responsibility in the other questions.

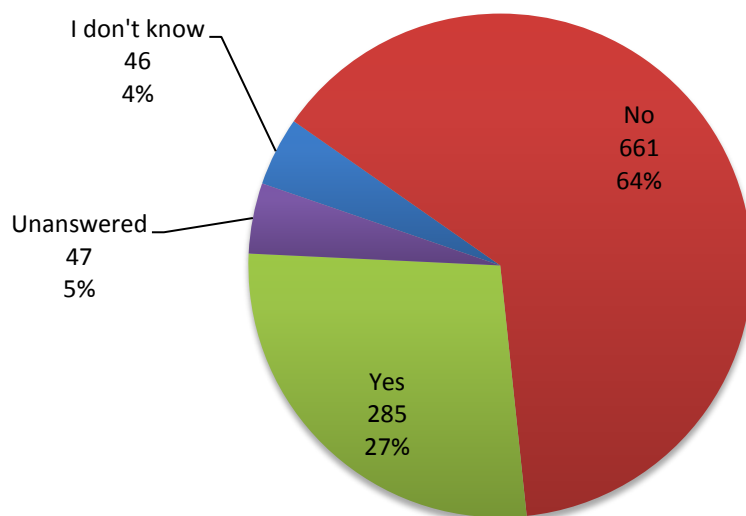


Chart 106: Responses to the question 'Should Parliament be entitled to condone and free ministers from responsibility for ministerial expenditures in excess of the sums voted in the Budget?' (N = 1039)

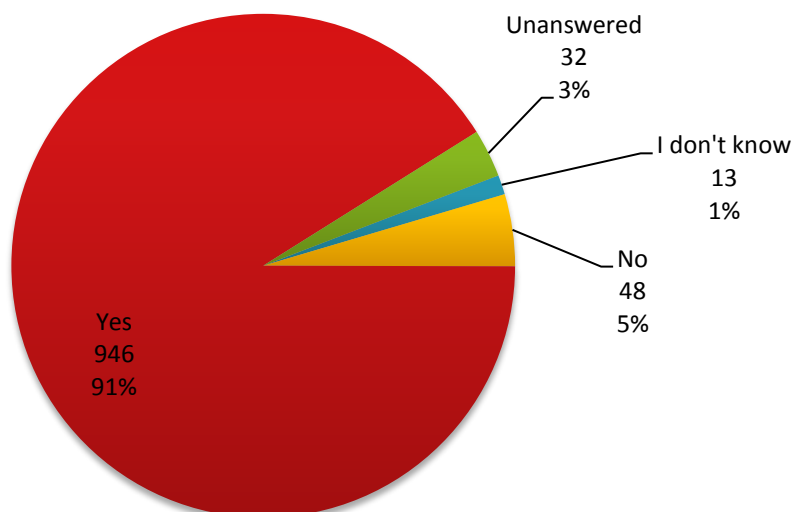


Chart 107: Responses to the question 'Should the Constitution require details of all expenses paid to MPs and Ministers to be made public?' (N = 1039)

More than 91% (946) of our respondents believe that the constitution should require details of all expenses paid to MPs and Ministers to be made public (see above). This question could have been much more comprehensive and specific. It only says that details of “expenses” be made public, but it does not state what this means. Perhaps the framers were influenced by the scandal surrounding

British parliamentarians' expense accounts The critical issue of the total assets of MPS and Ministers is omitted Nevertheless, it is clear that the respondents want greater transparency.

GENDER AND THE NATIONAL BUDGET

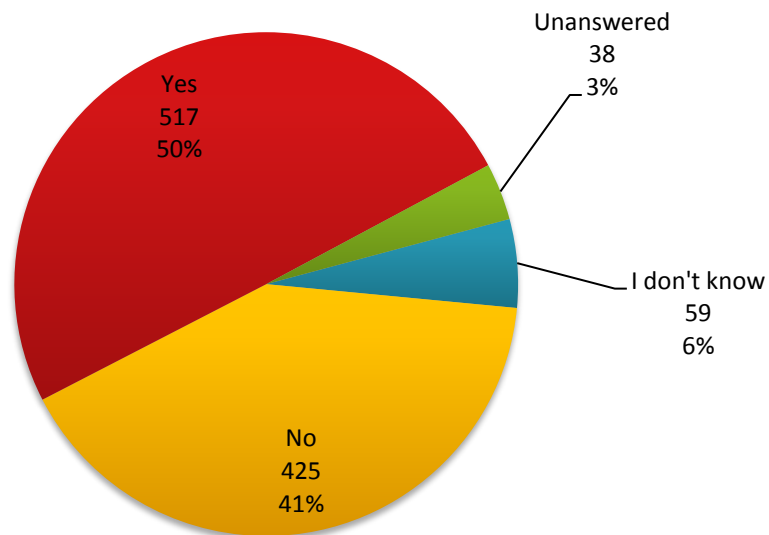


Chart 108: Responses to the question 'Should the National Budget be gender sensitive in the way it allocates resources?' (N = 1039)

Responses to the question 'Should the National Budget be gender sensitive in the way it allocates resources?' were more equivocal, with 50% saying 'Yes', 41% answering 'No', and 6% saying 'I don't know'. Possibly respondents didn't have a clear idea of what a gender sensitive budget might mean in concrete terms, or possibly they interpreted this to favour women unfairly.

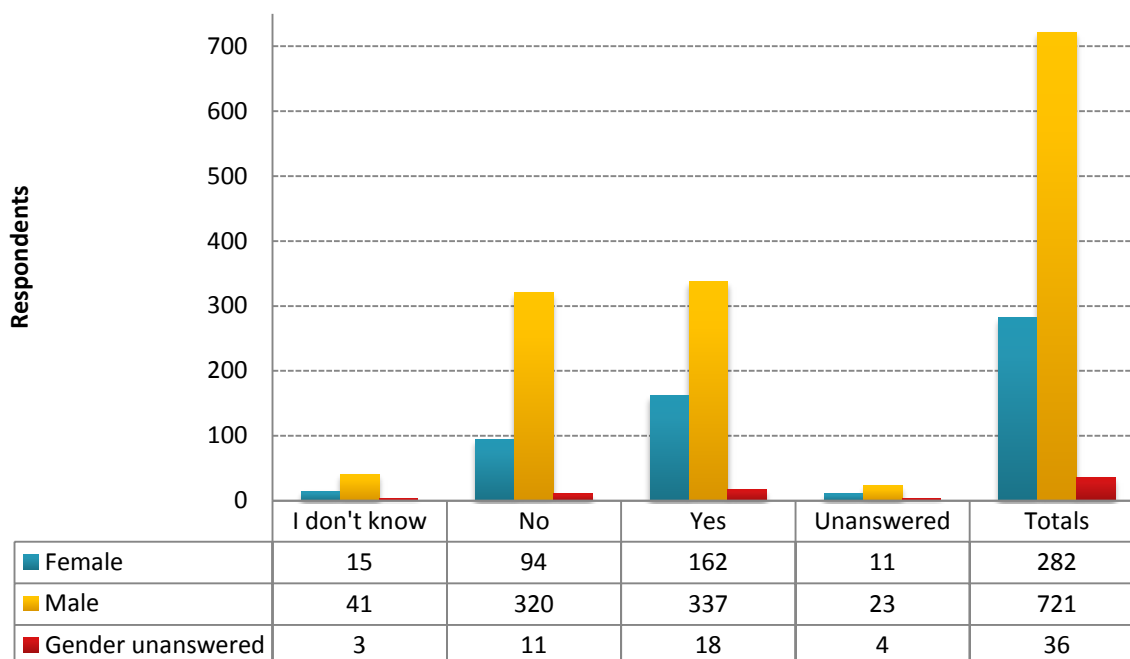


Chart 109: Gender analyses of results shown in Chart 108 (N = 1039)

A gender analysis of these results reveals that a majority of men and women surveyed believe that the national budget should be gender sensitive in the way it allocates resources, but with opinions among men almost equally divided: 57% of women said 'Yes' while 33% said 'No'; of the men surveyed, 47% said 'Yes' and 44% said 'No' (see Chart 109).

If we do a similar analyses of this question by race, we find that the race groups with a majority in favour of a gender sensitive National Budget are black people, Asians, and those who identified themselves as mixed race. Those who did not answer the race question, but did answer this question, also had a majority that answered 'Yes'. White people and those who specified their race as 'Other' had a majority that opposed a gender sensitive national budget: 38% of white people said 'Yes' and 51% said 'No'. Full results for all race groups, shown as proportional values, are contained in Chart 110. This is an interesting result, showing white respondents diverging from all the others on a gender issue.

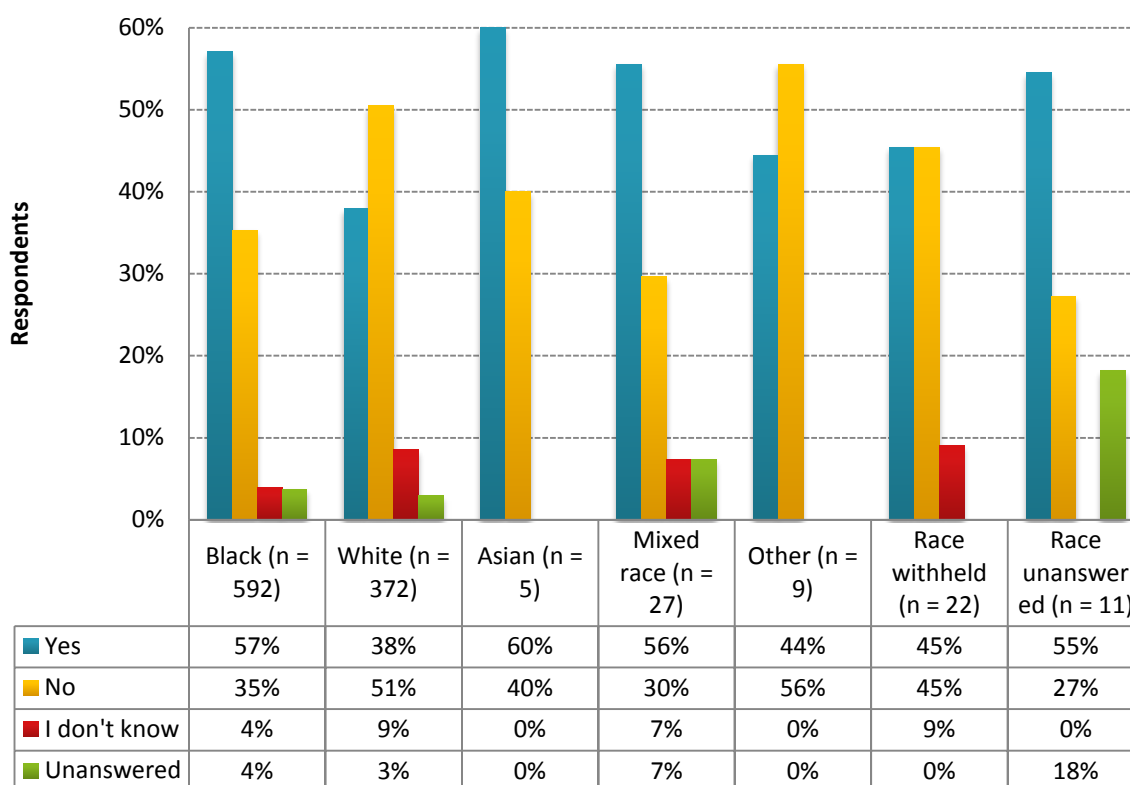


Chart 110: Responses to the question 'Should the National Budget be gender sensitive in the way it allocates resources?' shown as proportional values by race group (N = 1039)

We isolated answers for white respondents (with a majority saying 'No') and black respondents (a majority saying 'Yes')³⁶, and looked at these answers by gender too. Among white people, we found that there was an equal split amongst women, with as many white women in favour of a gender sensitive national budget as those opposed to it. However, with white men, a clear majority opposed a gender sensitive budget: 54% said 'No', and 33% said 'Yes' (see Chart 111).

³⁶ We focused on the two main race groups represented in our sample.

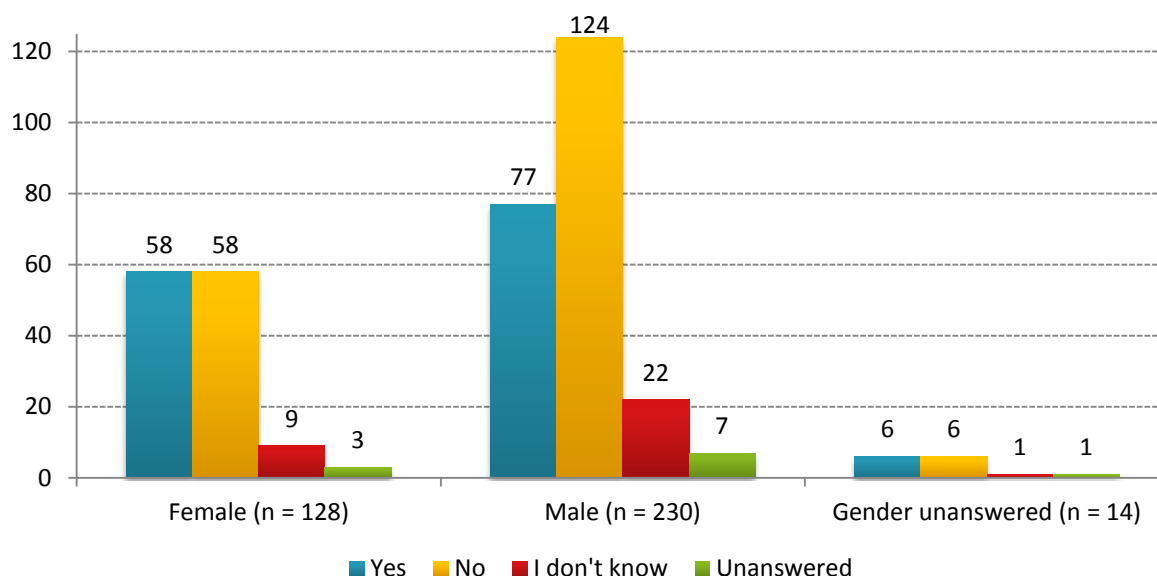


Chart 111: Gender analyses of responses given by white people to the question 'Should the National Budget be gender sensitive in the way it allocates resources?' (n = 372).

When looking at responses by black people alone, we found that there was a greater support for a gender sensitive national budget across both gender groups, with 54% of black men saying 'Yes', and 71% of black women also saying 'Yes' (Chart 112). These results are interesting, showing white men to be the least supportive of gender sensitivity, followed by white women. We cannot offer any specific explanation for this difference on the basis of race.

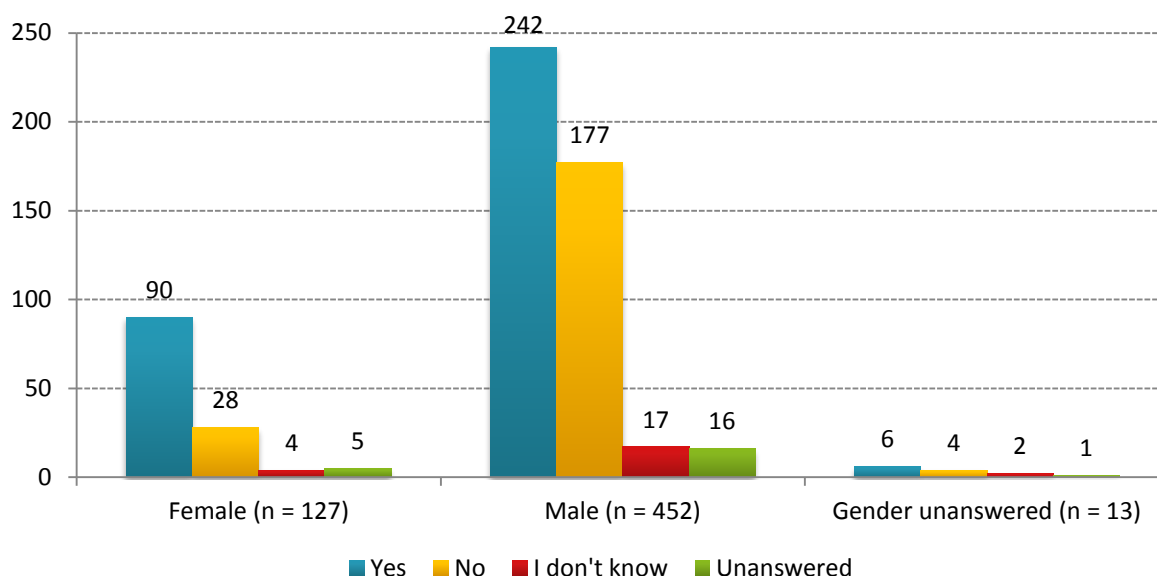


Chart 112: Gender analyses of responses given by black people to the question 'Should the National Budget be gender sensitive in the way it allocates resources?' (n = 592).

RESERVE BANK OF ZIMBABWE

We included an explanatory note in our survey, describing the Reserve Bank's primary function as follows:

The Reserve Bank's primary function is to provide the nation's money supply, to regulate the banking sector, to be the lender of last resort, to protect and preserve the value of the nation's currency, to manage the nation's foreign exchange reserves, to provide the nation with a money supply of an appropriate size, to be the government's bank and to manage the raising of funds to meet the public sector's borrowing requirements.

The Reserve Bank of Zimbabwe has played an often controversial role in influencing the state of Zimbabwe's economy in recent years, with many believing that this has contributed to world record levels of hyperinflation, wide scale unemployment, famine, and the collapse of critical public services such as health and education. We've included some questions in this section that seek to gauge public opinion on some controversial practices carried out in recent years under the direction of the Governor of the Reserve Bank. While these might not be directly relevant to drafting the nation's constitution, we feel that understanding public opinion about these practices should contribute to, and inform, constitutional decisions that shape, for example, the role of the Governor in the Reserve Bank.

Who should appoint the Governor of the Reserve Bank of Zimbabwe?	number of respondents	% responding
President, in consultation with relevant Independent Commissions, and with the approval of Parliament	376	36%
President, in consultation with the Prime Minister, and with the approval of Parliament	225	22%
Parliament	160	15%
President, in consultation with the Prime Minister, and with the approval of the Cabinet	93	9%
President, in consultation with relevant Independent Commissions	53	5%
Unanswered	37	4%
Other	35	3%
Presidential nomination approved by the Senate in a public hearing	30	3%
President	17	2%

Table 11: Responses to the question 'Who should appoint the Governor of the Reserve Bank of Zimbabwe?' (N = 1039)

We started by asking our respondents ‘Who should appoint the Governor of the Reserve Bank of Zimbabwe?’ The most popular choice (supported by 36% of our sample – 376 respondents) was for the Governor to be appointed by the President, in consultation with a relevant Independent Commission, and with the approval of Parliament (all responses are provided in Table 11). The feeling here seems to be that the President’s powers of appointment must be tightly circumscribed.

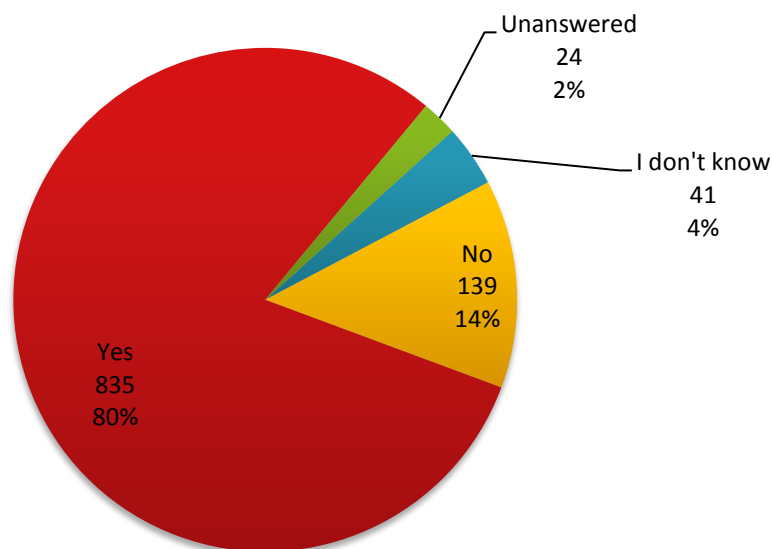


Chart 113: Responses to the question 'Should the Reserve Bank of Zimbabwe (the Central Bank) be independent?' (N = 1039)

We also asked the question ‘Should the Reserve Bank of Zimbabwe (the Central Bank) be independent?’ 80% (835) of those we surveyed said ‘Yes’ and 14% (139) said ‘No’ (see Chart 113). It is assumed that the question meant “independent of the executive” although this is not stated. The answers show once again the desire to limit powers of the President.

An even larger majority of 88% (911) believe that the Reserve Bank Governor should not be permitted to start and run companies of his/her own while in office as Governor, with only 6% disagreeing (see Chart 114).

Chart 115 shows responses to the question ‘Should the Reserve Bank honour cheques drawn on the accounts of government ministries that are no longer in credit?’ 760 respondents said no (76%), and 146 (14%) said ‘Yes’. This could imply a very complicated situation, but the “No” answers seem to suggest that the executive needs to be more responsible in the way it spends money.

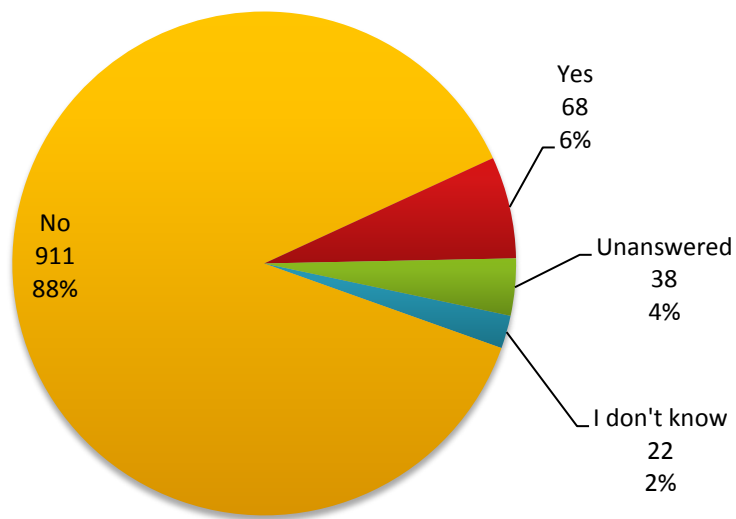


Chart 114: Responses to the question 'Should the Reserve Bank Governor be permitted to start and run companies of his/her own while in office as Governor?' (N = 1039)

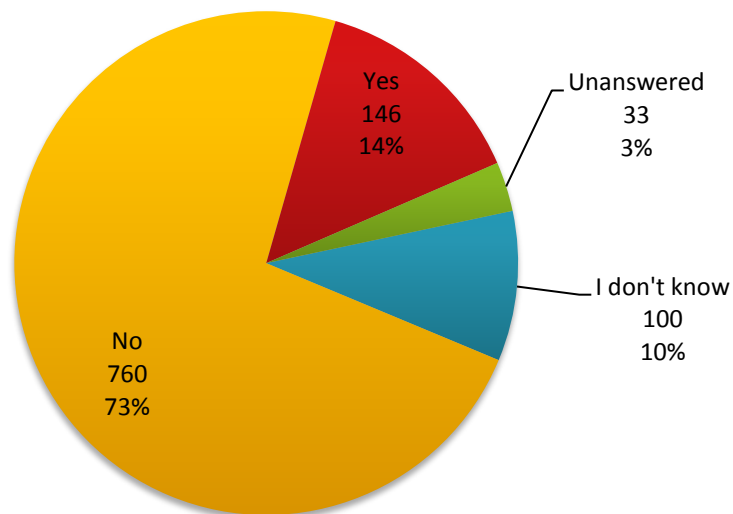


Chart 115: Responses to the question 'Should the Reserve Bank honour cheques drawn on the accounts of government ministries that are no longer in credit?' (N = 1039)

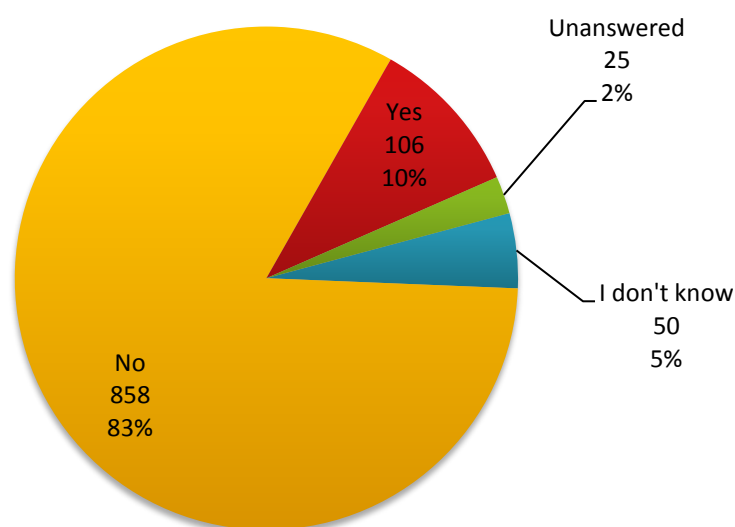


Chart 116: Responses to the question 'Should the Reserve Bank Governor be permitted to demand the transfer of foreign currency balances from commercial and merchant banks into the Reserve Bank?' (N = 1039)

The question 'Should the Reserve Bank Governor be permitted to demand the transfer of foreign currency balances from commercial and merchant banks into the Reserve Bank?' relates to controversial moves by the Governor in the past to transfer foreign currency held in private firms foreign currency accounts (FCAs). In fact, the legality of these moves under the constitution at the time they were effected was highly dubious. These transfers to the Reserve Bank coffers forced the closure of many firms, and the loss of funds still affects businesses today:

The Confederation of Zimbabwe Industries on Tuesday called on the central bank to reimburse millions of dollars in hard cash garnished from private companies at the height of the country's economic crisis. [...]

RBZ governor Gideon Gono unilaterally seized millions of dollars from FCAs belonging to private firms and non-governmental organisations, including a US\$ 7, 3 million from the Global Fund to Fight AIDS, Tuberculosis and Malaria, that was meant to fight disease among the poor.³⁷

83% of our respondents said 'No' to the question, indicating that the Reserve Bank Governor should not be permitted to demand the transfer of foreign currency, while 10% said 'Yes'.

³⁷ Mvundura, Caroline. 'We want our money back: business', ZimOnline, 4 August 2010: <http://www.zimonline.co.za/Article.aspx?ArticleId=6255>

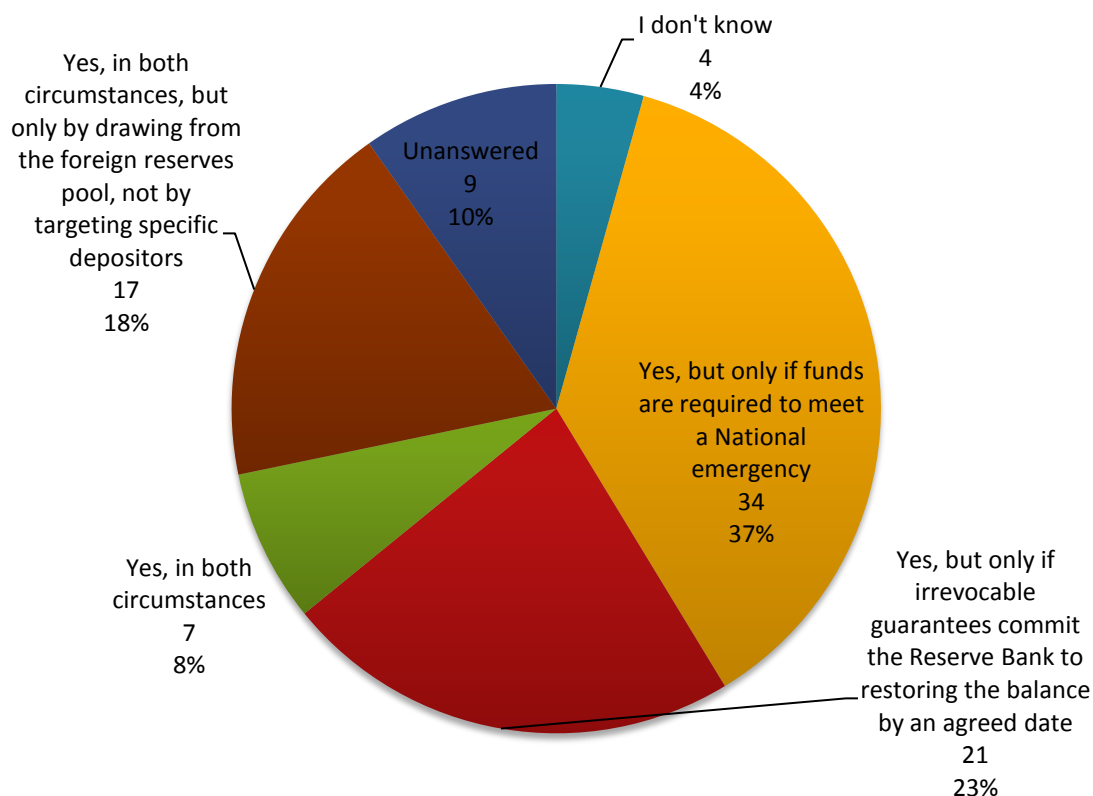


Chart 117: Responses to the question 'should the Reserve Bank Governor then be permitted to transfer these funds to purposes of its own, or to Government?', focusing on respondents who answered 'Yes' in Chart 116³⁸ (n = 97)

Chart 117 shows that the 'Yes' answer given by 10% of total respondents (97 respondents out of a possible 1039), is not an unqualified 'Yes'. In fact, only 8% (or seven respondents) answered 'Yes' without any caveats. 37% (34 people) believed this should be allowed only if the funds were required to meet a national emergency and 23% (21) said 'Yes, but only if irrevocable guarantees commit the Reserve Bank to restoring the balance by an agreed date'.

³⁸ 14 respondents gave conflicting responses by answering 'Yes' to the question 'Should the Reserve Bank Governor be permitted to demand the transfer of foreign currency balances from commercial and merchant banks into the Reserve Bank?'. In the next question, they selected the answer option 'No, the Reserve Bank should not be permitted to transfer funds from specific Foreign Currency Accounts under any circumstances'. We've discounted these responses which is why our sub-sample is for 97 answers, and not 106 as suggested in Chart 104.

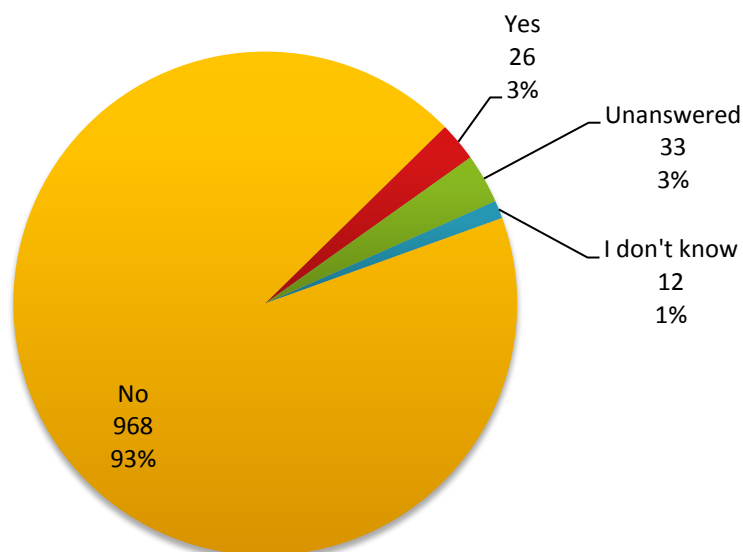


Chart 118: Responses to the question 'Should the Reserve Bank Governor be authorised to sell foreign currency to political party officials at special exchange rates?' (N = 1039)

In another controversial practice, government officials and their friends were able to obtain foreign currency at special exchange rates. We asked the question 'Should the Reserve Bank Governor be authorised to sell foreign currency to political party officials at special exchange rates?' 93% of our respondents said 'No', with only 3% saying 'Yes' (see Chart 118).

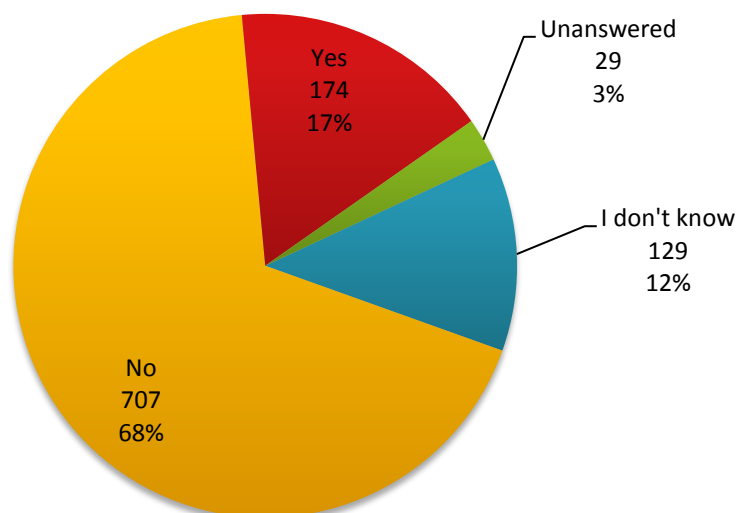


Chart 119: Responses to the question 'Should the Reserve Bank Governor be permitted to make the Reserve Bank a procurement and distribution agency for productive sector inputs?' (N = 1039)

The Reserve Bank also became actively involved in government policies, including funding the purchases of farming equipment to support the land reform policy. This article carried in the state-controlled media summarises the activities:

Communal farmers exhibiting at the Harare Agricultural Show will all go home smiling after Reserve Bank Governor Dr Gideon Gono this week pledged to immediately allocate each of them ox-drawn scotch-carts and ploughs, among other farming implements.

Addressing over 100 farmers during an awards presentation ceremony at the Harare Exhibition Park on Wednesday night, Dr Gono said it was only befitting that Government, through RBZ, equips them as a reward for their hard work and as a strategy to boost their production capacity.³⁹

We asked 'Should the Reserve Bank Governor be permitted to make the Reserve Bank a procurement and distribution agency for productive sector inputs?' Most of our respondents (68%) said 'No', while 17% said 'Yes'. A significant number of people were undecided - 129 respondents, or 12% of those surveyed. See Chart 119. Again, it is likely that many respondents did not grasp the full import of the question, but the majority know that what Gono was doing was at least partially responsible for the economic collapse and it needs to be curbed.

It is probably fair to assume that a large portion of the respondents do not have a clear idea of the workings of a reserve bank in normal situations, but they clearly understand that RBZ was used for improper ends which affected the well-being of many, and desire that such practices must not be allowed under a new constitution.

³⁹ 'RBZ Gives Farmers Equipment at Show', *The Herald*, 29 August 2008.

See also 'We'll Fire Central Bank Chief, says MDC', *The Zimbabwean*, 19 March 2008:

http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=11630:-well-fire-central-bank-chief-says-mdc&catid=31:top%20zimbabwe%20stories&Itemid=66

INDEPENDENT COMMISSIONS

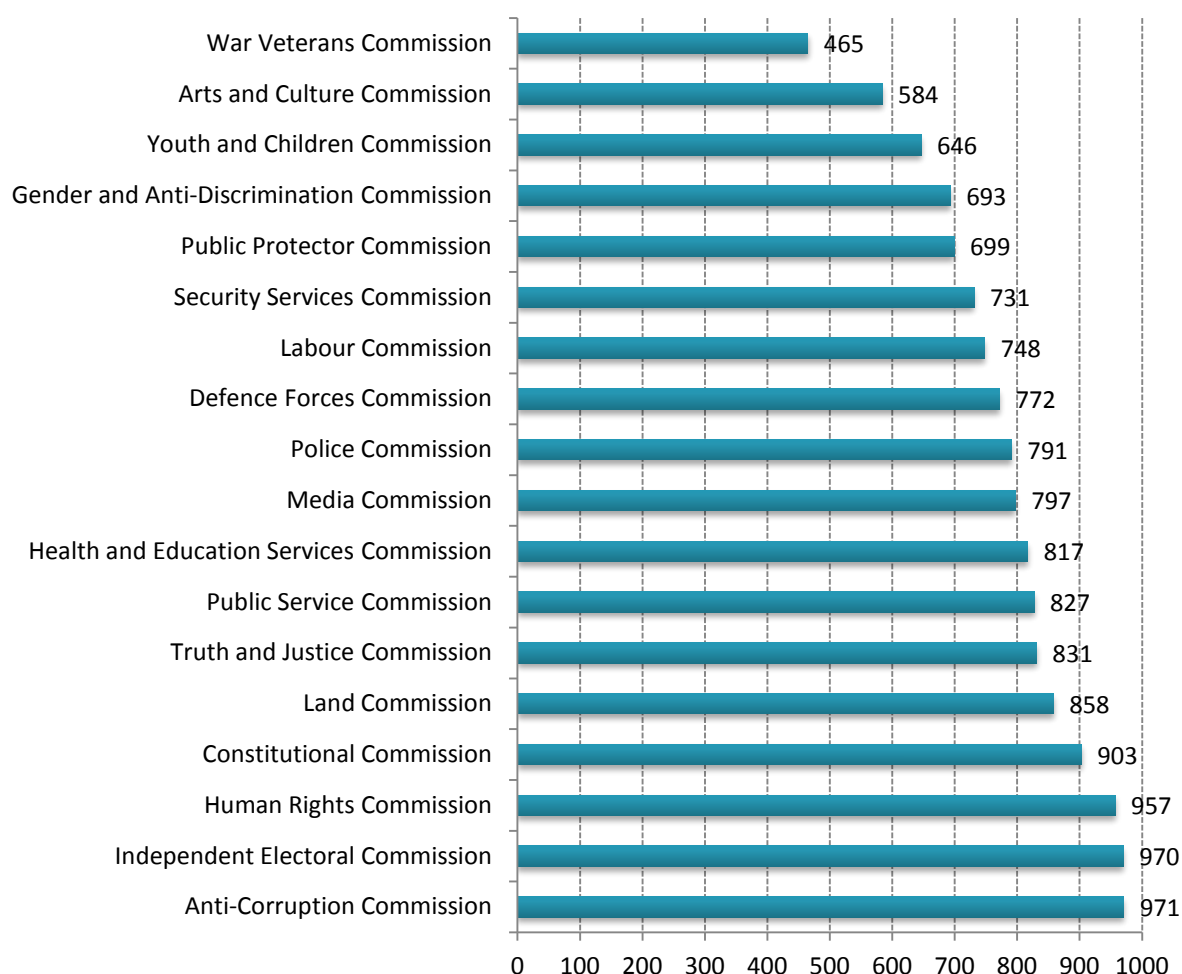


Chart 120: Responses to the question 'Please select which Independent Commissions you think we need, and therefore should be included in the new Constitution' (N = 1039)

We asked our respondents to indicate, by checking a supplied list of possible commissions, which independent commissions they thought Zimbabwe needed, and should be included in the new Constitution. Chart 120 details all responses, showing that an Anti-Corruption Commission gained the largest support (93% of respondents want this), and a War Veterans Commission gained the least number of 'votes' with 45% support.

We also asked which 'Other' commissions not included in our question, should be included. A large number of our respondents noted that a Judicial Service Commission is required (a major omission on our part to not include it in the list). Some also noted a desire for an Environmental Commission, while others thought that too many commissions would lead to corruption, and a waste of tax-payers money.

When asked 'Who should appoint members of Independent Commissions?', the largest number thought that members should be appointed by the President, in consultation with an Independent Commission set up for this purpose, and with the approval of Parliament. This accounted for 472 out of a possible 1039 responses, or 45% of respondents. The system currently in place, where the President appoints members either on his own or in consultation with commissions whose members were appointed by him, was favored by only 3% (36) of our total respondents. See Chart 121.

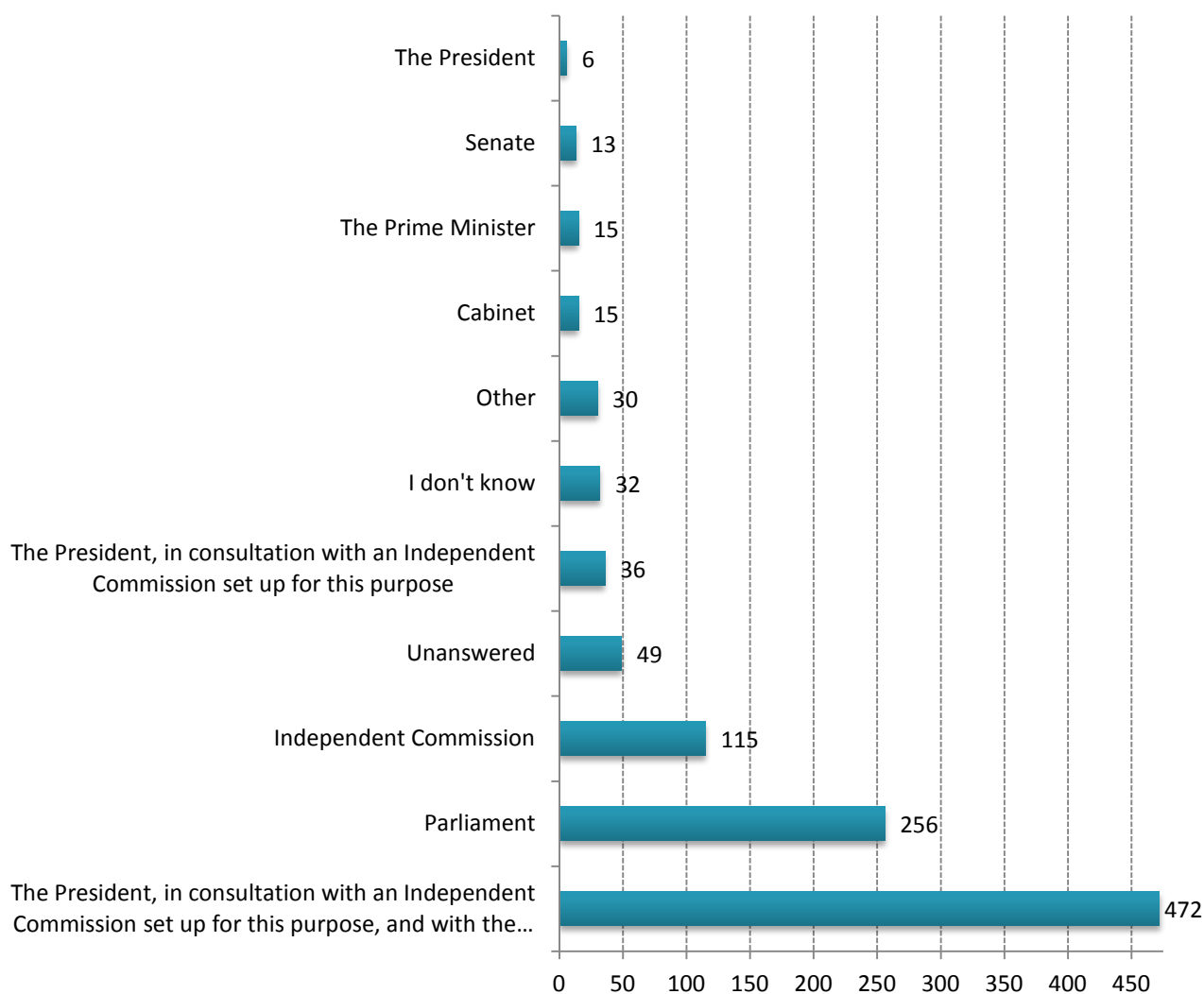


Chart 121: Responses to the question 'Who should appoint members of Independent Commissions?' (N = 1039)

51% of those we surveyed answered 'Yes' to the question 'Should the composition of Independent Commissions be made up of men and women equally?', and 29% answered 'No'. These responses are detailed in Chart 122.

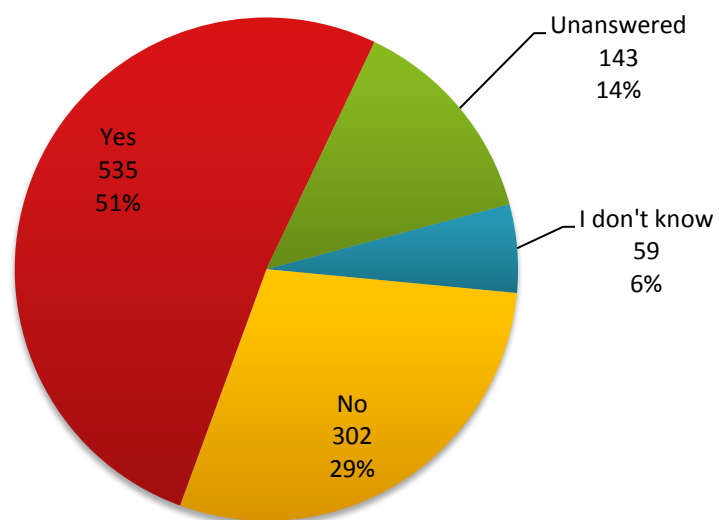


Chart 122: Responses to the question 'Should the composition of Independent Commissions be made up of men and women equally?' (N = 1039)

LAND AND THE ENVIRONMENT

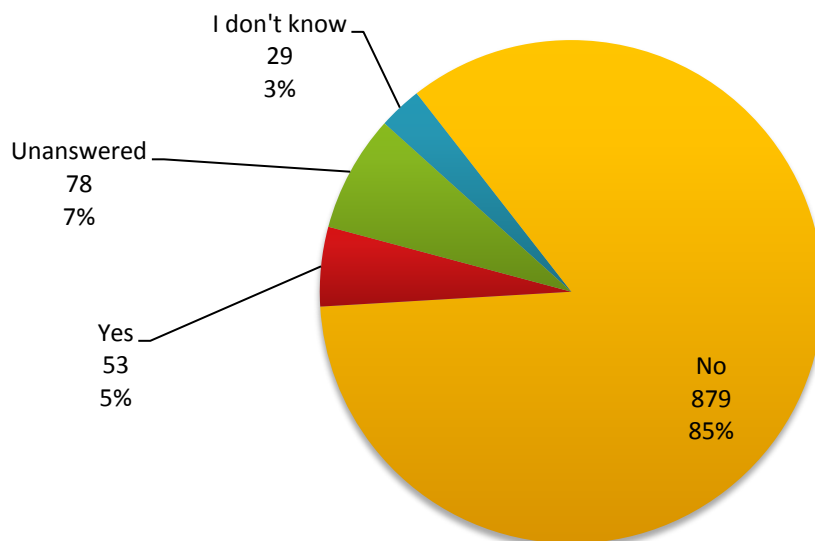


Chart 123: Responses to the question 'Would you describe the Land Reform process so far as a 'success'?' (N = 1039)

The land reform process has been one of the more dominant policies approved by the Zimbabwean government, led by the Zanu PF party, in the previous decade, highly controversial and accompanied by widespread violence. Its stated aim has been to redistribute agricultural land from white farmers to landless black people who would like to farm. We asked those we surveyed whether they would describe the land reform process so far to be a 'success': 879 respondents (85%) said 'No' while 53 respondents (5%) said 'Yes' (see Chart 123). But as subsequent responses show, this does not mean that those we surveyed necessarily oppose the idea of land reform itself. This section of the survey asks questions that canvas opinions on land reform as a backdrop to constitutional issues regarding land ownership and use.

OPINIONS ABOUT THE LAND REFORM PROCESS AND INTEREST IN FARMING

We asked our respondents to indicate how important they thought the land reform was for the NATIONAL INTEREST, asking them to select from a scale of 1 to 5, where 1 equated to 'Of no importance at all' and 5 meant 'The highest level of importance possible' (see Chart 124 below).

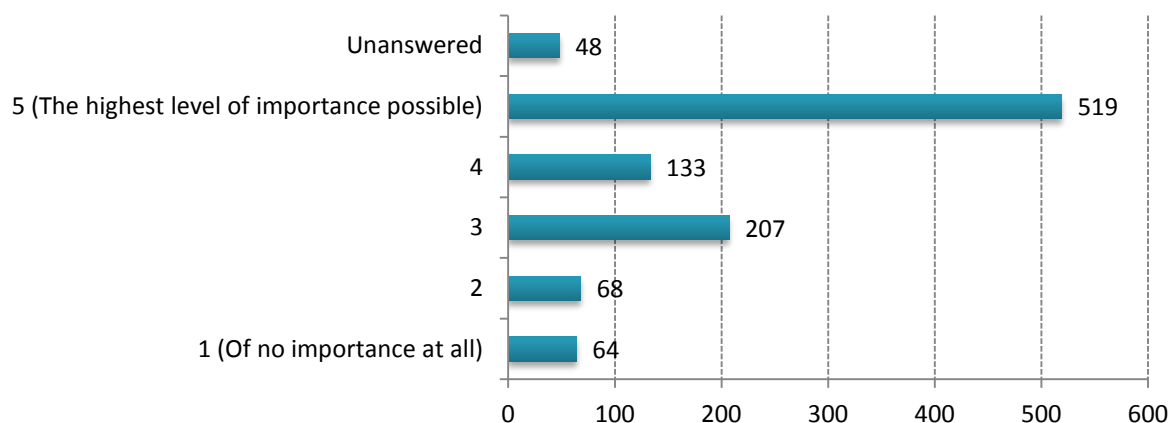


Chart 124: Responses to the question ‘How important is land reform to the national interest?’

Exactly half indicated that land reform was ‘of the highest importance possible’ to the national interest; the second largest group (20%) selected a middle-ground ‘3’ from a scale of 1-5 while the third largest group (13%) opted for ‘4’ on the scale. These views do not reflect the many possible reasons why people may feel land reform is important: for example, former commercial farmers may feel this is a critical issue because it has been unfairly addressed while others may feel it has yet to be completed. Clearly, however, it is of major importance when over 80% indicate that it lies in the top three categories.

A closer look at these responses by race reveals the results shown in Chart 125 on page 123. Black people provide the majority response to most of the scale values discussed above. This is unsurprising given that the majority of all respondents to our survey are black people. So we looked at the results in Chart 125 again, but this time as proportional values for each race group; these results are shown in Chart 126 on page 124.

In fact, Chart 126 reveals that in each race group the answer most frequently selected as that that land reform is of the highest possible importance to the national interest, with the exception of the very small number of Asian people who responded to our survey (2 out of the 5 people surveyed opted for 3 on a scale of one to five, accounting for 40% of all Asian responses).

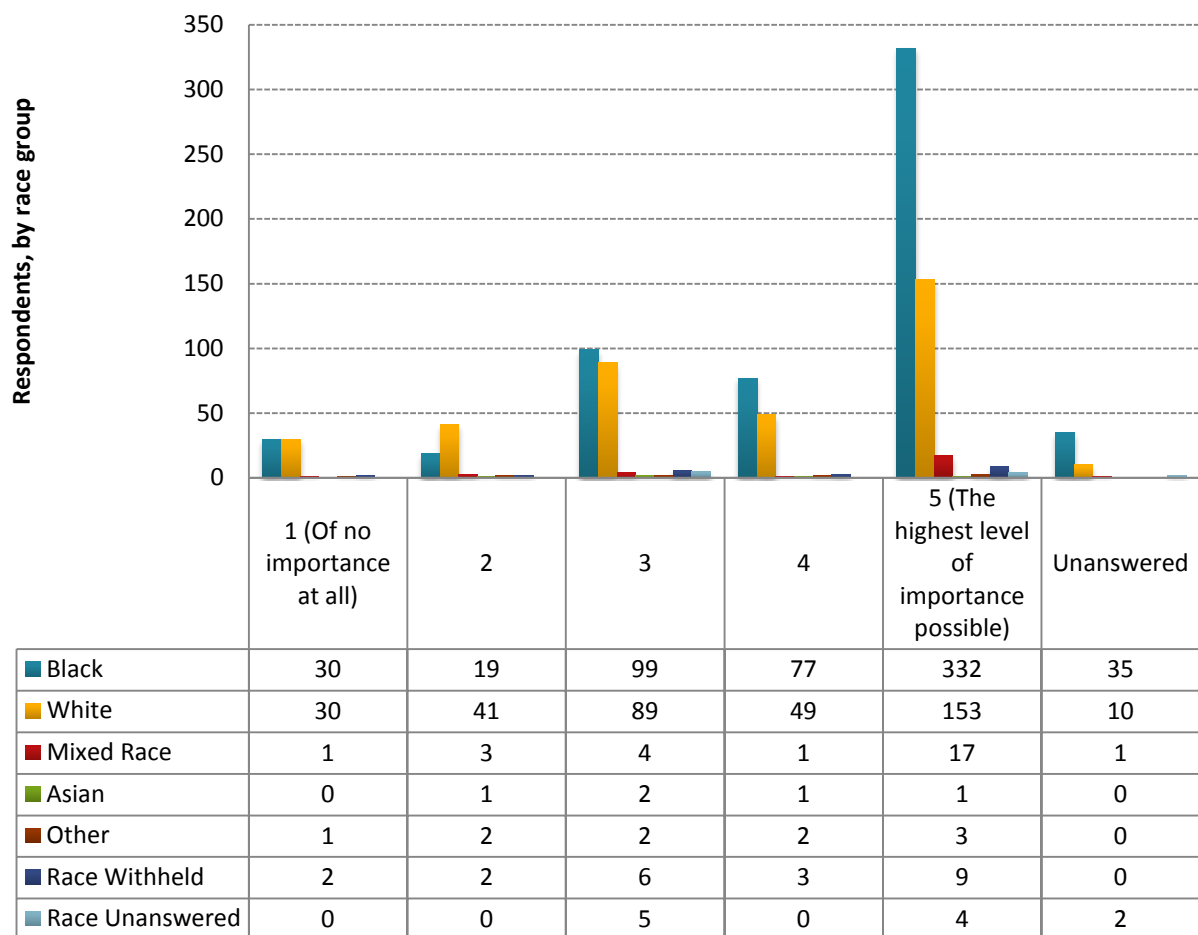


Chart 125: Responses to Chart 124 by race group (N = 1039)

Those selecting '5' on the scale of one to five equate to 56% of all black people surveyed, 41% of all white people, 63% of those identifying themselves as mixed race, and 30% of those who selected their race as 'other'.

Looking to the future, we also asked all of our respondents if they thought the land reform process could be reversed. 56% of our respondents (587) answered 'Yes', while 39% (339) said 'No' (Chart 127 on page 123125). Looking closely at race again, we focused on only those who answered 'Yes' to ascertain what proportion of each race group felt this way; these results are shown in Chart 128 on page 125. A majority of people from all race groups answered 'Yes' but results showed that white people were more likely to answer 'Yes' to the question "Can the Land Reform Process be reversed?" than black people. The results correlate to 65% of white people, 56% of people who identify themselves as mixed race, 51% of black people and 40% of Asians. This definitely indicates that a substantial number of white people dream of regaining their land, or at least part of it, but surprisingly a substantial number of black people perceive a need to return to at least some aspects of the situation prior to 2000. It would probably be safe to assume, however, that very few would

support a wholesale return to the extremely racially skewed ownership of prime land that then existed.

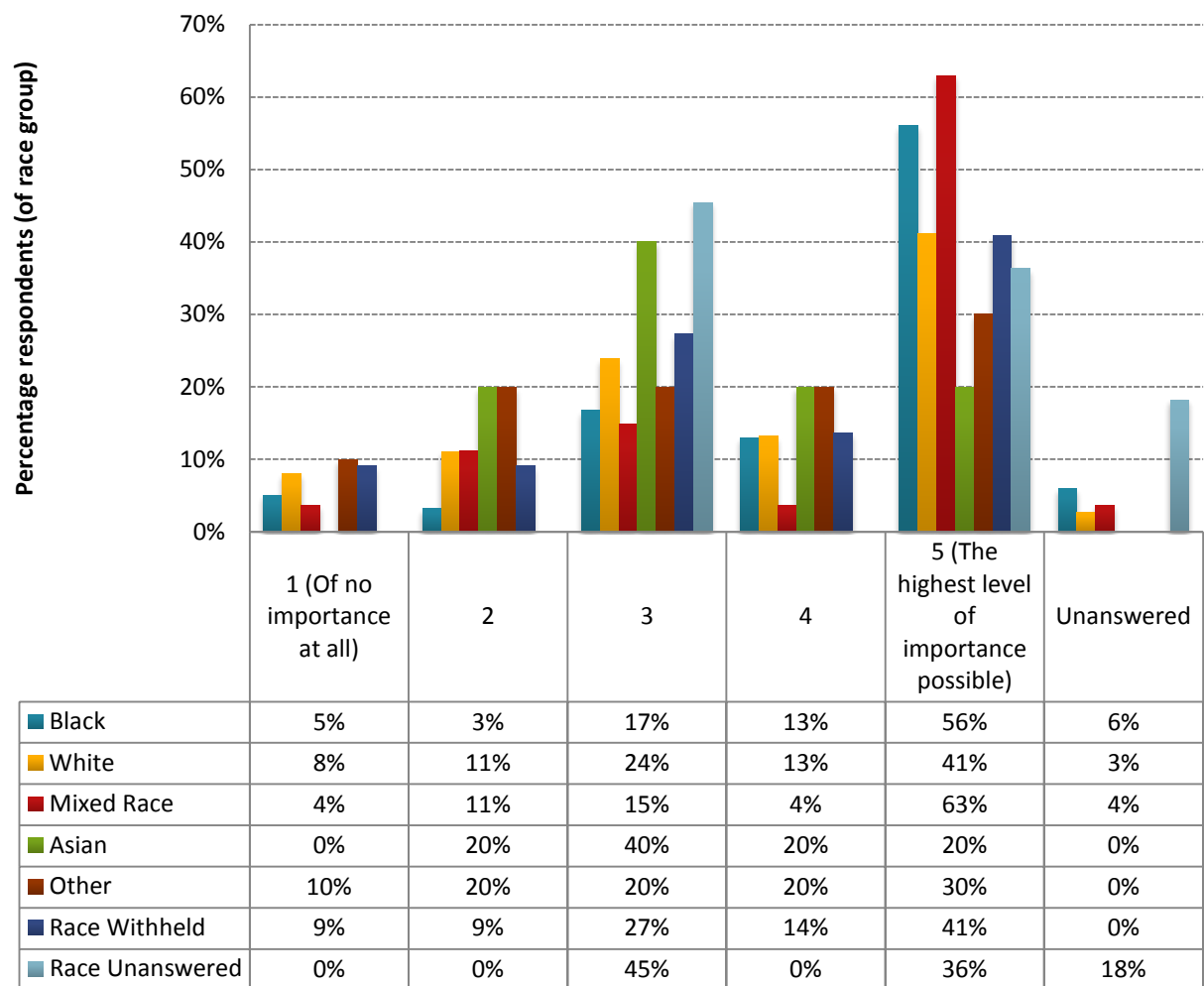


Chart 126: Responses in Chart 125 shown as proportional values of race group (N = 1039)

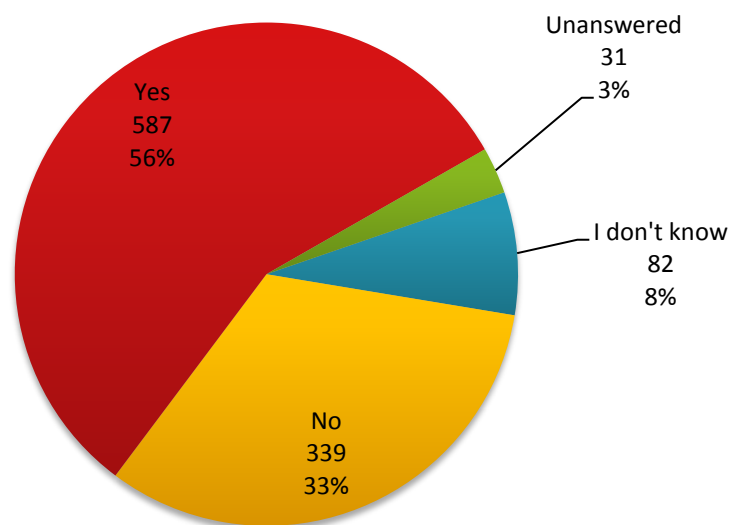


Chart 127: Responses to the question 'Can the Land Reform Process be reversed?' (N = 1039)

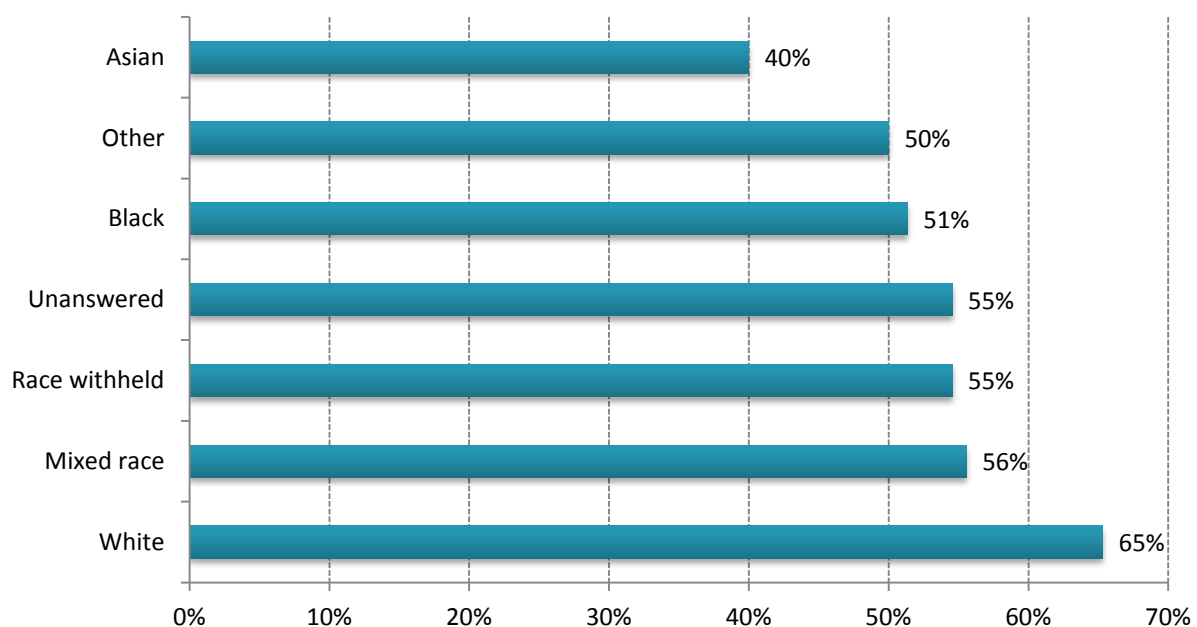


Chart 128: Proportion of race group answering 'Yes' to the question 'Can the Land Reform Process be reversed' (n = 587)

When asked whether they wanted to be beneficiaries of the land reform process, the majority of our respondents said 'No' (51% or 533 respondents). 44% (449) said 'Yes' and only one person said 'I don't know' (see Chart 129).

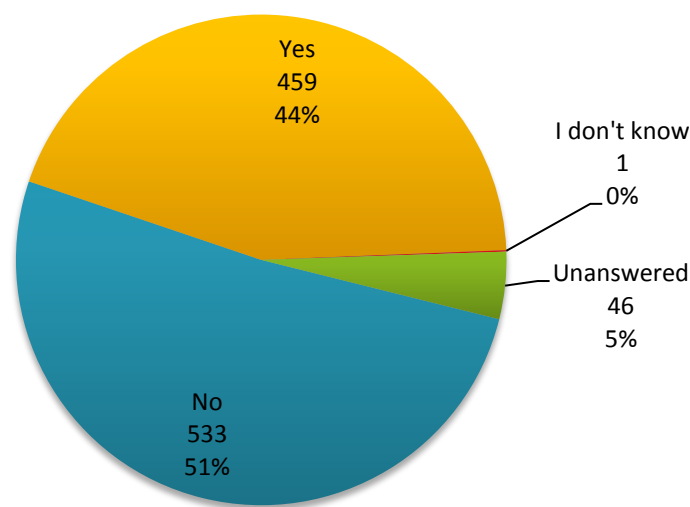


Chart 129: Responses to the question 'Do you want to be a beneficiary of land reform?' (N = 1039)

We looked at the responses given in Chart 129 focusing on race, age and location. Looking at all responses as proportional values by race group (Chart 130) we found a clear difference of opinion between black people and all other race groups. A majority of black people responding (66%) said ‘Yes’, they did want to be a beneficiaries of the land reform process. In contrast, a majority of all other race groups answered ‘No’, correlating to 60% of Asian respondents, 84% of white people, and 63% of those who identify themselves as mixed race.

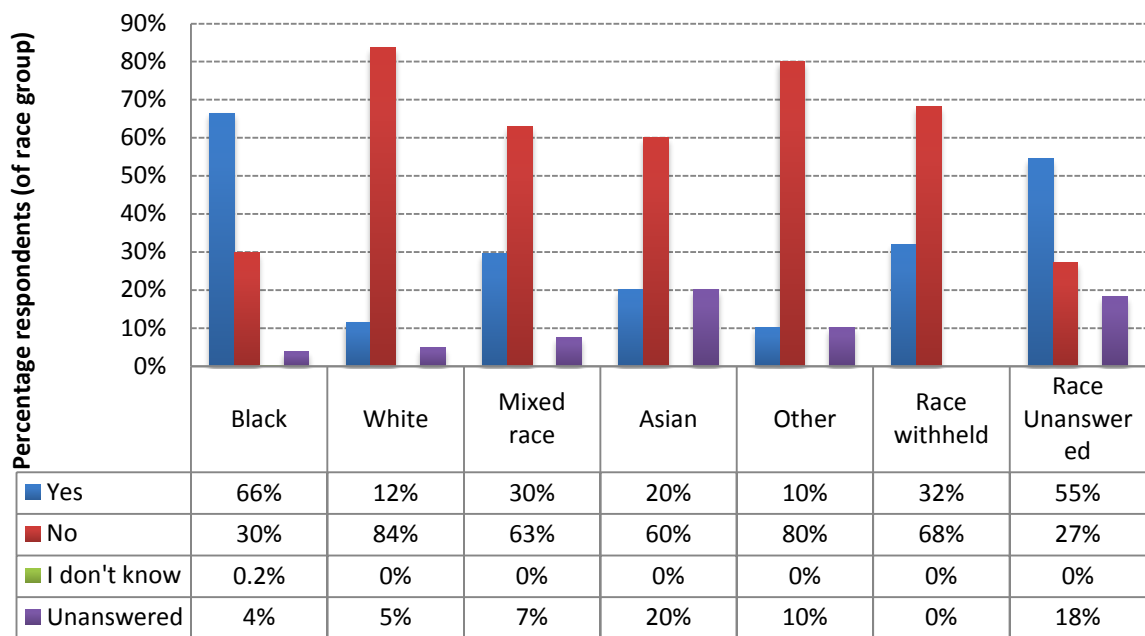


Chart 130: Responses in Chart 129 shown as proportional values by race group responding (N = 1039)

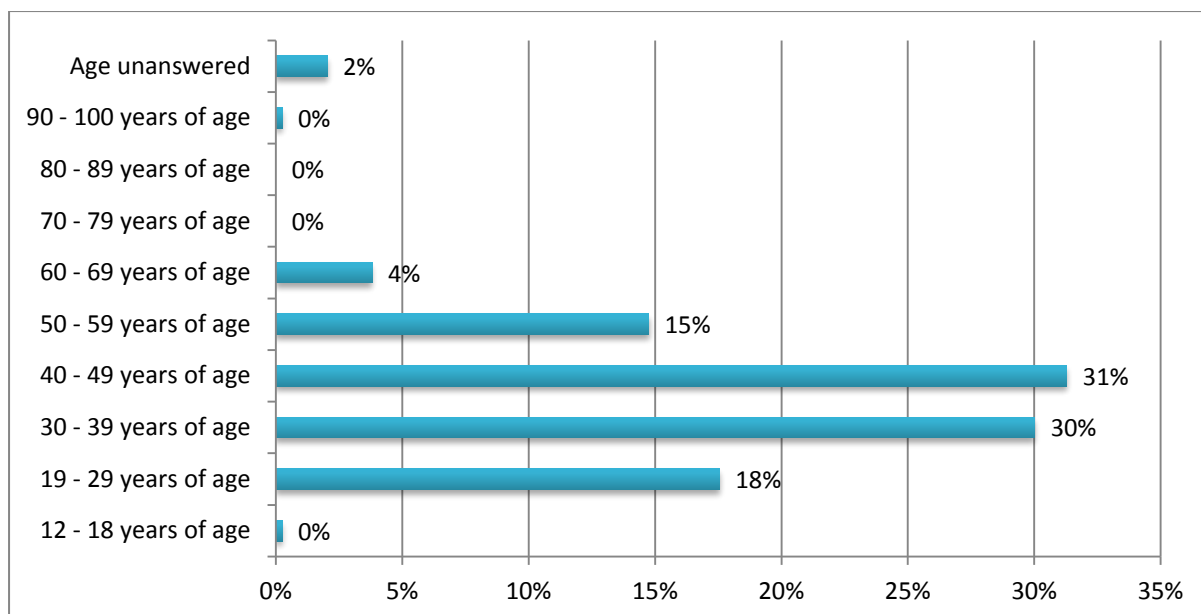


Chart 131: Ages of black people answering 'Yes' to the question 'Do you want to be a beneficiary of land reform?' (n = 393)

When focusing on the ages of black people answering 'Yes', we found that the majority of those who answered 'Yes' fell between the ages of 30 and 49: 31% were in the 40 – 49 age group, and 30% were aged between 30 and 39 years (Chart 131).

Focusing only on responses given by black people, most of those who indicated that they would like to become a beneficiary of land reform currently live in the diaspora (Chart 132). 13% of these had already said in earlier questions in the survey that they would not want to, or were not able to, return to Zimbabwe. In another apparent contradiction, 19% of those wanting to be beneficiaries indicated that they did not want to be farmers (this question is discussed in more detail a little later). These two points suggest that, for this subset of responses, their answer to the question 'Do you want to be a beneficiary of land reform?' is perhaps more a point of political principle than genuine aspiration. However, this is in contrast to 85% of the other black diaspora respondents (206) answering 'Yes' who said that they did wish to return to Zimbabwe one day, and 80% of these said they were interested in some form of farming activity in Zimbabwe. We can conclude that there is clearly a meaningful number of black Zimbabweans in exile who would like to become farmers if they could have access to land.

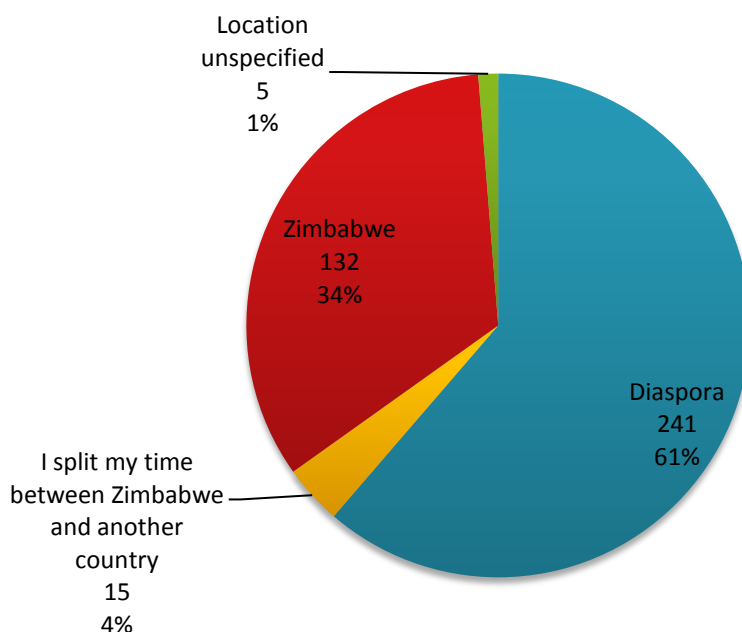


Chart 132: Location of black people answering 'Yes' to the question 'Do you want to be a beneficiary of land reform?' (n = 393)

Given the crises in Zimbabwe's commercial farming sector, we tried to gauge whether there was a deep commitment to farming as a career by asking those we surveyed 'Do you want to be a farmer?' 48% (505) of our total sample said 'No' and 30% (310) said they were interested in farming part-time. Only 19% of the sample said they wanted to be full-time farmers (Chart 133).

Looking at those who said they wanted to be a farmer, the majority (48%) were not interested in farming, 30% said they did want to be 'part time' farmers, and 19% were interested in being full-time farmers (Chart 133). It is of interest that such a large proportion of black Zimbabweans (65%) express an interest in being farmers, although most of these are only interested in part-time farming. The attachment to the land is thus still very strong even among those who have become temporarily detached from it. We can assume that very few black Zimbabweans who are currently farming in Zimbabwe have answered this survey, Chart 134.

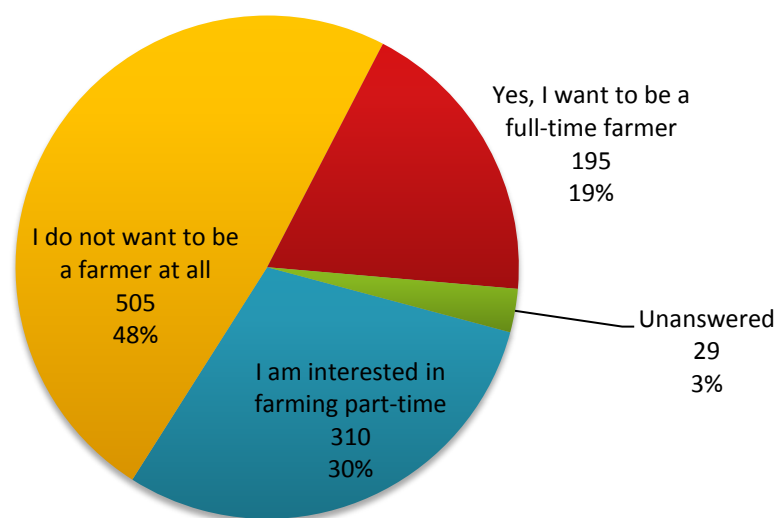


Chart 133: Responses to the question 'Do you want to be a farmer?' (N = 1039)

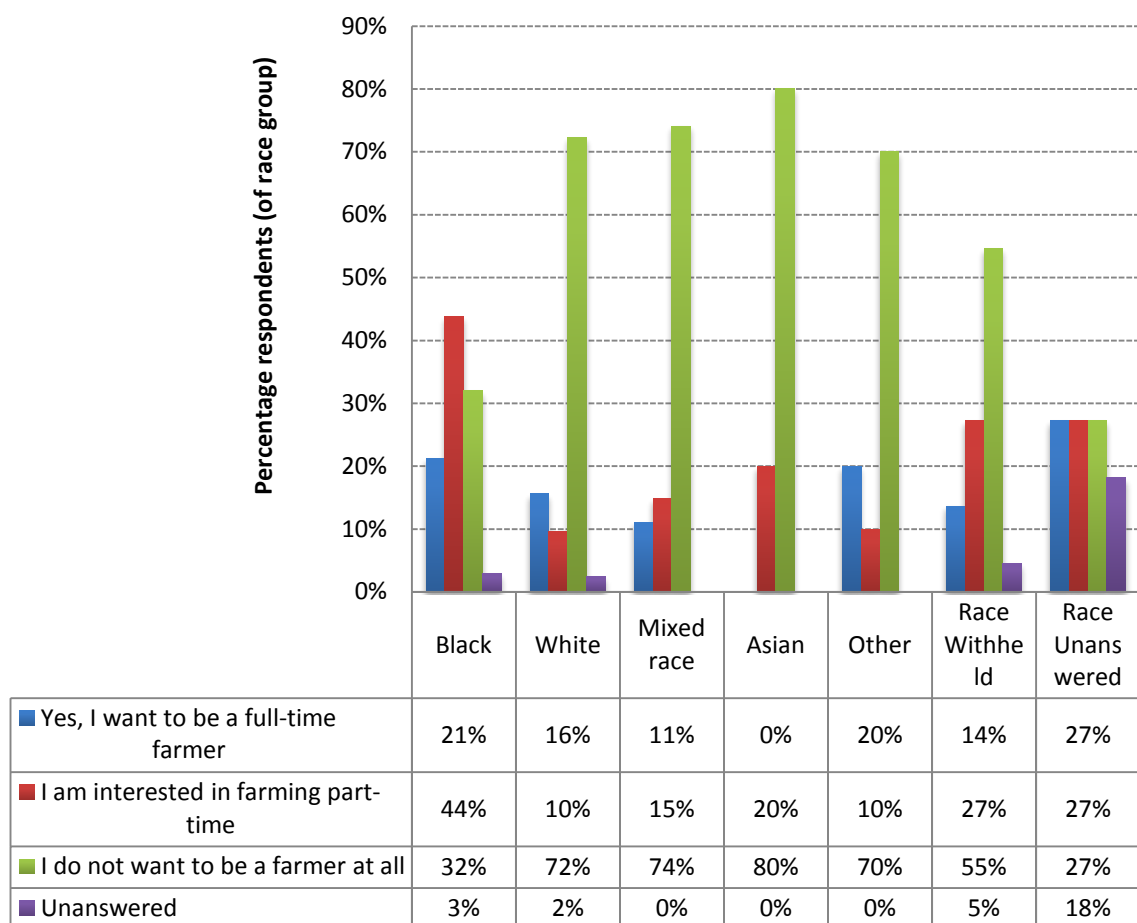


Chart 134: Responses shown in Chart 133 shown as proportional values by race group (N = 1039)

LAND REFORM AND THE FUTURE

LAND AUDIT

An overwhelming majority of people – 92%, 959 respondents - responding to our survey believe that an independent Land Commission should be established to audit the current distribution and utilization of land (see Chart 135). This indicates strong support for Article 5 of the Global Political Agreement⁴⁰ (Article 5 has yet to be implemented) stating that the parties signing the GPA agree to:

- a) conduct a comprehensive, transparent and non-partisan land audit, during the tenure of the Seventh Parliament of Zimbabwe, for the purpose of establishing accountability and eliminating multiple farm ownerships.
- b) ensure that all Zimbabweans who are eligible to be allocated land and who apply for it shall be considered for allocation of land irrespective of race, gender, religion, ethnicity or political affiliation;
- c) ensure security of tenure to all land holders.
- d) call upon the United Kingdom government to accept the primary responsibility to pay compensation for land acquired from former land owners for resettlement;
- e) work together to secure international support and finance for the land reform programme in terms of compensation for the former land owners and support for new farmers; and
- f) work together for the restoration of full productivity on all agricultural land.

⁴⁰ See full text of the Global Political Agreement on the Sokwanele website at http://www.sokwanele.com/articles/sokwanele/11septunityagreement_16septemeber2008.html

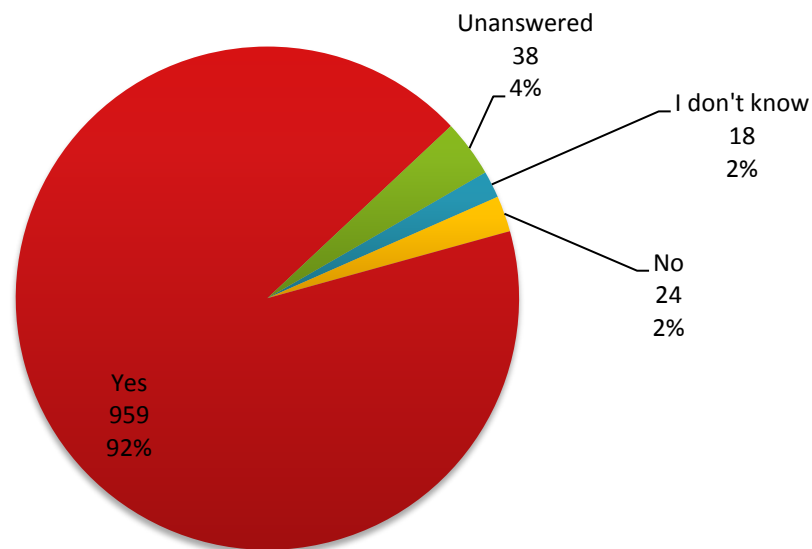


Chart 135: Responses to the question 'Should an independent Land Commission be established to audit the current distribution and utilisation of land?' (N = 1039)

RIGHT TO OWN LAND

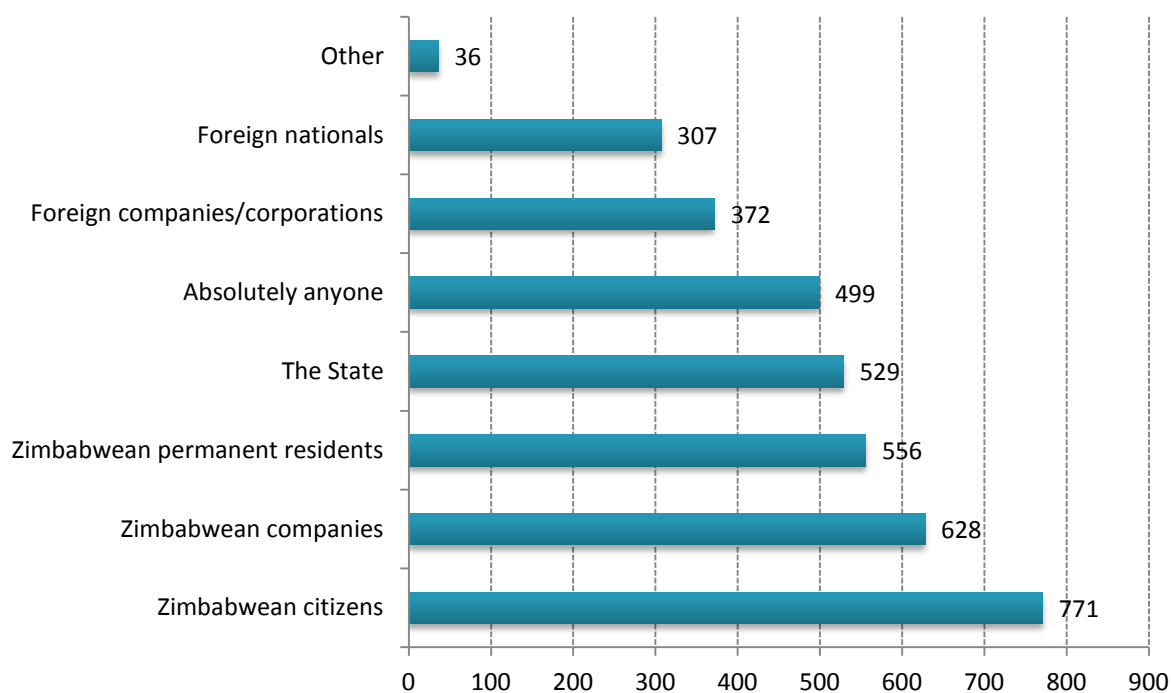


Chart 136: Responses to the question 'Who should have the right to own land in Zimbabwe? Check all that apply' (N = 1039)

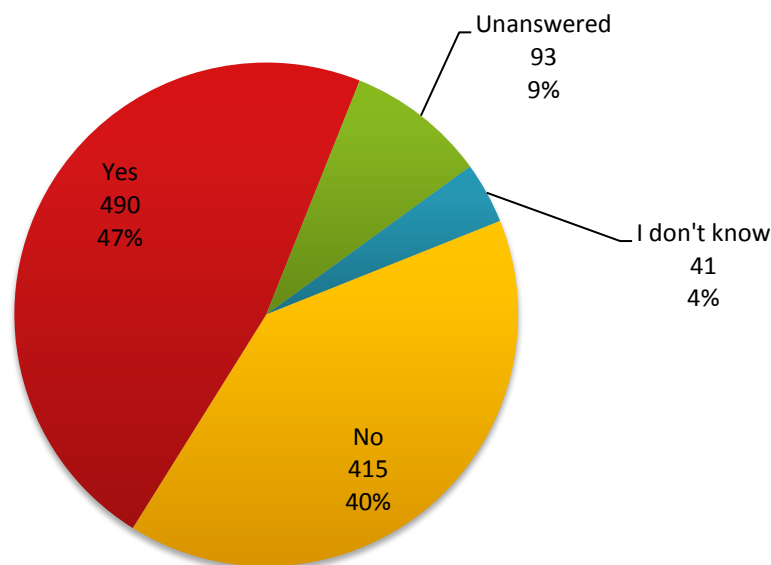


Chart 137: Responses to the question 'Should the Constitution protect the State's right to compulsorily acquire land for the purpose of Land Reform?' (N = 1039)

Chart 136 above depicts responses to the question 'Who should have the right to own land in Zimbabwe?' The most popular response was for 'Zimbabwean citizens', selected by 74% of respondents. One wonders why this response didn't get 100%. There is a possible ambivalence – perhaps some people thought it implied that everyone should have the right to own land without paying any purchase price and hence they had a negative attitude. But if it means the right to own land after purchase, then one would expect 100% for Zimbabwean citizens. The other possible confusion might be over ownership or other form of tenure of communal land; some might also have been thinking of 99 year leases as an alternative to outright ownership.

Only 51% of respondents selected the answer 'The State' from the options provided. It would be a strange country where the state did not have the right to own land, but possibly respondents did not think this through, and the answers reflected equivocal feelings about the compulsory acquisition of land by the state. The low numbers with the view that foreigners, either companies or individuals should be able to own land is also perhaps surprising, given the in fact there has never been any policy or serious discussion about barring foreigners from land ownership in Zimbabwe.

When we asked, 'Should the Constitution protect the State's right to compulsorily acquire land for the purpose of Land Reform?' 47% (490) of respondents said 'Yes' and 40% (415) said 'No'; however, a significant number of respondents chose not to answer the question at all – 9% or 93 respondents (see Chart 137). The wording of this question it implies that the State has inherent rights. Normally one refers to powers rather rights of States, and rights of individuals viz a viz the State. However, it is

assumed here that ordinary respondents would not adopt a rigorous interpretation of rights vs powers, and have answered at face value.

SECURITY OF TITLE

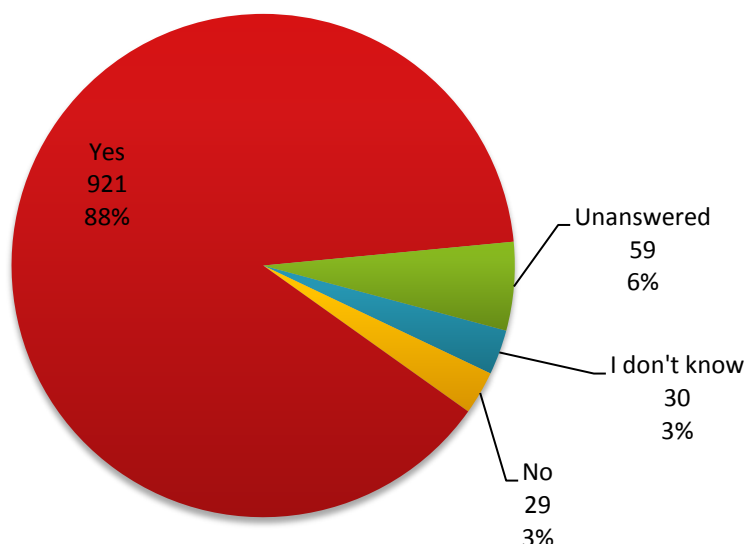


Chart 138: Responses to the question 'Should the constitution ensure security to title?' (N = 1039)

The majority of people surveyed believe that the constitution should ensure security of title, with 921 respondents holding this view (88% of all those surveyed) and 29 respondents disagreeing (Chart 138). Again, the question appears a little ambiguous. Are we talking only of former commercial farm land, or urban land, or communal land, or all three. And what exactly would constitute “security of title”? If title deeds had been meant, surely it would have said so. A more specific question could have given a better idea of people’s views on title deeds, as opposed to, for example, 99 year leases. (We focus more closely on other landowner rights later in this section on page 137).

POWERS OF THE STATE REGARDING LAND

Following on from this question, we asked which rights – on behalf of the State – should the constitution protect; or more specifically, ‘If you answered 'Yes' above, please select all the rights that you think the Constitution should protect on behalf of the STATE’. The responses are shown in Table 12 below, showing the number of respondents selecting an answer, and the percentage of total respondents alongside it.

Answer selected	Number of respondents	% of total respondents
The State should have the right to compulsorily acquire any land that is under-utilised	459	44%
The State should have the right to compulsorily acquire land from landowners who own more than one farm	359	35%
The State should have the right to compulsorily acquire land from all absentee landowners living outside Zimbabwe	256	25%
The Constitution should not provide the State with any rights to acquire land	163	16%
The State should have the right to compulsorily acquire any land they want to	103	10%
Not applicable	52	5%
The State should have the right to compulsorily acquire all assets associated with the farm (e.g. farm equipment etc)	48	5%
Other	42	4%

Table 12: Responses identifying rights that the constitution should provide on behalf of the State with regards to land reform (N = 1039)

Those who selected 'Other' suggested other rights that should be protected on behalf of the State in a free text entry field. Most significant among these were written answers suggesting that a State's rights as far as public development should also be protected; for example, to compulsorily purchase land for infrastructure development (building roads etc), for mining purposes, or for urban development. It is noteworthy that nearly half do believe that the State should have powers to acquire land compulsorily if it is under-utilised, and significant numbers approved of acquisition in other circumstances. This suggests a strong sense that land is not just for an owner to do with whatever he wants or hold it for speculation.

REGIONAL AND INTERNATIONAL LAWS

Regional laws are a topical and contentious issue in Zimbabwe following a 2008 SADC Tribunal ruling that found the Zimbabwe land reform process to be racist and in violation of Article 6 of the SADC Treaty:

Justice Louis Mondhlane said that constitutional Amendment 17 put in place in 2005 to clear the way for compulsory acquisition of land in Zimbabwe had resulted in expropriation targeting only white farmers.

"Its effects make it discriminatory because targeted agricultural land is owned by white farmers" Mondhlane said.

“Respondent [Zimbabwe] has discriminated against applicant [white commercial farmers] on the basis of race and by doing that violated its obligations under Article 6 of the SADC Treaty” Mondhlane said.⁴¹

(We asked our respondents which rights should be protected on behalf of landowners as well; this is discussed later on page).

LAND PURCHASED AFTER INDEPENDENCE

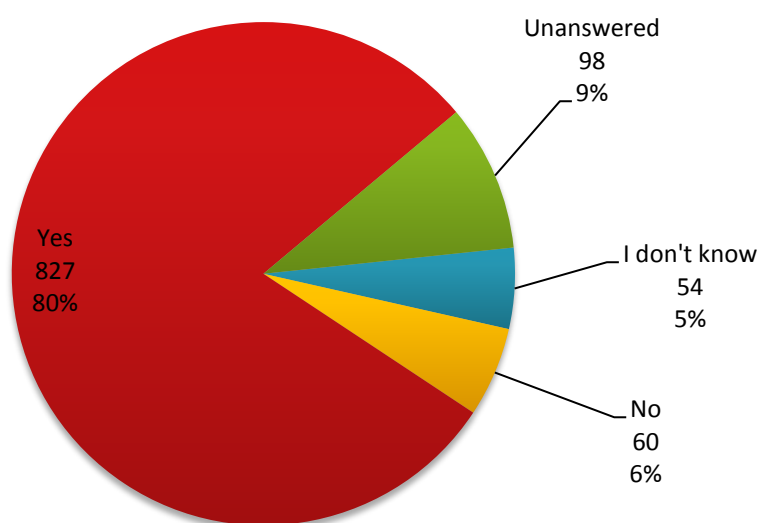


Chart 139: Responses to the question 'Should the new Constitution recognise and uphold regional laws and standards with regards property and land ownership?' (N = 1039)

A majority of 80% (827 people) completing our survey believe that the new Constitution should recognise and uphold regional laws and standards with regards property and land ownership, with 6% (60 people) disagreeing and saying it should not (see 7).

As far as timing for compulsory land acquisition is concerned, we asked those we surveyed whether people who purchased their land after 1980 – the year of Zimbabwe’s independence from Britain – should be considered *exempt* from the land reform process; 71% (736) of respondents said ‘Yes’, while 20% (209) said ‘No’ (see Chart 140).

⁴¹ “SADC Tribunal hammers Zimbabwe’s land reform programme.” APA, 28 November 2008. <http://www.sokwanele.com/thisiszimbabwe/archives/2690>

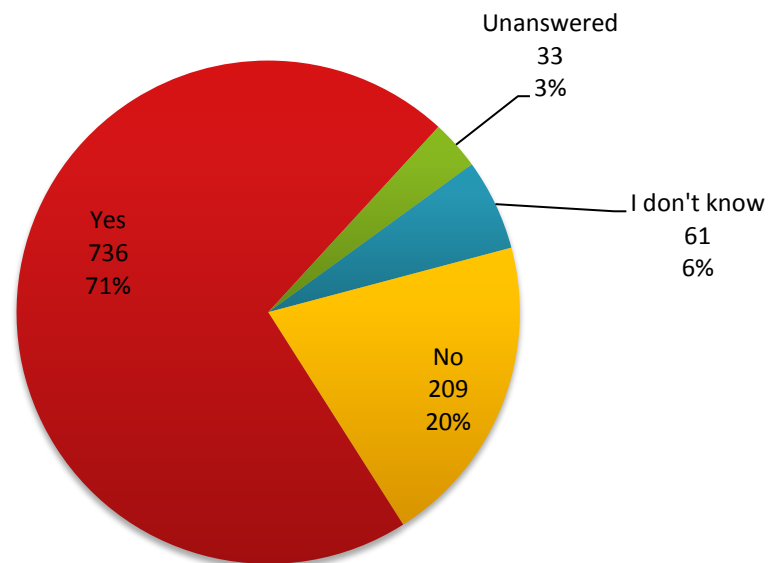


Chart 140: Responses to the question 'Should people who purchased their land AFTER 1980 be considered exempt from the land reform process?' (N = 1039)

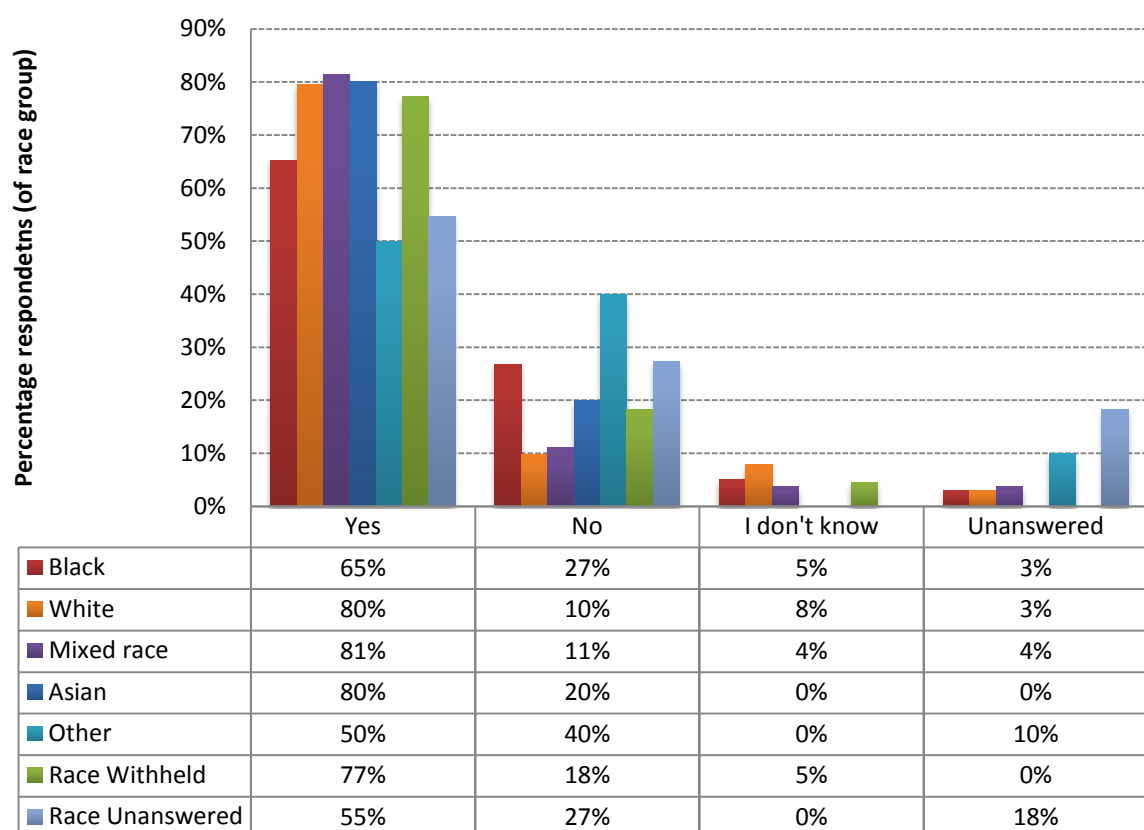


Chart 141: Responses in Chart 140 shown as proportional values by race group (N = 1039)

Chart 141 shows that, out of our sample of 1039 respondents, a majority from all race groups believe that people who purchased land after 1980 should be considered exempt from the land

reform process (80% of Asian responses, 65% of black responses, 80% of white responses, and 81% of those who identified themselves as mixed race).

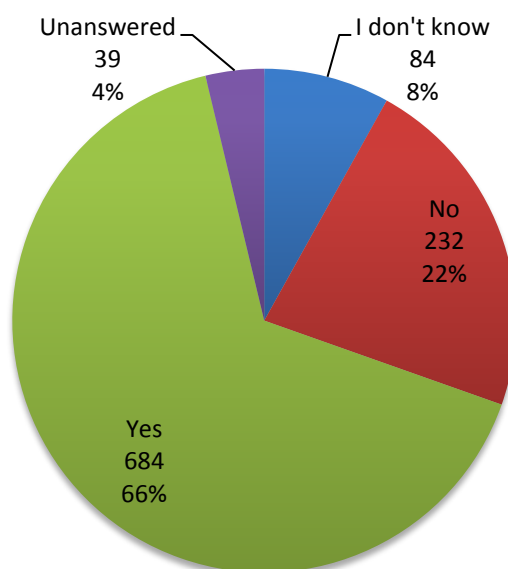


Chart 142: Responses to the question 'Should the Constitution specify the area of land (in hectares) that is a suitable MINIMUM size for compulsory acquisition by the State?' (N = 1039)

A majority of those we surveyed, 66% or 684 respondents, believe that the constitution should specify the minimum area of land that is suitable for compulsory acquisition by the State. 22% (232) of respondents disagreed with them, answering 'No', while 8% answered 'I don't know' (see Chart 142 above). Again, this question is problematic, because surely any minimum size would depend on the purpose for which the land was being acquired and if it is agricultural, the region in which it is located. This is not an issue for the constitution as it is technical.

RIGHTS OF LANDOWNERS

We asked those we surveyed which rights should be protected on behalf of the State (previously asked on page133), so we also asked which rights should be protected on behalf of landowners; these are detailed in Table 13.

Answer selected	Number of respondents	% of total respondents
Landowners should have the right NOT to be removed from property without due process of the law	946	91%
Landowners should have the right to police protection when personal security is threatened	941	91%
Landowners should have the right to defend their position before an independent court	911	88%
Landowners should have the right to full compensation for everything, within a reasonable period of time, if land is compulsorily acquired	879	85%
Landowners should have the right to protection under regional laws (e.g. SADC)	837	81%
Landowners should have the right to part compensation, for only assets and improvements, within a reasonable period of time if land is compulsorily acquired	367	35%
Other	16	2%

Table 13: Responses identifying rights that the constitution should provide on behalf of Landowners with regards to land reform (N = 1039)

Those who selected 'Other' added free text responses including the right to relocation compensation costs: "The public authority acquiring the land should meet the landowner's costs for relocation within Zimbabwe to a reasonable extent"; and "Landowners should have the right to take the 'new owners' to court if they believe they can prove the land is being misused."

The answers given indicate that some respondents were either confused by the question or confused by the whole issue of compensation. 879 stated that landowners should have the right to full compensation, while 367 state that they should have the right to part compensation. With a total number of 1039 there is definitely some who checked both answers, which are clearly contradictory.

WOMEN

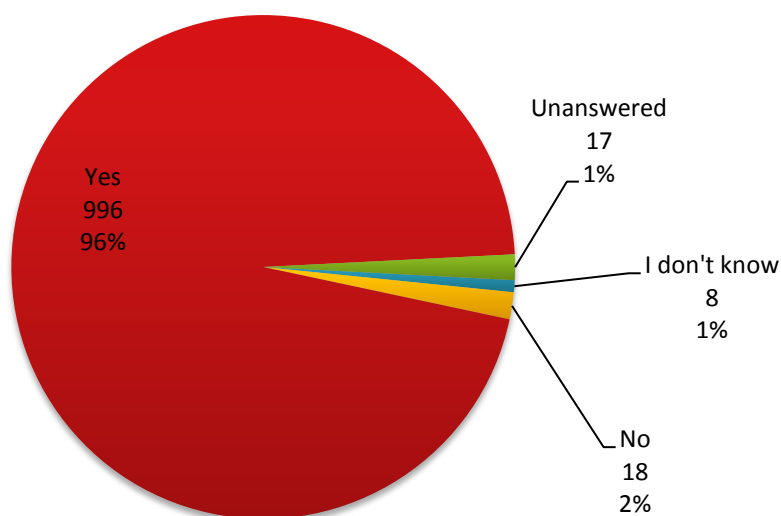


Chart 143: Responses to the question 'Should men and women be treated equally in the Constitution?' (N = 1039)

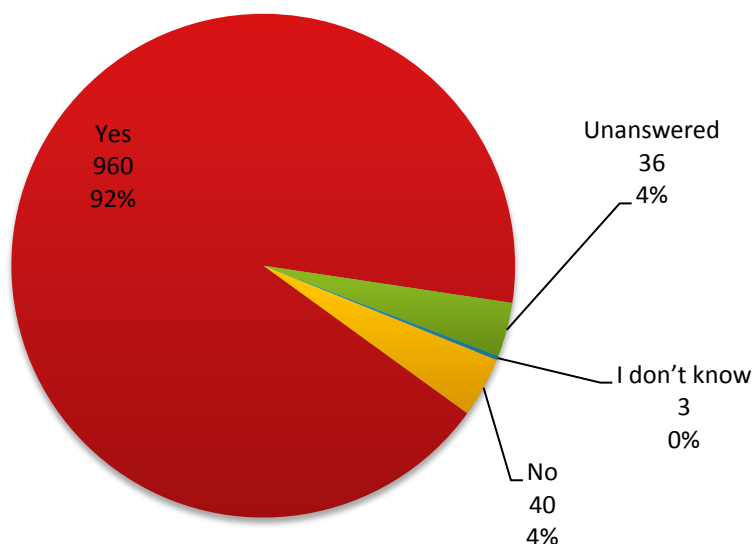


Chart 144: Responses to the question 'Should the Constitution recognise that men and women are equals and women are entitled to equal rights?' (N = 1039)

A majority of those we surveyed believe that men and women should be treated equally in the constitution, and that the constitution should recognize that men and women are equals and that women are entitled to equal rights. This represented 96% of respondents (996 people) and 92% of respondents (960) for each question respectively (see Chart 143 and Chart 144 above). Since the

two questions are to all intents asking the same thing, one wonders why there is even a small difference between the answers to the two.

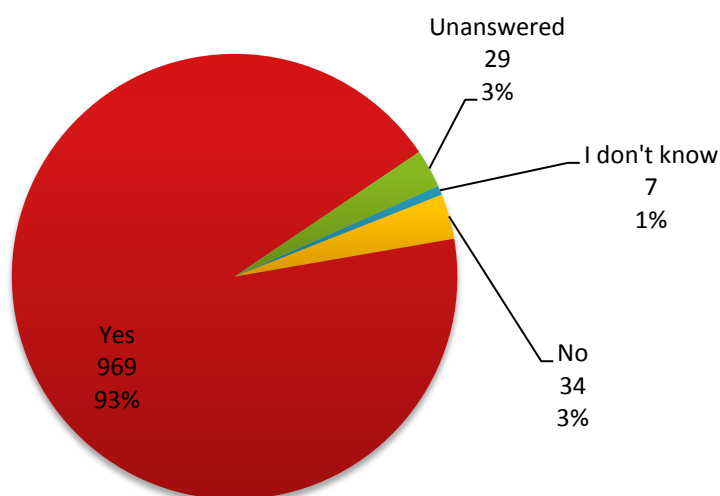


Chart 145: Responses to the question 'Should men and women have equal access to land, including communal land?' (N = 1039)

An equally large majority 969 (93%) believed that men and women should have equal access to land, including communal land (Chart 146). With these three questions, over 90% of respondents answered 'Yes' to each of them. Opinions widen when we asked 'Should men and women have equal rights in family life' (Chart 146). A slightly smaller majority of 88% said 'Yes' to this question, while 9% (94 respondents) answered 'No' some apparently contradicted their responses in the first two questions. If they are to be treated equally the implication should be that it applies to all spheres of life.

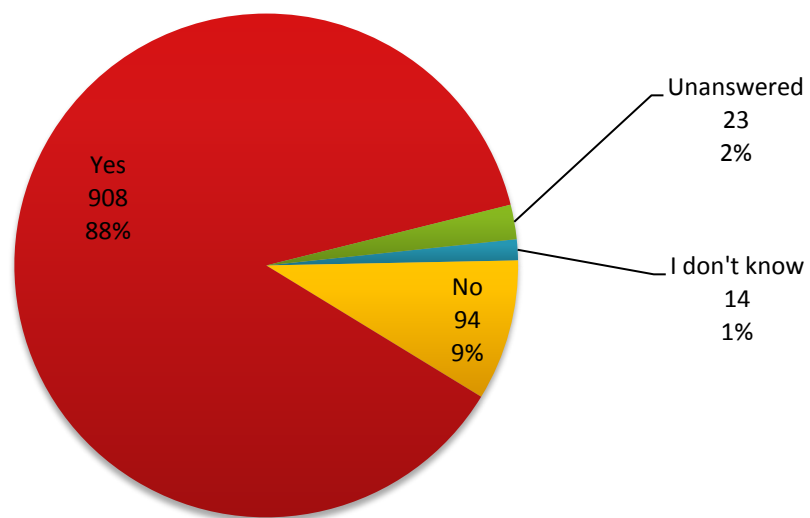


Chart 146: Responses to the question 'Should men and women have equal rights in family life?' (N = 1039)

The majority of those who answered 'No' to this question were men (78% of those answering 'No' or 73 men), but 17 women agreed with the view that men and women should not have equal rights in family life.

Although an overwhelming majority of respondents favoured the principle of equality being firmly situated within the Constitution (as seen in Chart 143 and Chart 144 where more than 90% of respondents favoured this), there was decreased support for solutions which might redress or address existing inequality. For example, we asked 'Should women have the right to affirmative action to redress the imbalances created by history, tradition or custom?': 60% (618) said 'Yes' and 29% (304) said 'No' (Chart 147).

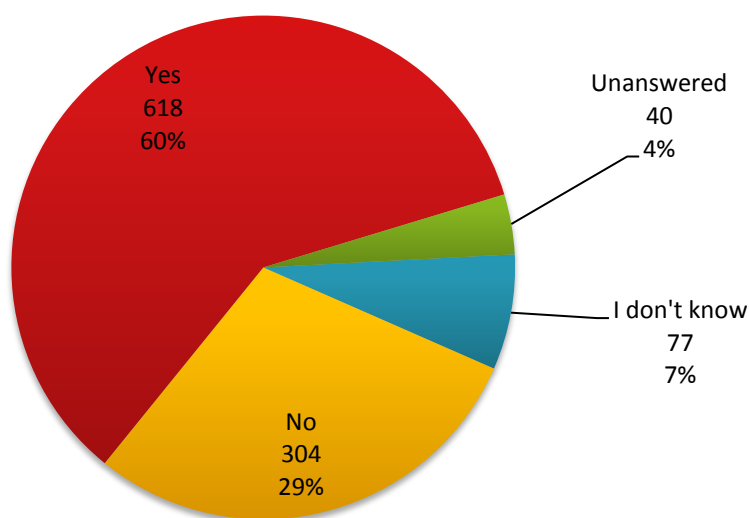


Chart 147: Responses to the question 'Should women have the right to affirmative action to redress the imbalances created by history, tradition or custom?' (N = 1039)

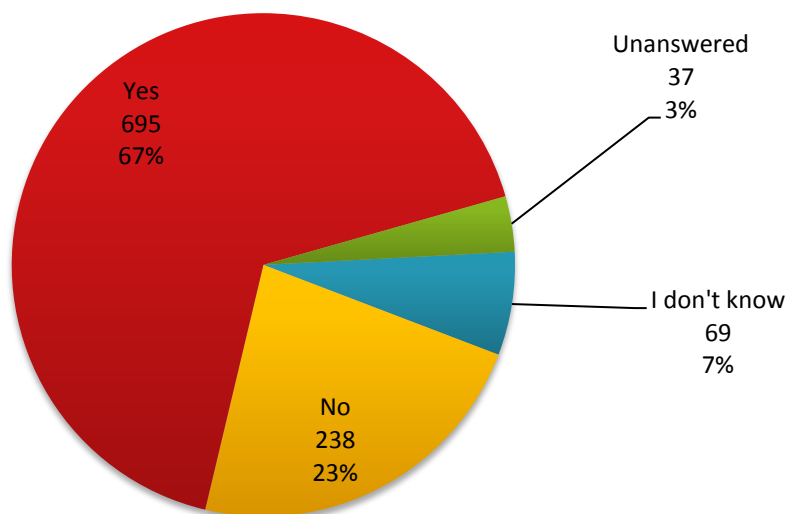


Chart 148: Responses to the question 'Should the Constitution abolish all laws, customs and cultures that impact on the equal rights of women?' (N = 1039)

Similarly, when we asked 'Should the Constitution abolish all laws, customs and cultures that impact on the equal rights of women?', 67% (695) said 'Yes' and 23% (238) said 'No'. Both of these questions still constitute majority responses in favour of the suggestions posed by the questions.

We looked at the responses shown in Chart 148 more closely, focusing on responses by the different gender groups. These results, in Chart 149 below, show that most of the women we surveyed (73%)

and most of the men we surveyed (65%) wanted the constitution to abolish all laws, customs and cultures that impact on the equal rights of women.

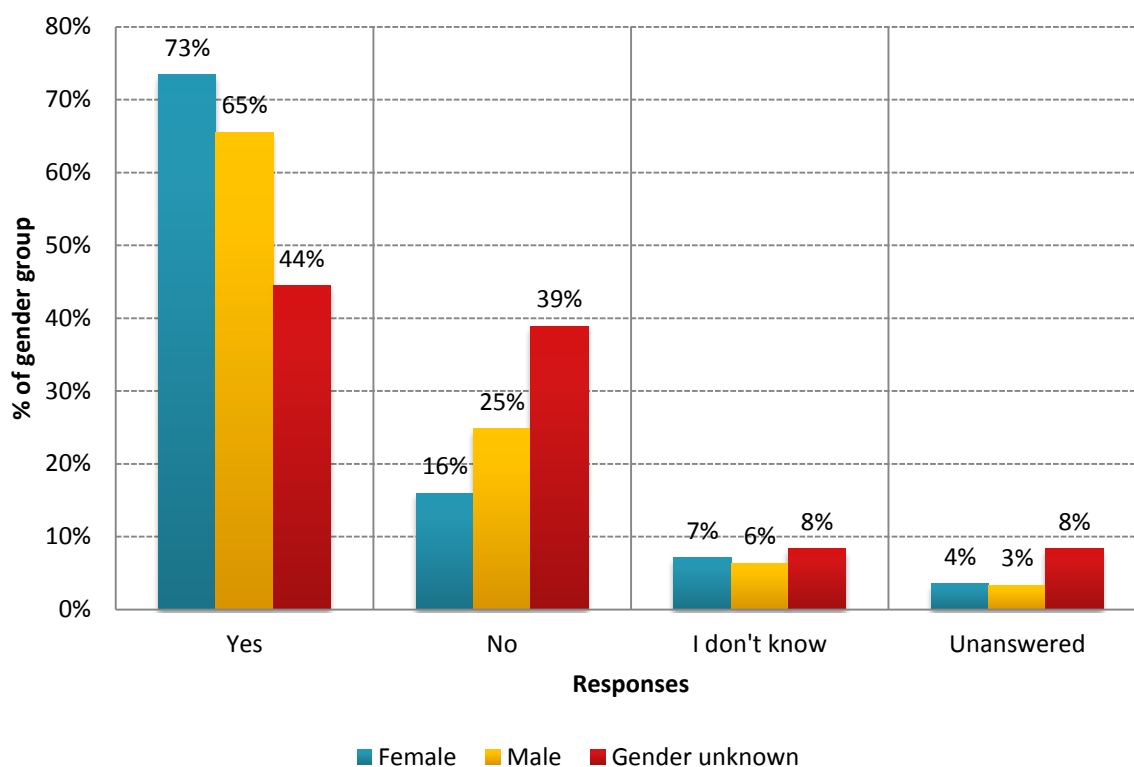


Chart 149: Responses shown in Chart 148 shown as proportional values by gender (N = 1039)

Because this question is likely to impact most heavily on traditional cultures and customs, we repeated the gender analysis focusing on only those responses submitted by black respondents. The results (shown in Chart 150) are similar, with 67% of female black respondents saying they thought the constitution should abolish all laws, customs and cultures that impact on the equal rights of women, and 60% of the black men we surveyed sharing this view. In both samples (i.e. looking at gender across all race groups and again at gender amongst the black people we surveyed) men were more likely than women to answer 'No' to this question, but those who answered 'No' formed a minority view of every group.

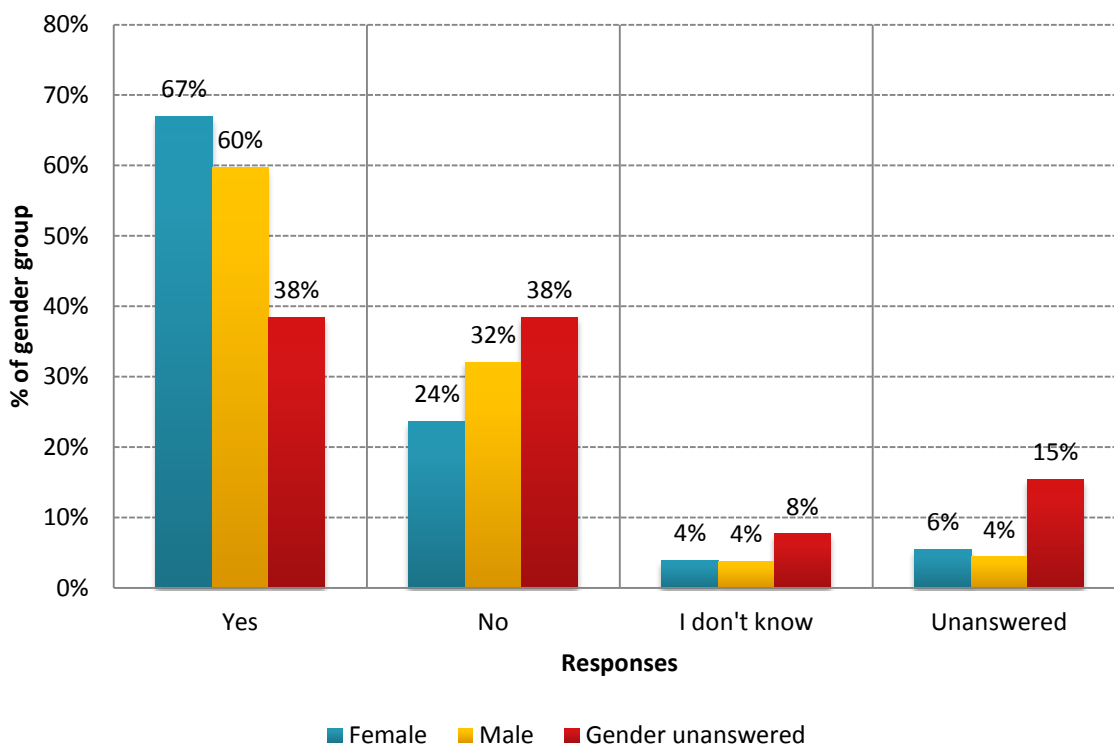


Chart 150: Responses shown in Chart 148 shown as proportional values by gender, for black respondents (n = 592)

There was considerably less support among those we surveyed for more dramatic approaches to affirmative action and redress; in particular, we asked if gender quotas should be introduced into parliament or other decision-making bodies (Chart 151 and Chart 152).

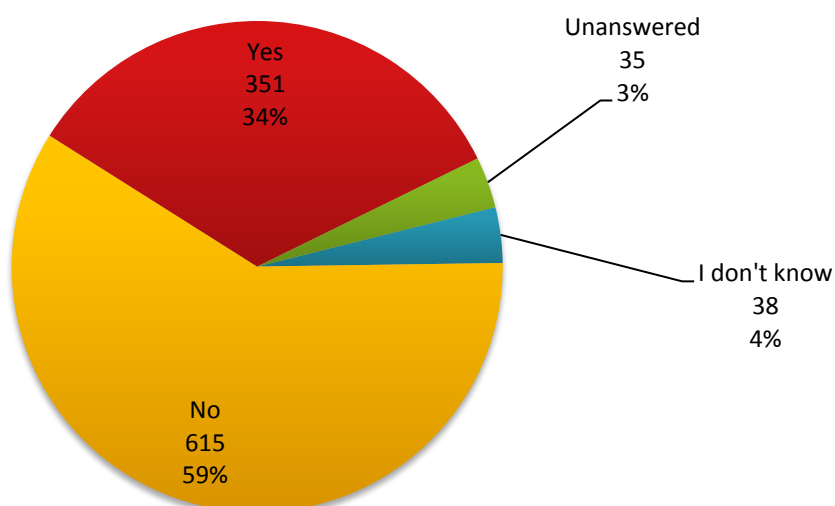


Chart 151: Responses to the question 'Should the Constitution have a quota for how many women there should be in parliament?' (N = 1039)

The majority of respondents answered 'No' to both questions: 'Should the Constitution have a quota for how many women there should be in parliament?' and 'Should the Constitution have a quota for how many women in other decision-making bodies?'. Their answers amounted to 59% (615 responses) and 56% (581 responses) respectively.

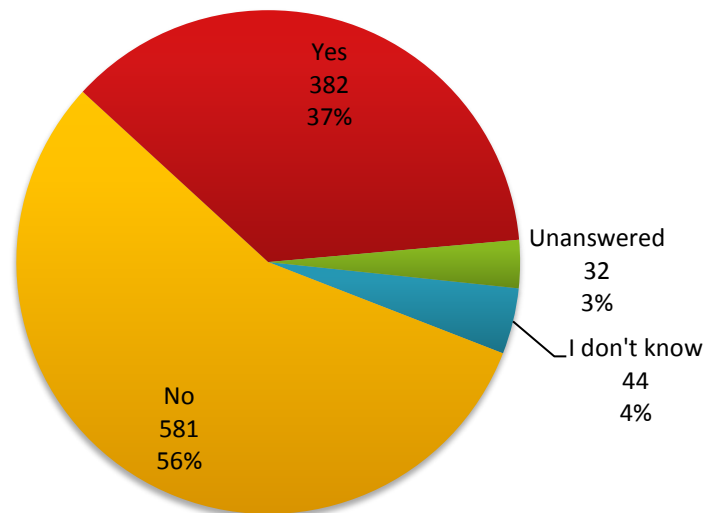


Chart 152: Responses to the question 'Should the Constitution have a quota for how many women in other decision-making bodies?' (N = 1039)

A closer look at the question 'Should the Constitution have a quota for how many women there should be in parliament?', focusing on gender, produced the results depicted in Chart 153.

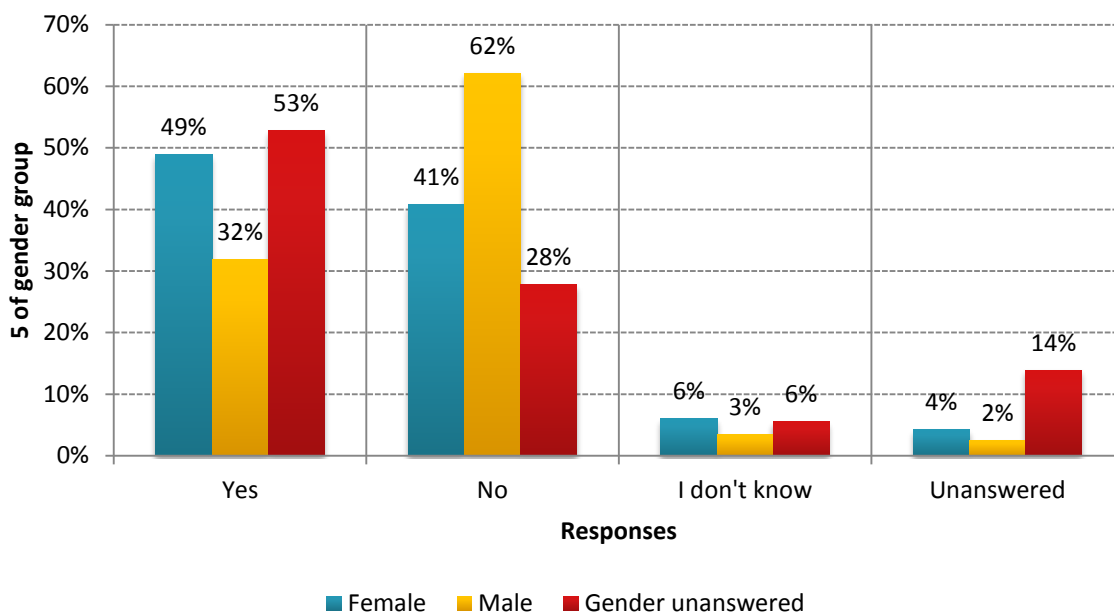


Chart 153: Responses in Chart 151 shown as proportional values by gender (N = 1039)

Nearly half of the women responding to the survey (49% or 130 responses) believed that there should be quotas guiding the representation of women in parliament. Almost as many women disagreed (41% or 115 responses), while a clear majority of men also felt that there should be no quotas (62% or 448 responses). Only 32% of men thought there should be quotas.

SELECTED PUBLIC COMMENTS ON 'WOMEN'

I am sure people understand that Biblically speaking a woman is never equal to a man. The fact that the man is the head of the house, NOT the woman. Equally the Man should be the Head of the Country, not a Woman. ~ Kurwakumire – 14 January 2010

I am sure people understand that men have ruled Zimbabwe for decades - and the men who did the job BEFORE independence, messed up, as have the men who ran it AFTER independence. Logical people will know that if there is a woman who is clearly more capable than the twits who have collectively destroyed our nation, then she must be given the job for the good of everyone. So women must be given an equal chance to do a (better) job than the men who have failed. Men who prevent equality from happening have very dubious motives and are not thinking about the national interest. ~ Anonymous – 15 January 2010

First and foremost, we are Africans - the question is what are our values as Africans. Viva Zuma. All African man engage in extra marital affairs so let's preserve our tradition. ~ Anonymous – 21 January 2010

Zimbabwe is one of the few countries in the world where women are still marginalised. I believe the constitution needs to be changed to give women rights over their children, make them equal partners in marriage and in rights over their children.

In Zimbabwe, the child still belongs to the father! Looking at the abundance of irresponsible

fathers out there, no wonder we have Zimbabwean men as some of the few men who are just difficult to deal with, complacency and pride based on very few concrete evidence. It's a wonder that Zimbabwean men have been made to believe that the ability to father children and pay lobola is the highest test of manhood. Most of our men graduate to manhood but very few are responsible fathers, just look at all the children being raised by single mothers and still the man is given all the legal rights over the child. Most countries have changed this law to allow the woman of an unmarried couple to have legal rights over the child, very few women would keep their kids away from their fathers anyway.

It amazes me that for a woman to have legal rights over the child, she has to declare the child fatherless. Its pathetic that we have a law that we know doesn't work and is against women's global rights, yet we keep it and encourage anyone who feels the law is unfair to have kids and not tell the fathers. It is also infringement of international children's rights, a child has the right to have both a father and mother, and it shouldn't be a disadvantage to have both parents registered on their documents.

I think as a nation, we should come to a stage where we encourage our men to find their manhood in something of substance other than having kids and getting married/paying lobola and having dominion over, and taking ownership of their kids and wives. I believe in life, there are better levels of achievement. I lament as I watch our men get tortured by the realisation that women can't really be bought, yet they still hang on to that sinking ship. Paying lobola (which is negligible really compared to anyone's income) and believing that will give them powers over their wives was never proven true even in those olden days. No wonder men now feel so confused by the reality around them, they are failing to cope and most end up on self-destruction paths. ~ Anonymous – 16 February 2010

In Africa, women do not marry. They do not pay lobola, or bring cash and cattle to the parents of the man...therefore, if, through affirmative action, you are going to take away the means of income from the man, it is only fair that the new imbalance be corrected: ban lobola and any form of dowry, to protect men. We cannot accept a Western norm and force it on a people who have their own norms and force them to live with the consequences ... just to please or conform with Western values. African women will not get into marriage with unemployed African men. [...]
You cannot force western norm on people who still think, live and base their decisions on their own ways and expect stability! ~ James Watadza – 3 February 2010

It is true that we should preserve our norms. The fact is that we are greedy. When we find that western norms benefit us we go there and we also take African norms when they benefit us. In this developing world we cannot live only on our cultures. We must interact with other people and copy from them what is right. If you look at yourself you are far much improved than your people of previous generations. We expect our children to develop better than us. I wouldn't be happy to be better than my offspring. ~ David Gondokondo – 2 March 2010

THE DISABLED

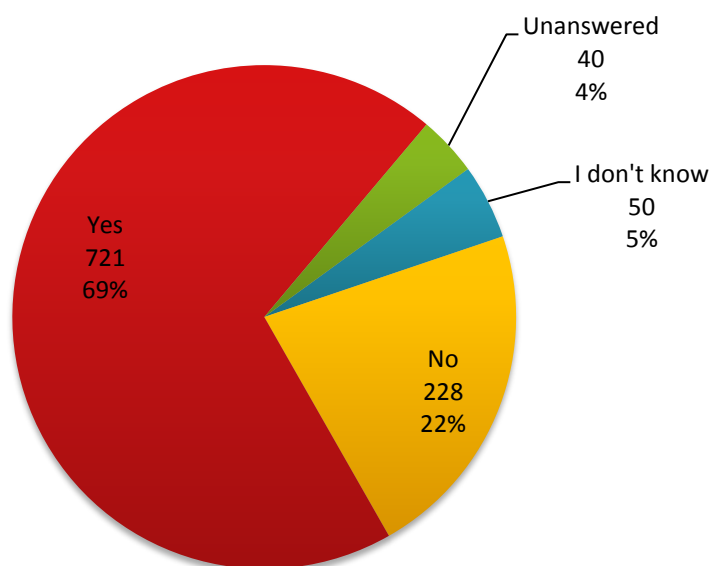


Chart 154: Responses to the question 'Should the Constitution ensure that disabled people are represented in decision-making bodies, including Parliament?' (N = 1039)

721 people (69% of respondents) feel that the constitution should ensure that disabled people are represented in decision-making bodies, including parliament, while 228 (22%) people disagreed (Chart 154). It is interesting that such a high proportion want such representation for the disabled, but not for women.

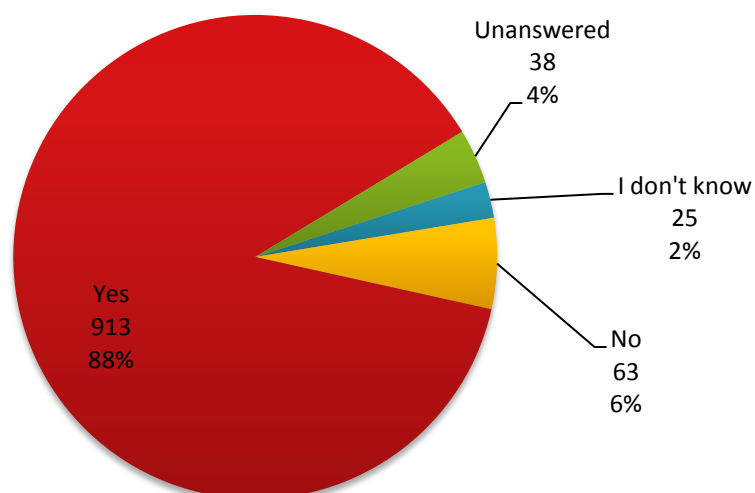


Chart 155: Responses to the question 'Should the Constitution require that all buildings, public transport and amenities are designed to allow access to the disabled?' (N = 1039)

On the question of disabled access to buildings, 88% of respondents (913) answered 'Yes' to the question 'Should the Constitution require that all buildings, public transport and amenities are designed to allow access to the disabled?'; 6% (63) answered 'No' (Chart 155).

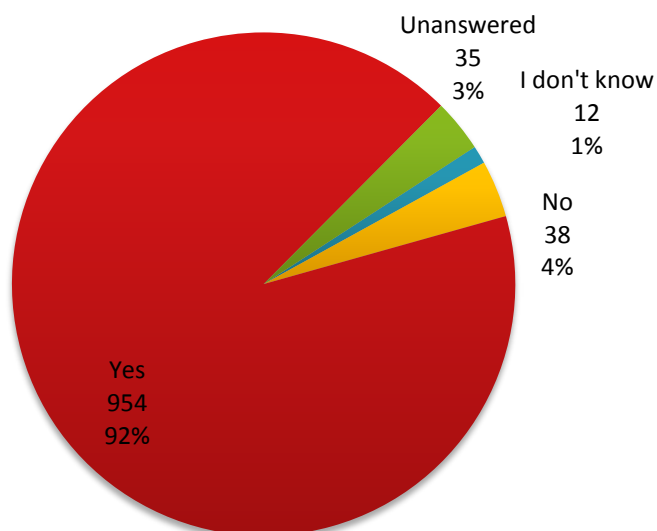


Chart 156: Responses to the question 'Should the Constitution ensure that disabled people have a right to education?' (N = 1039)

There was massive support for the view that the constitution should ensure that disabled people have a right to education, with 92% (954) of respondents saying that this should be the case, and only 4% (38) disagreeing (Chart 156). It is interesting that people feel it is necessary to provide separately for disabled people rather than accept that if the right to education is provided for all, that includes the disabled. This is probably due to the fact that politicians have tried to gain favour by inserting special rights for each group when in fact they can be catered for in the general clauses.

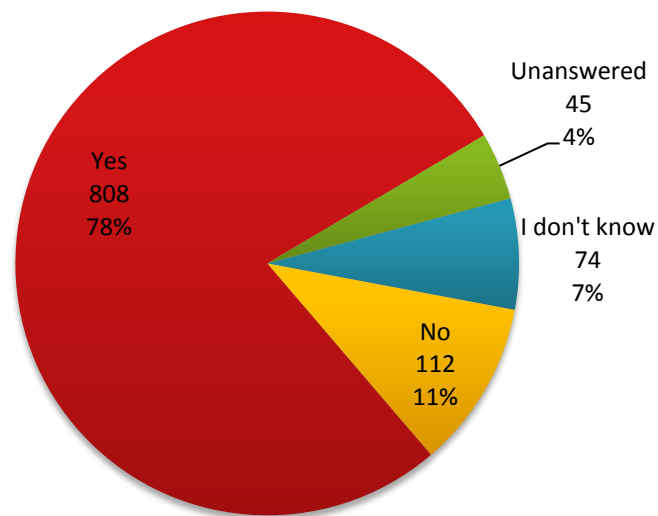


Chart 157: Responses to the question 'Should sign language be recognised as a language in the Constitution?' (N = 1039)

When asked 'Should sign language be recognised as a language in the Constitution?', 78% (808 people) respondents answered 'Yes', forming a majority amongst those we surveyed in support of this idea. 11% (112 people) answered 'No' (Chart 157).

YOUTH / CHILDREN

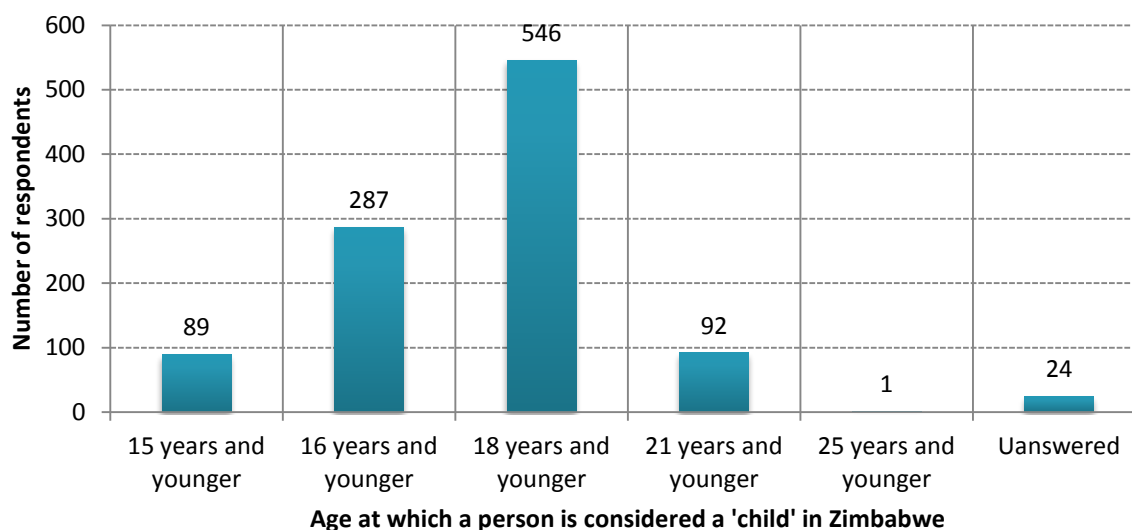


Chart 158: Responses to the question 'At what age is a person still considered a 'child' in Zimbabwe?' (N = 1039)

We asked those we surveyed to define the ages for the terms 'child' and 'youth'. Most believe that a 'child' is someone aged 18 years and younger, with 52% (546 respondents) opting for this answer (Chart 158). The standard under international law is under 18, so the question, and consequently the responses, vary slightly from the norm

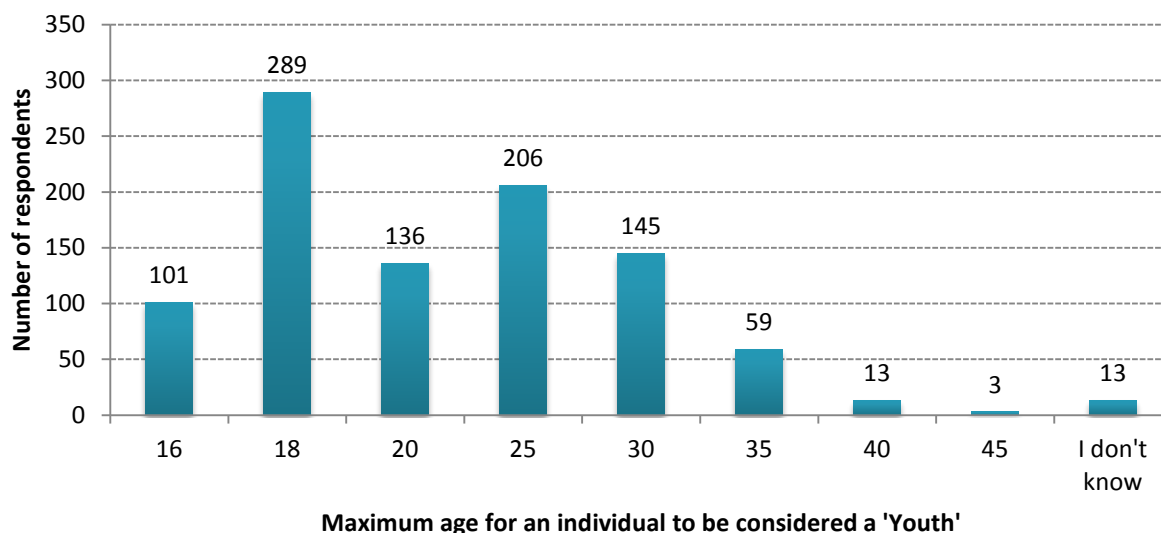


Chart 159: Responses to the question 'What should the maximum age be, for an individual to be considered a 'Youth'' (N = 1039)

In late 2000, when Border Gezi proposed the introduction of youth training under his remit as Minister of Youth, Gender and Employment Creation, he defined all those falling between the ages

of “10 and 30 years” as eligible for youth training under the National Youth Service programme (discussed later in this section on page 155) to.⁴² We asked what the maximum age should be for someone to be called a ‘youth’ and received variable responses (shown in Chart 159).

The most frequent answer (27% or 289 respondents) was that the maximum age for someone to be called a ‘youth’ should be 18, a choice which would cause the terms ‘child’ and ‘youth’ to coincide. This choice was closely followed by the preference for the term ‘youth’ to apply to anyone aged 25 or younger (20% or 206 respondents), or 30 and younger (14% or 145 respondents). It is understandable that this category could cause some confusion and considerable division of views, since “youth” has never been a legal term either in domestic or in international law, and has been used in widely varying contexts, usually fairly vaguely.

Focusing on children, Table 14 below details the provisions that our respondents believe should be included in the constitution to protect children. Approximately 90% or more of those we surveyed supported the inclusion of each clause.

Which of the following principles should the Constitution include to protect children? (Click all that apply)	Number of respondents in favour of	Percentage in favour of	Unanswered
The State must protect children from exploitative labour practices	989	95%	50
The State must ensure that children have a nationality from birth	984	95%	55
The State must ensure that children enjoy family or parental care, or appropriate alternative care when removed from the family environment	929	89%	110
The State must ensure that children receive shelter and basic nutrition, health care and social services; and	966	93%	73
The State must ensure that children are protected from maltreatment, neglect, violence, abuse, exploitation, corruption or degradation	983	95%	56

Table 14: Responses to the question 'Which of the following principles should the Constitution include to protect children? (Click all that apply)' (N = 1039)

In addition to this, we provided free text space on the survey for the respondents to add any other principles that they think should be included. Other principles suggested include the rights of children to be protected from trafficking, that children should never be made child soldiers, and total compliance with the International Convention on the Rights of the Child.

⁴² “National service for all youths proposed”. *The Herald*, 13 October 2000: Harare

In addition to these, an overwhelming number of respondents pointed to the need for a right to education to be included as a basic principle (we dealt with a child's right to an education separately in the survey). When asked 'Should children have the right to free and compulsory education?', 91% (936) of respondents said 'Yes' and only 45 (4%) said 'No' (Chart 160).

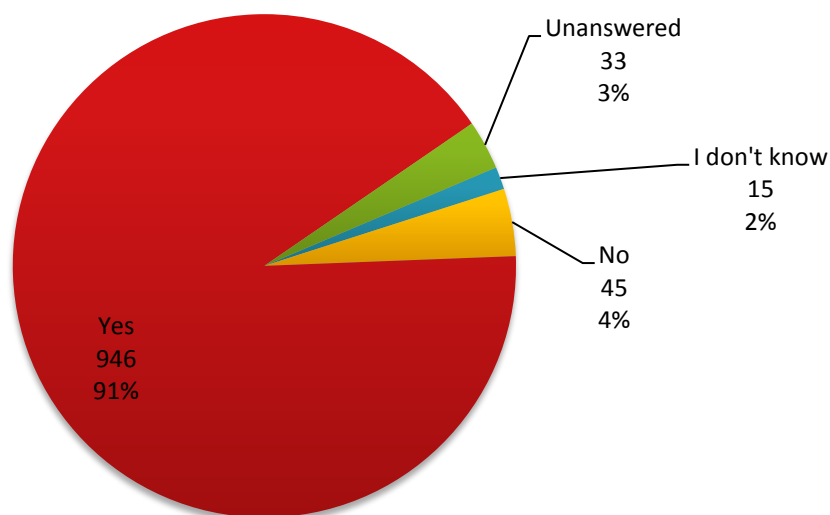


Chart 160: Responses to the question 'Should children have the right to free and compulsory education?' (N = 1039)

We then asked those who answered 'Yes' to specify the age up until which education should be free and compulsory. The most frequent response (39% or 372 respondents) was that education should be free up until the age of 16, which would typically allow a child to reach the end of Form IV funded by the State. Marginally fewer believed that education should be free up until the age of 18 (37% or 353 respondents). . 20% of those who answered 'Yes' felt that free education should apply for children aged up to 13. If adopted, this would in principle allow a child to have a State funded basic education only up to Grade 7.

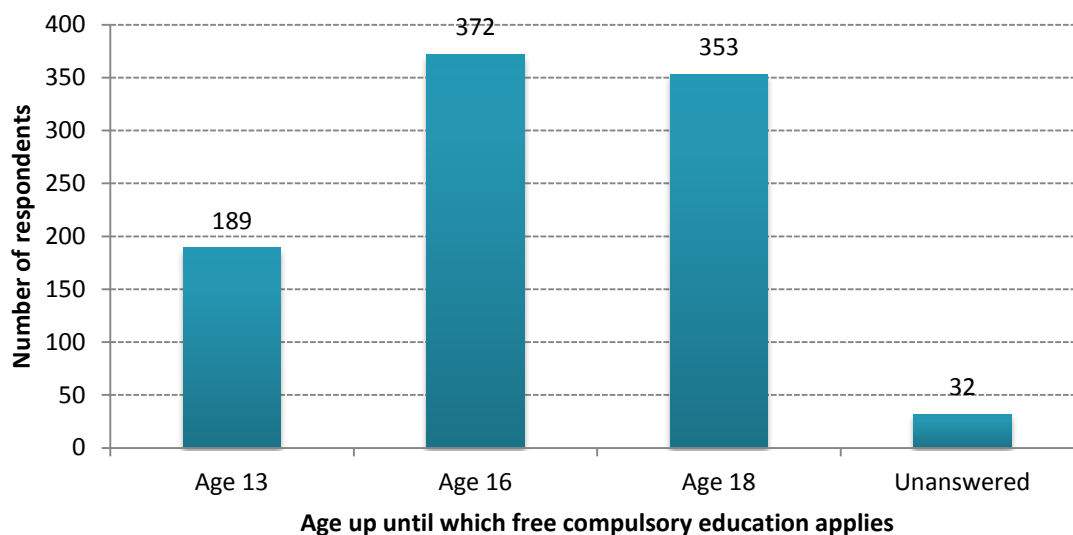


Chart 161: Responses to the question 'If you answered 'Yes' above (as per Chart 160), up until what age should education be free and compulsory?' (n = 946)

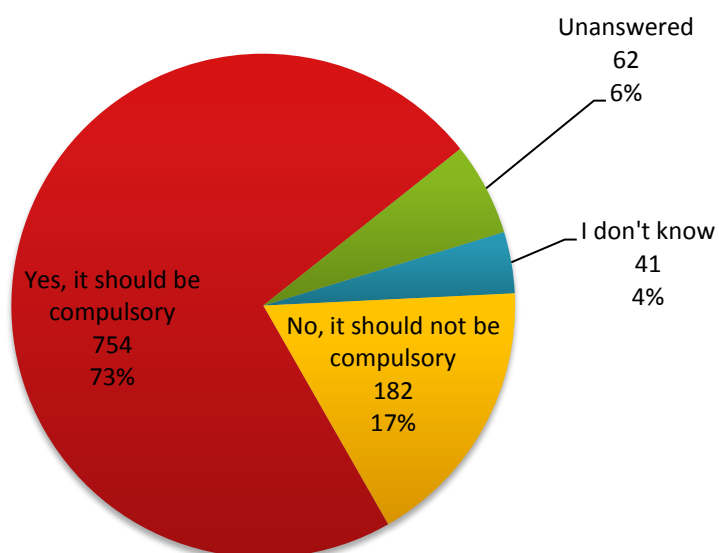


Chart 162: Responses to the question 'Do you think the Constitution should be a compulsory part of the National School Curriculum?' (N = 1039)

Our final question relating to children also deals with education and asks, 'Do you think the Constitution should be a compulsory part of the National School Curriculum?' 73% (754) of our respondents answered 'Yes, it should be compulsory' forming the majority view, and 17% (182) answered 'No, it should not be compulsory' (Chart 162).

NATIONAL YOUTH SERVICE

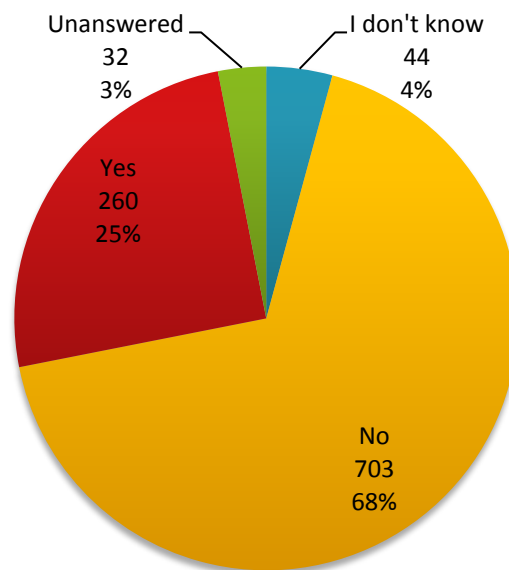


Chart 163: Responses to the question 'Do we need a National Youth Service?' (N = 1039)

Zimbabwe's National Youth Service Training Programme, initiated in late 2000 by Border Gezi (then Minister of Youth, Gender and Employment Creation), has proved to be very controversial, with the organisers accused of exploiting the participants to carry out large scale organized violence in the country.⁴³ When asked 'Do we need a National Youth Service?', 68% of our respondents (703) answered 'No and 25% (260) answered 'Yes' (Chart 163).

⁴³ See for example the data depicted in Sokwanele's online Violence Map, identifying perpetrator groups through the glut of violence following the 2008 general and presidential elections: <http://www.sokwanele.com/map/electionviolence>

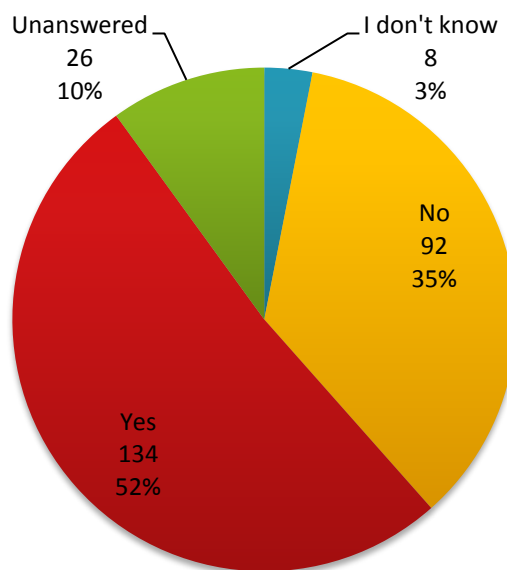


Chart 164: Responses to the question 'If 'yes' to the above question, should participation in a National Youth Service be compulsory for all youths?' (n = 260)

Focusing only on those who answered 'yes' to the previous question (i.e. 260 respondents) we then asked if they thought participation in the National Youth Service should be compulsory: 134 (52%) said 'Yes' to this as well forming the majority view in this sub-group, while 92 (35%) said 'No' (Chart 164). It would have been interesting to know what this group thought should be the content of the compulsory youth service, since even of those 134 who thought it should be compulsory, only 74 felt that the current syllabus is acceptable, as shown in the next question.

This question focused on the types of educational materials used in the National Youth Service Programme. Partisan materials to 'train Zimbabwean youths' have been controversially employed by the Zanu PF party in its youth training programme since the early 2000s. A report written by the Solidarity Peace Trust titled *National youth service training - "shaping youths in a truly Zimbabwean manner"* highlights the overt propaganda in the materials:

A youth militia history manual called "*Inside the Third Chimurenga*"⁴⁴ gives an idea of the type of "patriotism" that is instilled in the camps. The manual is historically simplistic and racist, and glorifies recent ZANU-PF National Heroes, along with the land resettlement programme. It consists entirely of speeches made by President Robert Mugabe since 2000, among them his addresses to ZANU-PF party congresses, his speech after the 2000 election result, and funeral orations for deceased ZANU-PF heroes, including Border Gezi, Chenjerai Hitler Hunzvi and Moven Mahachi, all of whom died in 2001.

⁴⁴ Mugabe, Robert (2001) *Inside the Third Chimurenga*. Department of Information and Publicity: Harare.

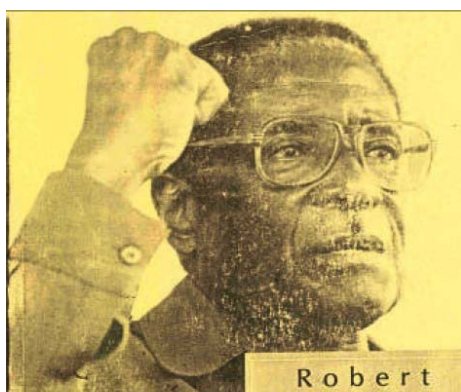


Figure 1: Cover of reference manual used since 2001 to train youth militia in Zimbabwean history.



The opposition MDC is repeatedly vilified in this compilation, and referred to as imperialist and neocolonialist. Supporters of the opposition are described as “rough and violent high-density lumpen elements”, as well as “disgruntled Former Rhodesians”, and the “Zimbabwean contagion”. The MDC is said to be driven by “the repulsive ideology of return to white settler rule”. Foreign governments and the opposition are conflated as “enemies and their local lackeys”. The speech from which the above references are taken ends with: “Long live the Central Committee! Long live ZANU-PF! Long live the War Veterans! Long live our Revolution!”⁴⁵

We asked those we surveyed this question: 'Do you think it is acceptable, or not acceptable, for partisan information to be included in Youth Training manuals and textbooks?' Most answered 'Not acceptable' accounting for 81% (843) of respondents, while 7% (74) answered 'Acceptable' (see Chart 165 below). All of those who answered 'Acceptable' (7% or 74 people) also said 'Yes' to the question 'Do we need a National Youth Service?'

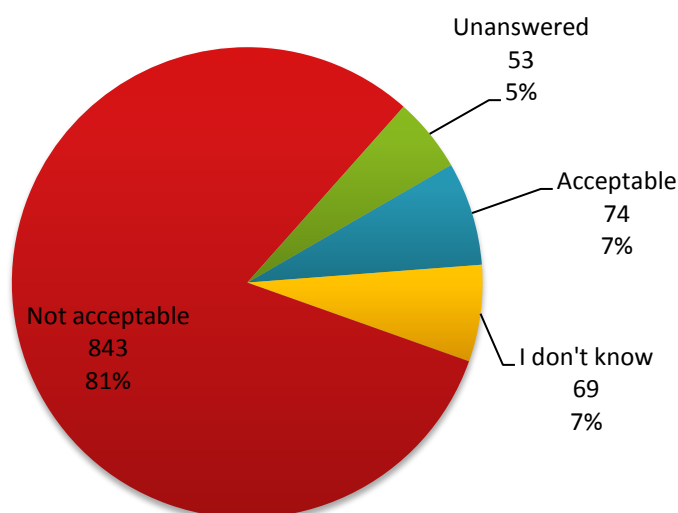


Chart 165: Responses to the question 'Do you think it is acceptable, or not acceptable, for partisan information to be included in Youth Training manuals and textbooks?' (N = 1039)

⁴⁵ Solidarity Peace Trust (2003) *National youth service training - "shaping youths in a truly Zimbabwean manner"*. Durban: Solidarity Peace Trust (Download the report here: http://www.solidaritypeacetrust.org/download/report-files/youth_militia.pdf)

THE ELDERLY

92% of our total respondents (953 people) believe that the constitution should provide for protection against age discrimination, with only 4% (41) disagreeing (Chart 166). A majority of 88% (916 respondents) also believe that the constitution should ensure that the State provides a decent income after retirement and in old age for those who need it; 6% disagreed, answering 'No' to this question (Chart 167)

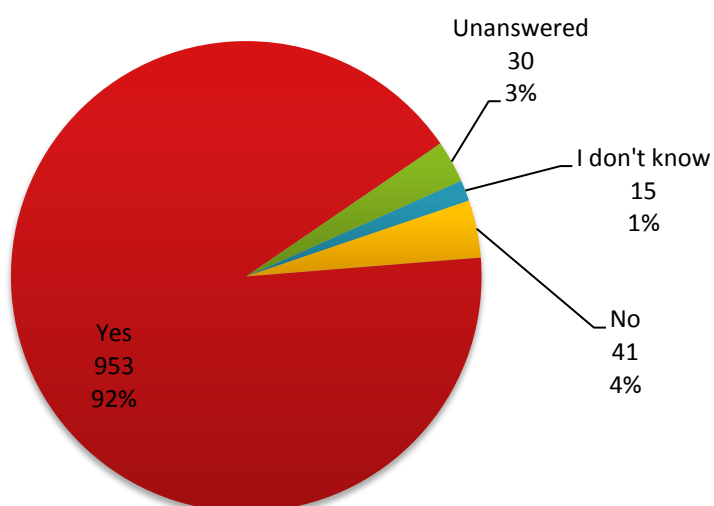


Chart 166: Responses to the question 'Should the Constitution provide for protection against age discrimination?' (N = 1039)

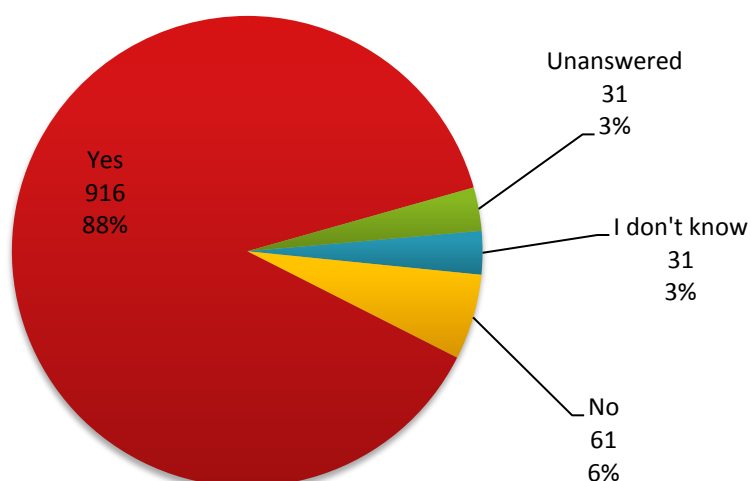


Chart 167: Responses to the question 'Should the Constitution ensure that the State provides a decent income after retirement and in old age, for those who need it' (N = 1039)

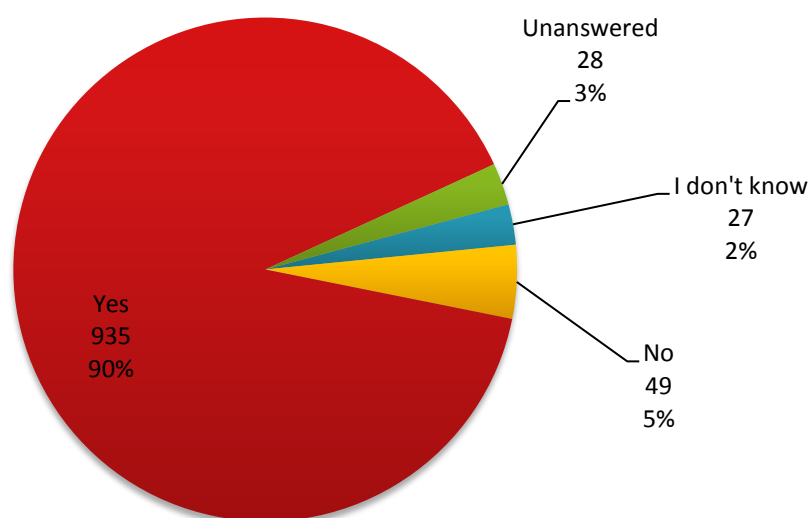


Chart 168: Responses to the question 'Should the Constitution ensure the State provides appropriate financial and social support to elderly people who are the primary carers of children?' (N = 1039)

Many elderly Zimbabweans have become the primary carers of young children as a result of HIV / AIDs. We asked 'Should the Constitution ensure the State provides appropriate financial and social support to elderly people who are the primary carers of children?' 90% (935) of those we surveyed answered 'Yes' and 5% (49) said 'No'.

The bulk of free text replies added by our respondents (in response to the question 'What other constitutional protections should all elderly Zimbabweans enjoy?') called for free healthcare for the elderly. Other popular options included 'free transport' for the elderly, and tax-free employment rights for the elderly.

It is worth noting that although there is near universal support for government support for "the elderly" neither the survey questions nor the respondents attempted to reach a definition of the term.

ELECTIONS

ELECTORAL SYSTEM

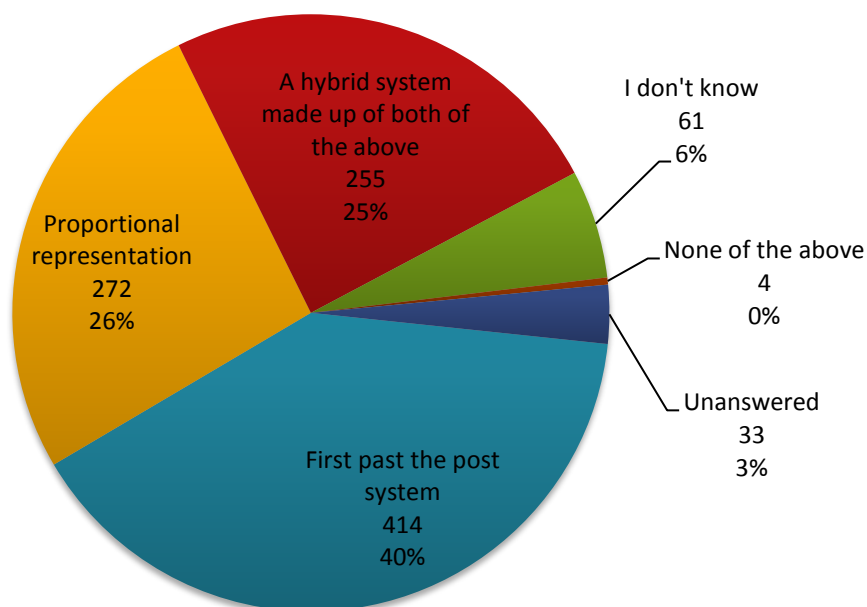


Chart 169: Responses to the question 'What type of electoral system should we have in Zimbabwe?' (N = 1039)

Our first question in the 'Elections' section of our survey was preceded by this explanatory text:

An election is an opportunity for people to choose their leaders. There are a number of electoral systems around the world, the most popular of which are the first past the post system, the proportional representation system and the hybrid system comprising the two.

First Past the Post System: This is where the person with the highest number of votes becomes the elected representative of the electorate.

Proportional Representation: This is a system by which the elected people are determined by the proportion of votes obtained by each party.

Hybrid System: This is where some of the representatives are elected on the basis of the first past the post system and others on the basis of proportional representation.

We asked: 'What type of electoral system should we have in Zimbabwe?'

Chart 169 shows that the largest number of those surveyed favour a 'first past the post system' (414, 40%); the second preferred option is for 'proportional representation' (272, 26%), and the third preference is for a hybrid system combining both the above choices (255, 25%). One assumes that the respondents understood that this referred to parliamentary elections, even though the question did not specify.

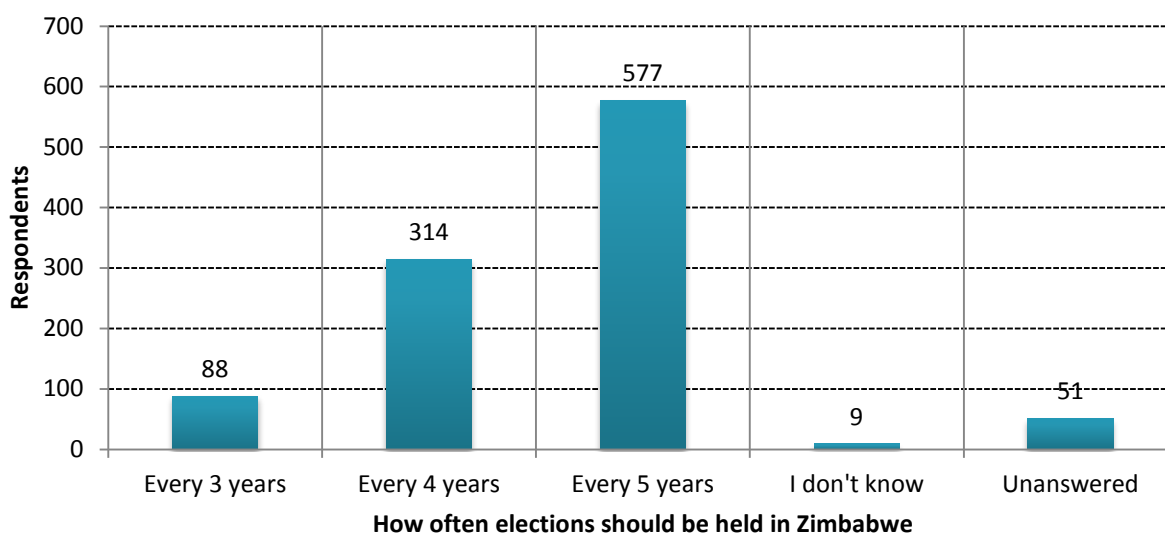


Chart 170: Responses to the question 'How often should we hold elections?' (N = 1039)

Most of our respondents feel that elections should be held every five years (56%, 577), and a clear majority of 77% (802 people) believe that parliamentary elections should be held at the same time as presidential elections, with 17% (176) disagreeing (see Chart 170 and Chart 171 respectively). These answers suggest that Zimbabweans would like to reduce the number of elections held – not surprising considering the disruption that they have caused to normal life in recent years. Again, the question did not make clear which elections were being referred to, and made the assumption that all elections would have the same frequency. In fact, through the 90's and up to 2005, parliamentary elections were scheduled every five years, while presidential elections were every six years.

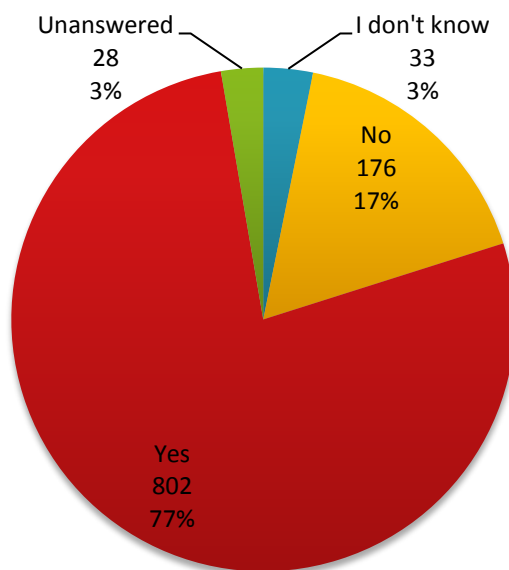


Chart 171: Responses to the question 'Should parliamentary elections be held at the same time as presidential elections?' (N = 1039)

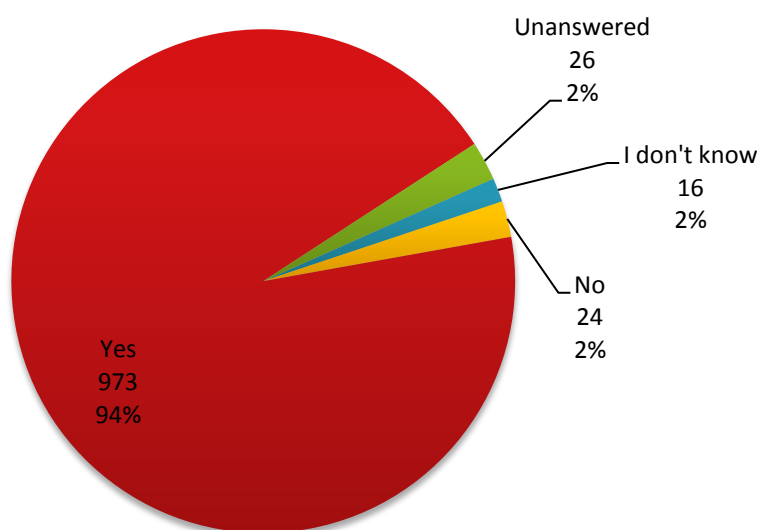


Chart 172: Responses to the question 'Should the Constitution set-out how electoral disputes should be dealt with?' (N = 1039)

94% of those we surveyed (973 respondents) felt that the constitution should stipulate how electoral disputes should be dealt with (Chart 172). Normally, however, this would be included in an electoral law, rather than the constitution. Once again, the answer demonstrates that the respondents place great faith in the constitution resolving every problem.

RIGHTS TO VOTE

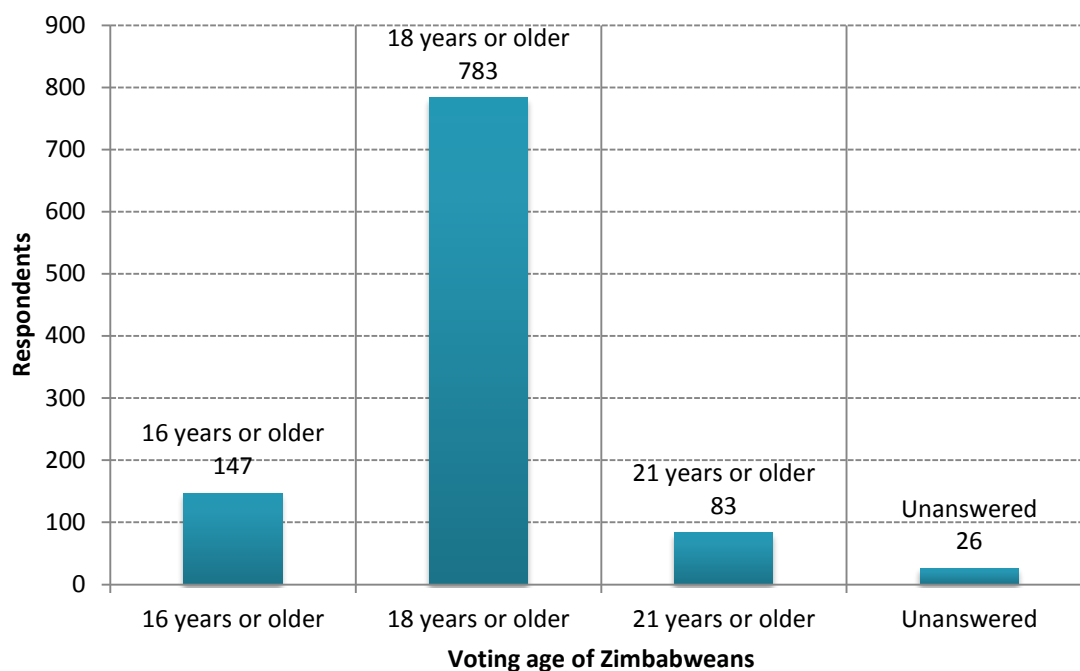


Chart 173: Responses to the question 'At what age should a person be allowed to start voting in Zimbabwean elections?' (N =1039)

Most of the people we surveyed (75% or 783 people) selected '18 years or older' as the minimum age a person should be allowed to start voting (Chart 173). And a majority of 88% (888) of our respondents believe that Zimbabwean citizens should be placed on the voters' roll automatically when they reach this eligible age (Chart 174). This latter response is a reflection of the way in which control of voter registration has been used to manipulate election participation to favour the ruling party.

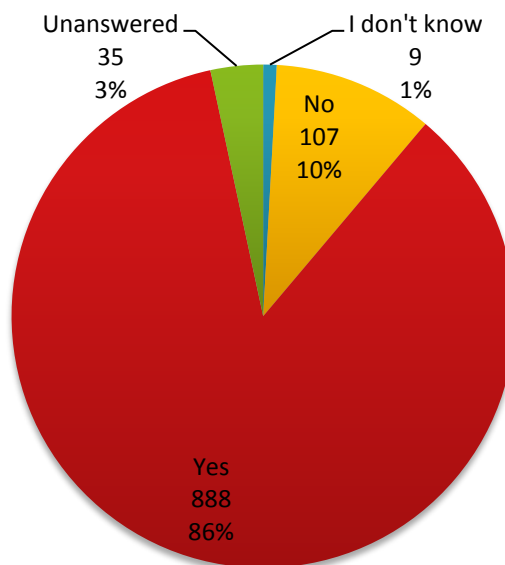


Chart 174: Responses to the question 'Should all Zimbabwean citizens automatically be placed on the voter's roll when they reach the eligible age? ' (N = 1039)

We asked 'Who should be allowed to vote in a Zimbabwean election?'. 644 respondents (62%) believe that citizens and permanent residents should have the right to vote in Zimbabwe, while 371 (36%) think this right should be reserved for Zimbabwean citizens only (Chart 175). Considering that a high percentage of respondents are white and a high percentage are in the diaspora, it is not surprising that such a large number would give the vote to permanent residents. Many of them are vulnerable in regard to their citizenship. Since permanent residents used to be allowed to vote in Zimbabwe, many consider this as the norm, not aware that in most countries non-citizens do not hold the franchise.

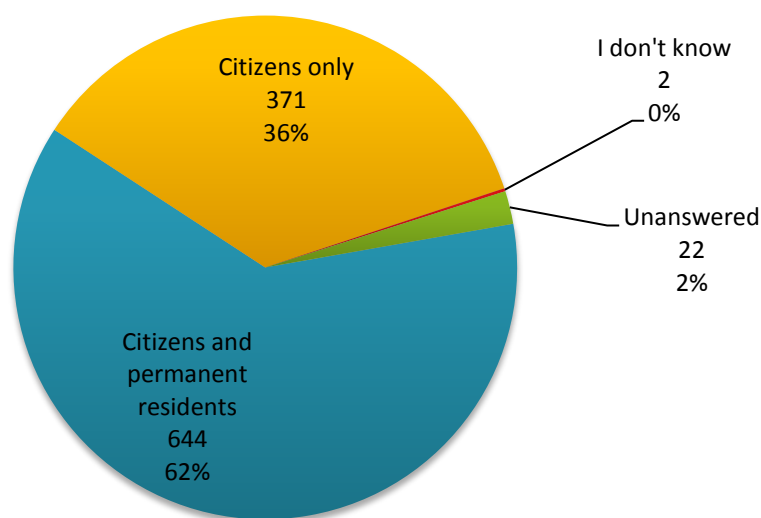


Chart 175: Responses to the question 'Who should be allowed to vote in a Zimbabwean election?' (N = 1039)

The majority of those we surveyed believe that voting should not be compulsory: in response to the question 'Should voting be compulsory for everyone allowed to vote in Zimbabwean elections?', 56% (581) answered 'No' and 37% (382) answered 'Yes' (Chart 176). Doubtless few of the respondents have experience of a system of compulsory voting, in which case it is quite surprising that as many as 375 favour it.

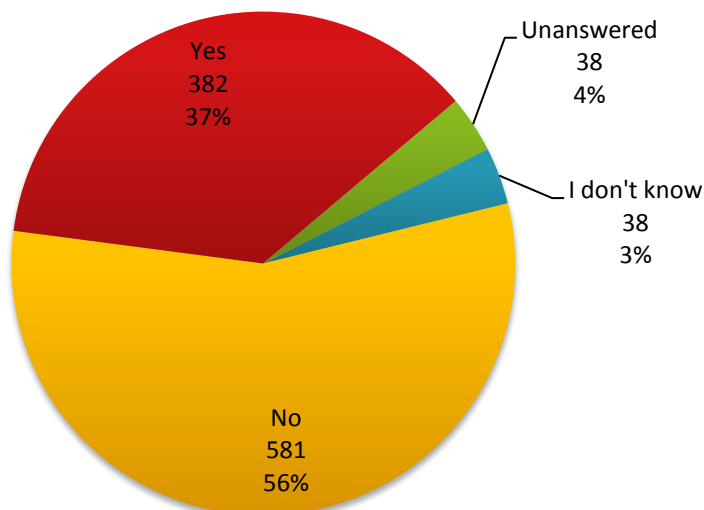


Chart 176: Responses to the question 'Should voting be compulsory for everyone allowed to vote in Zimbabwean elections?' (N = 1039)

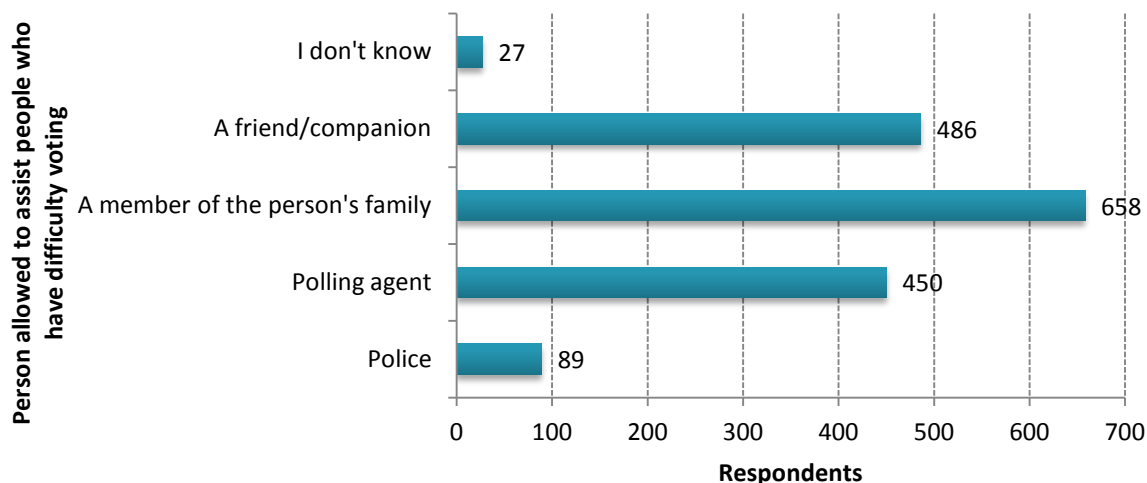


Chart 177: Responses to the question 'Who should be allowed to assist a person, if the person has difficulty voting on their own? (select all that apply)' (N = 1039)

We asked 'Who should be allowed to assist a person, if the person has difficulty voting on their own?', and our question allowed respondents to select more than one answer option if they wanted to. Full responses are shown in Chart 177 above which shows that the most popular options involved assistants who were known to the individual, with the most popular choice being 'A member of a person's family' (63% of respondents choosing this). The least popular option, selected by 89 respondents (9% of our sample), was for the police to offer assistance. In the past, Zanu PF has used intimidation to force able and literate people to say they needed assistance, so that the polling officials or police officers could accompany them into the polling station and mark their ballots for them, thus effectively distorting the results.

The *Election Resource Centre (ERC)* circulated a press release in mid-2011 commenting on electoral reforms reportedly approved by Zimbabwe's Cabinet, with one reform touching on this sensitive issue.⁴⁶ The ERC described the proposed reform as follows:

Assisted voters- an illiterate, physically incapacitated or visually impaired voter must be assisted by a person of his or her choice of or above the age of 18 years and can exercise his or her right to vote without the assistance of the presiding officer or polling officer. It further proposes that an incapacitated voter who is unable to vote but is literate should be permitted to vote with the assistance of a person of his or her choice of and above the age of 18 and without the presence of the presiding officer or polling officers.

⁴⁶ 'Opportunities and gaps in the proposed electoral reforms', 27 May 2011, *Election Resource Centre*: <http://www.sokwanele.com/thisiszimbabwe/archives/6747>

Commenting on the reform, the ERC note:

- It is [a] positive development in trying to empower all voters as equals and upholding one's freedom of choice as well as secrecy of the ballot.
- Epitomies of intimidation and violence like the police are commendably set to be relegated from assisting the voters.
- Whilst this proposed change greatly facilitates the minimization of voter intimidation within a polling station, it fails to deal with endogenous organized violence. This might result in a high number of assisted voters being "forcibly assisted" in voting by architects of violence in the localities, purporting to be their chosen assistants.

We can conclude that our respondents' views on this issue are influenced by their experience of the role of police in past elections, and that they would prefer a solution along the lines suggested by the ERC, even though it might not solve all the problems.

ELECTION STANDARDS

Most of those we surveyed believe that the new Constitution should include regional and international standards (in treaties that Zimbabwe has signed) for holding elections, with 91% answering 'Yes' to the question posing this, and only 3% (32 people) answering 'No' (Chart 178).

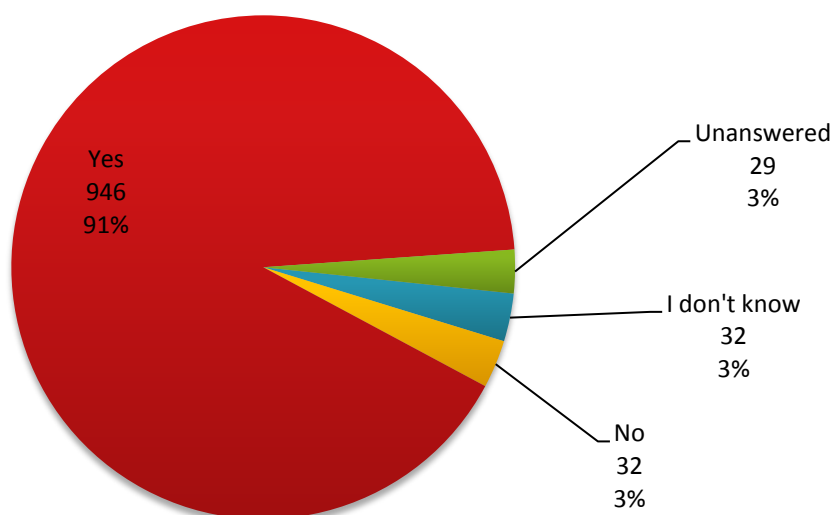


Chart 178: Responses to the question 'Should the Constitution include regional and international standards (in treaties that Zimbabwe has signed) for holding elections?' (N = 1039)

An even larger majority (95% or 990 people) believe that an Independent Electoral Commission should be responsible for running elections in Zimbabwe (Chart 179).

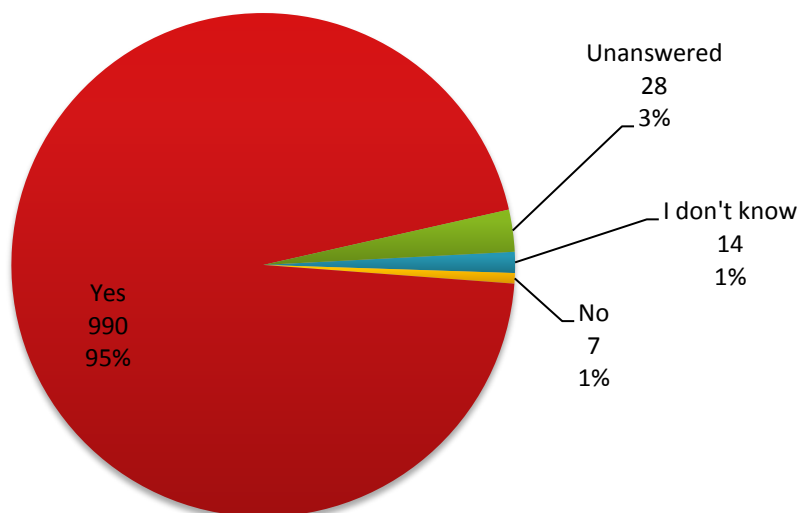


Chart 179: Responses to the question 'Should there be an Independent Electoral Commission responsible for running elections?' (N = 1039)

ELECTION OBSERVERS

The Zanu PF party has historically favoured election observers from countries whose governments are allies of its party, rejecting observers from nations that it perceives to be opposed to Zanu PF. In 2008, for example, The Zanu PF-led government banned 'western observers' and permitted observers from African countries and allied countries such as China, Iran and Venezuela. Zanu PF Foreign Minister Simbarashe Mumbengegwi said:

Clearly, those who believe that the only free and fair election is where the opposition wins have been excluded since the ruling party, Zanu-PF, is poised to score yet another triumph.

The former opposition parties countered this argument with this view:

If everything was being done in a fair and transparent manner, there would be no need to exclude other countries [...] Those who have been invited will hear no evil, see no evil, speak no evil and endorse a flawed election.⁴⁷

⁴⁷ 'Zimbabwe bans Western observers', 7 March 2008, BBC: <http://news.bbc.co.uk/1/hi/world/africa/7283061.stm>

We asked our sample this question: 'Should the Constitution allow for international observers to observe all elections?' 93% (964) answered 'Yes' and 3% (29) answered 'No'. We also asked: 'Should the State have the right to refuse or restrict some international observers from observing elections?' A majority of 82% (847) said 'No' and 12% (126) said 'Yes' (see Chart 180 and Chart 181 respectively). Once again, it is noted that respondents put their trust in the constitution rather than accepting that this type of provision properly belongs in the electoral law.

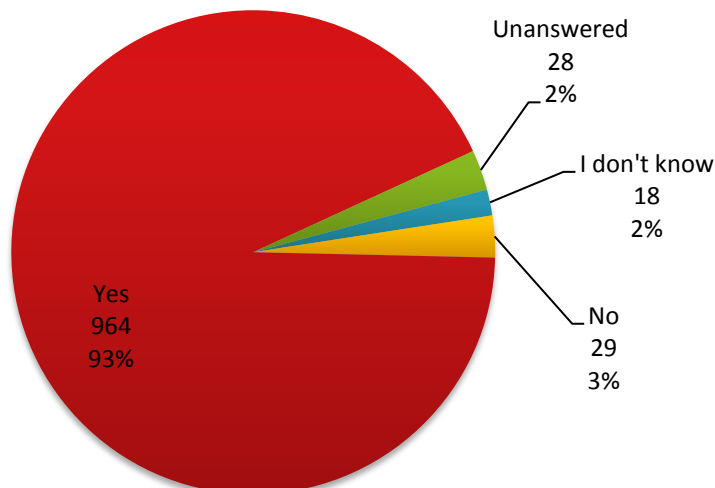


Chart 180: Responses to the question 'Should the Constitution allow for international observers to observe all elections?' (N =1 039)

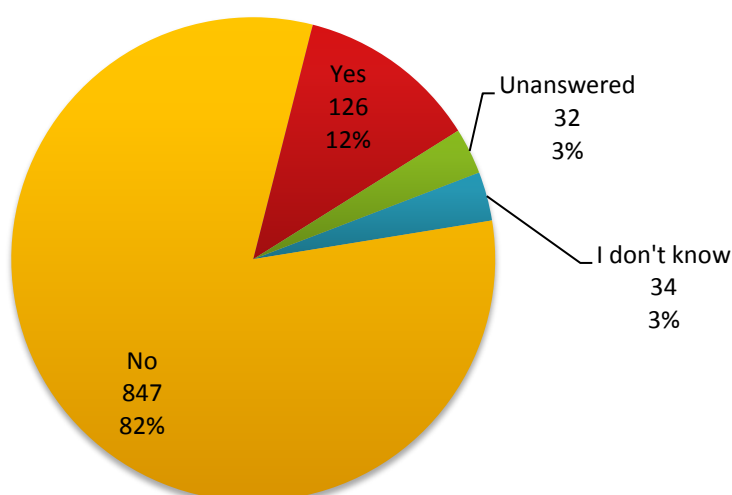


Chart 181: Responses to the question 'Should the State have the right to refuse or restrict some international observers from observing elections?' (N = 1039)

DELIMITATION

We introduced the delimitation section of our survey with this explanatory text:

Delimitation is a word used to describe the drawing of boundaries. It is most often used to describe the drawing of electoral boundaries when there is constituency-based voting. Delimitation must result in a balanced population across different constituencies. If boundaries are deliberately modified to try and achieve desired electoral results for a particular party, this is called *gerrymandering*.

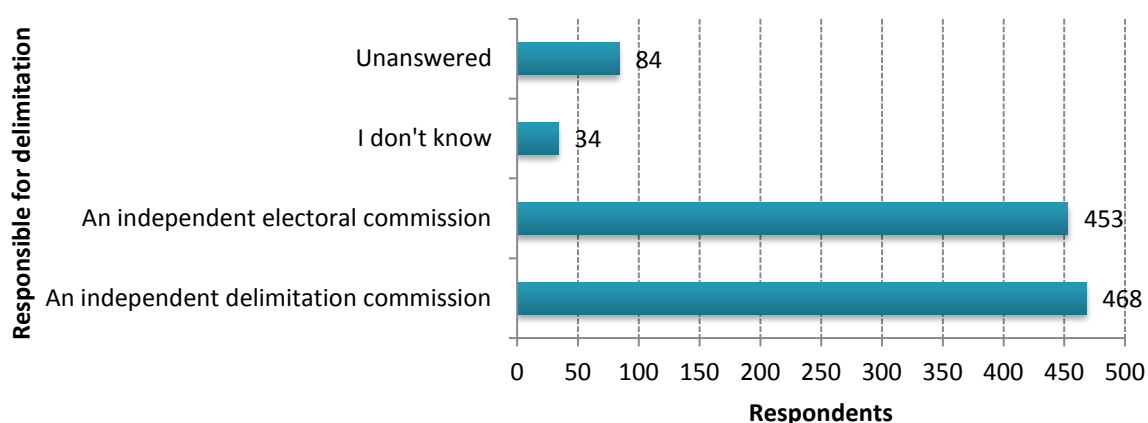


Chart 182: Responses to the question 'Who should be responsible for delimitation?' (N = 1039)

Views were almost evenly split amongst our respondents to the question 'Who should be responsible for delimitation?' , with 44% thinking that responsibility for delimitation should rest with an independent electoral commission, and 45% thinking it should rest with an independent delimitation commission (Chart 182). In practice, the two should have the same effect.

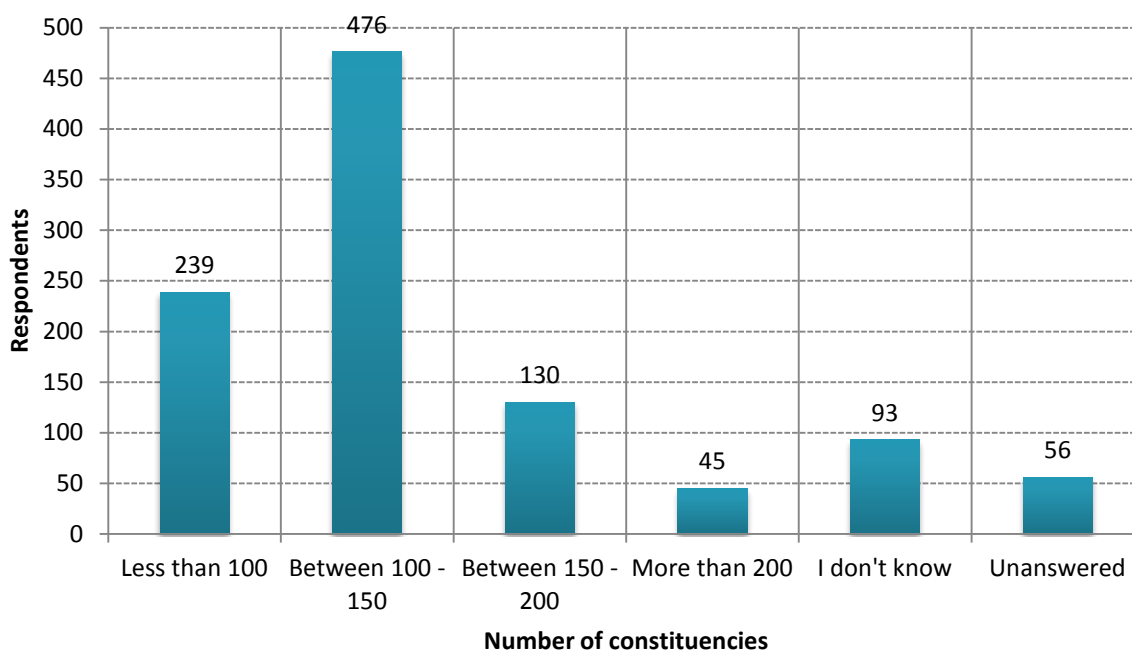


Chart 183: Responses to the question 'How many constituencies should the country be divided into (each constituency will be a seat in parliament)?' (N = 1039)

The number of constituencies in Zimbabwe has dramatically increased: during the 2005 elections, voters selected candidates in 120 constituencies; in 2008, this had swelled to 210 constituencies. We asked our respondents 'How many constituencies should the country be divided into (each constituency will be a seat in parliament)?'. Of the answer options provided, the largest number (46% or 476 respondents) said there should be between 100 and 150 constituencies. 23% (239) thought there should be less than 100 constituencies, and 13% thought 150 to 200. Only 4% (45 respondents) indicated an acceptance of the current number of more than 200 constituencies.

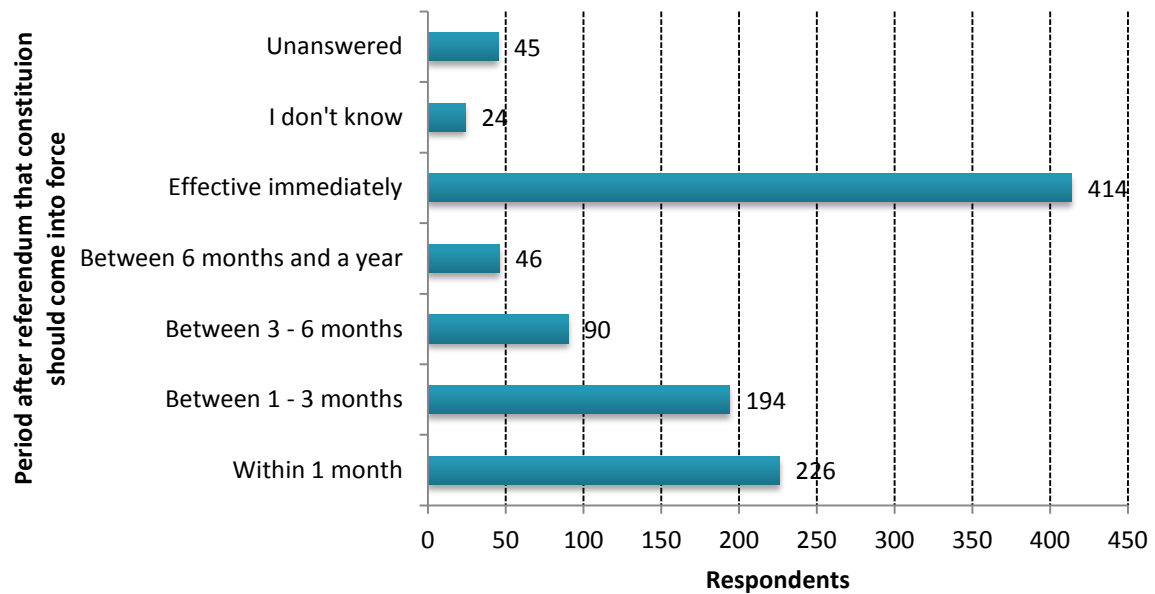


Chart 184: Responses to the question 'How long after the referendum should the new Constitution come into force?' (N = 1039)

Respondents clearly want the process to be completed as quickly as possible to move the country out of the confusion and uncertainty which currently exists. However, the answers to this question betray an ignorance of due process, as under the current provisions, no new constitution can come into effect until it is passed by parliament.

DEVOLUTION OF POWER

We explained devolution of power as follows on our survey:

'Devolution of power' results in what is referred to as 'devolved government'. It means that the central government has, by law, agreed that lower subnational parts of the country (e.g. Provinces) have the power to govern themselves and make decisions on certain issues away from the control of central government.

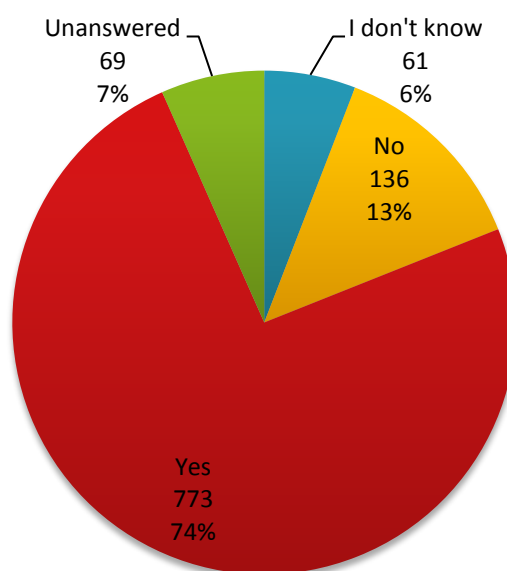


Chart 185: Responses to the question 'Should the Constitution devolve/decentralise power to Provincial administrations?' (N = 1039)

When asked 'Should the Constitution devolve/decentralise power to Provincial administrations?', 74% of our respondents answered 'Yes' (773) and a minority of 13% (136) answered 'No' (Chart 185), but a further 13% either didn't answer the question or said "I don't know". Over 50% of all respondents selected each of the following powers to be devolved: roads, local government, environment, agriculture, health and education. Most support (attracting responses from 81% or 841 of all respondents) was for local government to be devolved (all responses in Chart 186).

Of those who selected 'Other' (4%) most suggested that policing should be devolved too. Other suggestions included tourism, mining, and home affairs. These responses show a clear preference for devolution of a substantial portion of government powers, however, the question did not distinguish between legislative and administrative powers, merely referring to "provincial administrations".

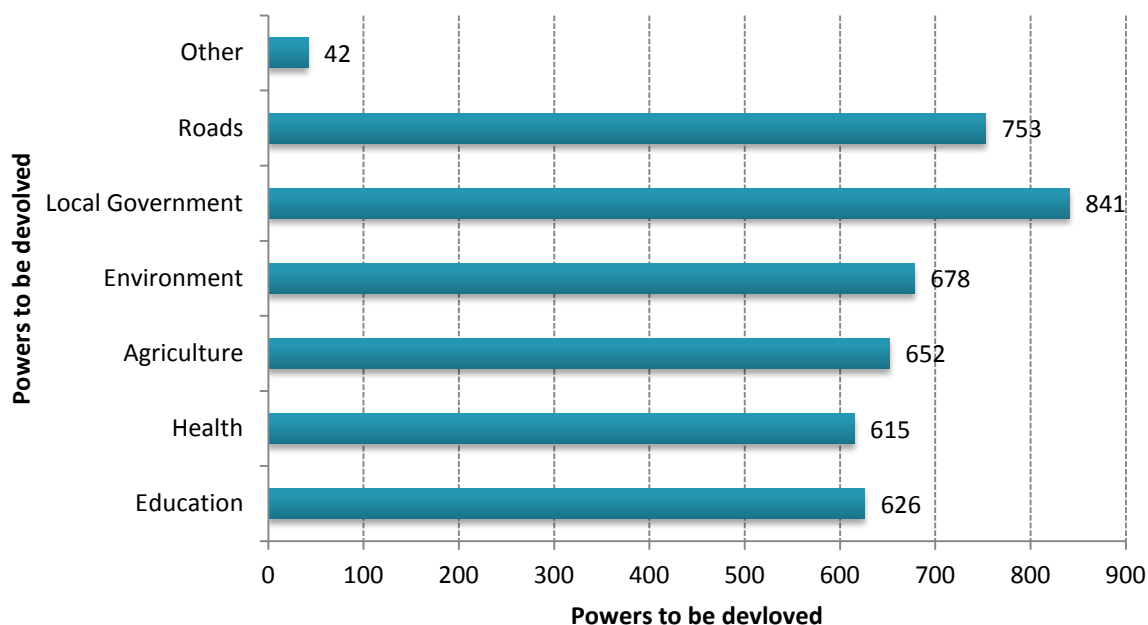


Chart 186: Responses to the question 'What powers should be devolved? Select all that apply' (N = 1039)

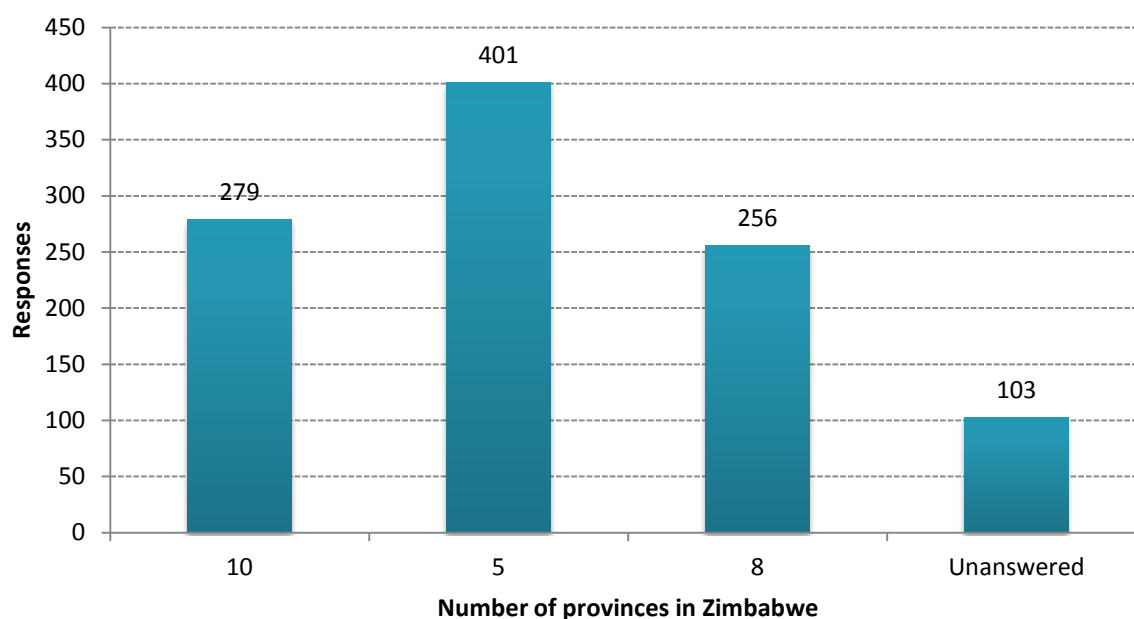


Chart 187: Responses to the question 'How many Provinces should there be?' (N = 1039)

We also asked 'How many Provinces should there be?' (Zimbabwe currently has 10 provinces, including two cities with provincial status). Perhaps surprisingly, the most frequent response (39% or 401 respondents) favoured a reduction from ten provinces to five provinces. 27% opted for the status quo of ten provinces, and 25% said there should be eight provinces, which would be a return to the period of the 80's and 90's before Bulawayo and Harare were made provinces.(Chart 187).

Most of our respondents (57% or 574 people) indicated that the naming of provinces should follow the lines of provinces being named by their historical or tribal name.

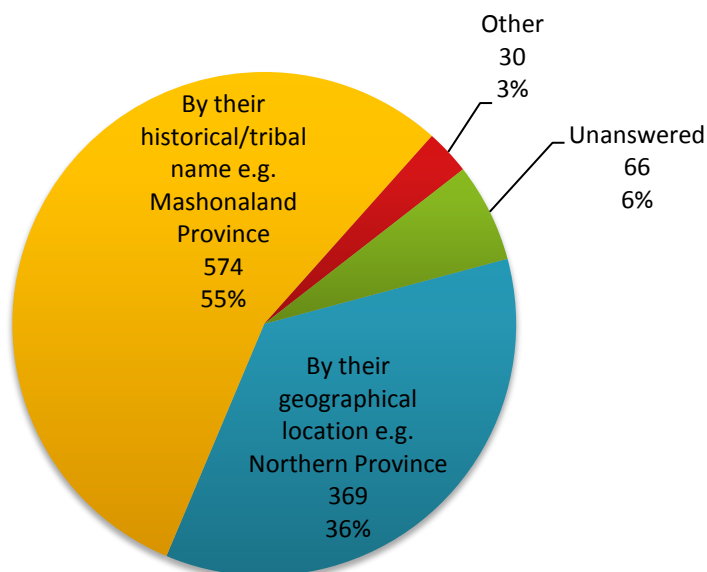


Chart 188: Responses to the question 'How should the Provinces be named?' (N = 1039)

36% (369) preferred the idea of naming provinces after their geographical location (Chart 188). Not many people offered other naming conventions in the free text space provided on the survey, but those who did suggested abandoning tribal names (such as, Mashonaland or Matabeleland) and using ethnically neutral names instead (for example, 'Masvingo'). One respondent said that while tribal names were acceptable, tribal names defined during the colonial era were not acceptable. Another answered: "To devolve tribalism, the provinces should be named by a provincial landmark, e.g. Kariba province, Great Zimbabwe province".

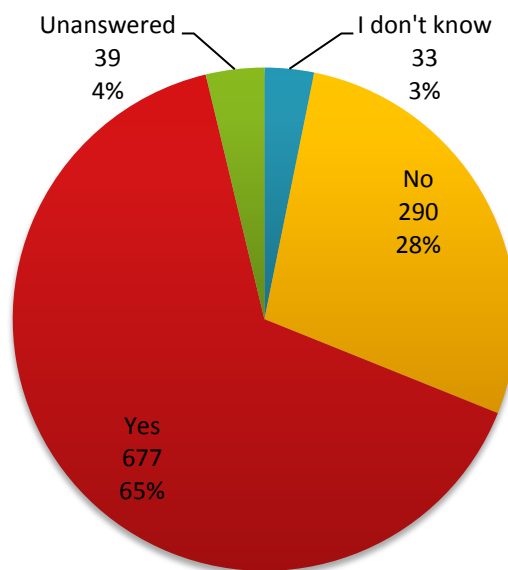


Chart 189: Responses to the question 'Should there be Governors of Provinces?' (N = 1039)

65% (677) of our sample answered 'Yes' to the question 'Should there be Governors of Provinces?' and 28% (290) answered 'No' (Chart 189). Of those who answered 'Yes' there was a clear majority who held the view that provincial governors should be elected by the people living in the relevant province (54% or 557 people selecting this answer option). Chart 190 below contains details for all the responses. This shows a clear dissatisfaction with the current position where governors are appointed by the President, and a desire for a higher level of democracy.

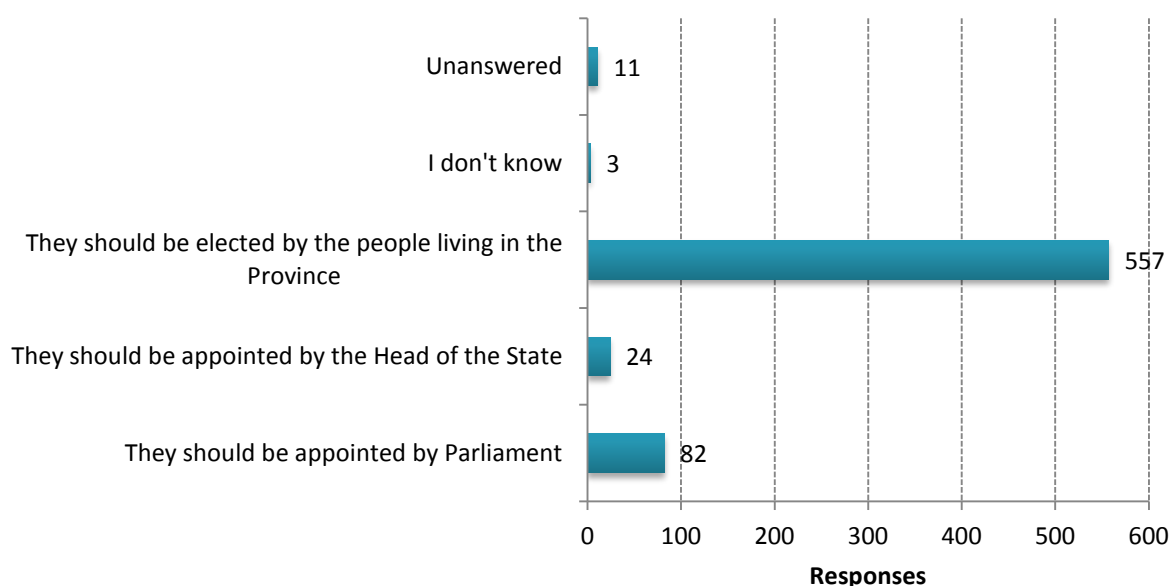


Chart 190: Responses to the question 'If you answered 'Yes' above, how should they be appointed?' (n = 677)

TRADITIONAL INSTITUTIONS AND CUSTOMS

A comment piece in the *Financial Gazette* describes the role of chiefs in Zimbabwean society:

In each village there are people of particular importance to ensure its smooth running and sustenance of that culture. A chief tops the hierarchy of those who preside over villages, clans, and tribes. The chiefs system remains a key feature in many African countries' traditional way of life including Zimbabwe.

The chief is the custodian of several villages, assisted by the elders, commonly referred to as the chief's council, to maintain traditional customs and deal with disputes. He also acts for the ancestors as the custodian of the community. Rituals and a network of other mutual obligations also join families to the chief and the community in general. Thus, in both patrilineal and matrilineal societies, small village to the large community, the position of the chief is recognised.⁴⁸

In recent years, traditional leaders have become associated with partisan politics, with accusations made that traditional leaders are “increasingly turning into appendages of ZANU-PF”.⁴⁹ They have been placed on the State payroll and accrue other benefits enjoyed by State officials. Chiefs were similarly wooed by the Smith regime to try and win over the hearts and minds of the rural population.⁵⁰ This celebrated status has in turn engendered a strong belief among chiefs that they are entitled to have a say in important government matters. For example, at a Joint Monitoring and Implementation Committee (JOMIC) meeting with traditional leaders, chiefs expressed deep anger that they had not been consulted on the writing of the Global Political Agreement (GPA):

The traditional leaders are bitter that they were never involved in the negotiations which resulted in the signing of the Global Political Agreement (GPA), which in turn gave birth to the new government. That explains why Article 14 which refers to traditional leaders is so barren, they complain. They were never given a platform to give their input. In a nutshell, they have been treated with contempt.⁵¹

We asked our respondents this: 'Should we have a special commission to manage the affairs, welfare, appointment and removal from office of traditional leaders?' 59% (616) said 'Yes' and 31%

⁴⁸ Mukaro, A. 'Sustaining traditional culture', 20 May 2011, *The Financial Gazette*: <http://www.financialgazette.co.zw/comment/8305-sustaining-traditional-culture.html>

⁴⁹ Manyukwe, C. 'Elections present political fix for Zim Chiefs', 5 November 2010, *The Financial Gazette*: <http://www.financialgazette.co.zw/top-stories/6185-elections-present-political-fix-for-zim-chiefs.html>

⁵⁰ Manyukwe, C. 'Zimbabwe: Traditional chiefs or Zanu PF agents?', 3 July 2003, *The Norwegian Council for Africa*: <http://www.afrika.no/Detailed/3788.html>

⁵¹ Nyathi, J. 'Outreach: Chiefs up in arms over status', *The Financial Gazette*: <http://www.financialgazette.co.zw/comment/4646-outreach-chiefs-up-in-arms-over-status.html>

(324) said 'No'. We also asked if the constitution should provide for a 'Council of Chiefs': a majority of 56% (582) said 'Yes', while 33% (347) said 'No' (see below Chart 191 and Chart 192 respectively).

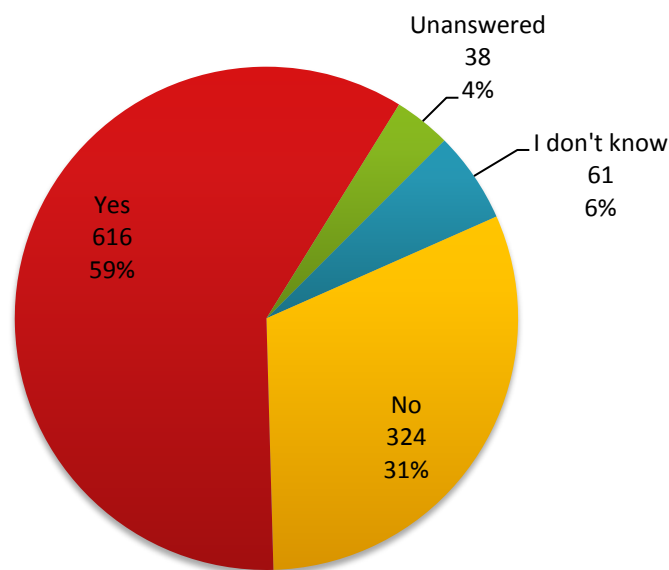


Chart 191: Responses to the question 'Should we have a special commission to manage the affairs, welfare, appointment and removal from office of traditional leaders?' (N = 1039)

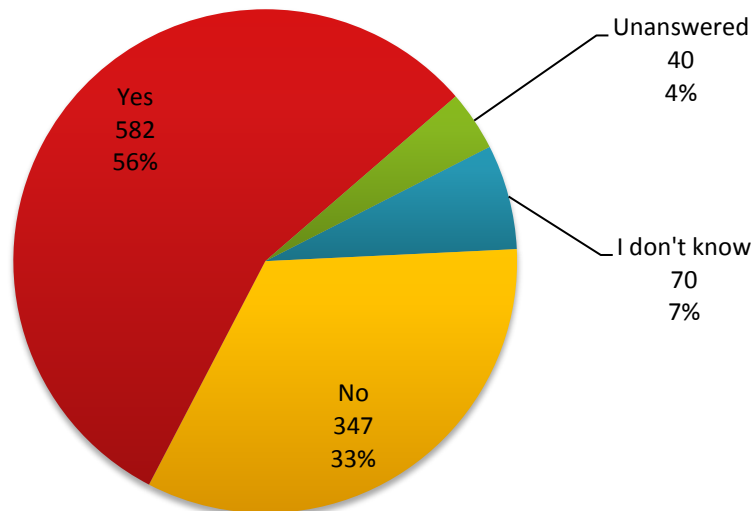


Chart 192: Responses to the question 'Should the Constitution provide for a 'Council of Chiefs'? (N = 1039)

67% (698) of our respondents were opposed to the idea of traditional leaders being active in politics, answering 'No' to the question 'Should the Constitution allow traditional leaders to be active in politics?'; 26% (265) answered 'Yes' (Chart 193). However, the yes answers given to the previous two questions indicated that the majority feel the chiefs do have a role to play in Zimbabwe's public life. Nevertheless, it is not clear what role they would want chiefs to play. For instance, in the following question the majority showed that they did not want chiefs to have a judicial function.

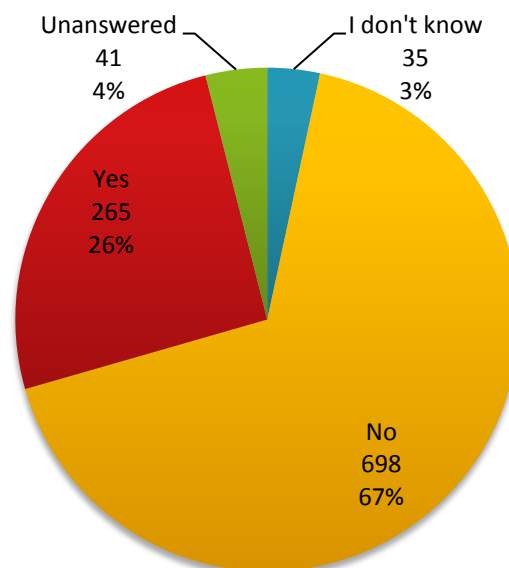


Chart 193: Responses to the question 'Should the Constitution allow traditional leaders to be active in politics?' (N = 1039)

52% (545) answered 'No' to the question 'Should traditional leaders have judicial functions?', and 39% (401) answered 'Yes' (Chart 194).

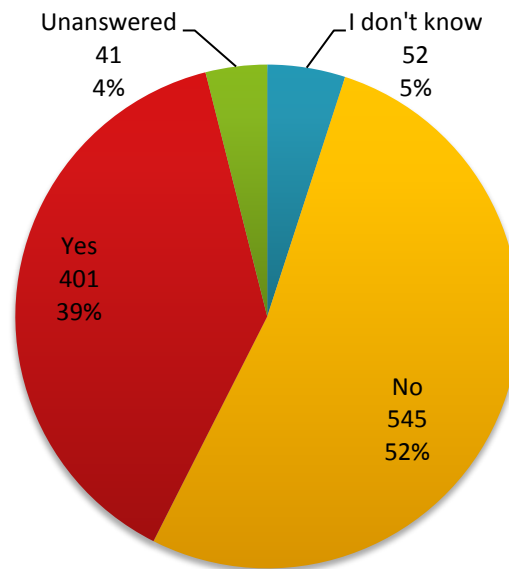


Chart 194: Responses to the question 'Should traditional leaders have judicial functions?' (N = 1039)

THE MEDIA

Earlier in this survey report we discussed the Bill of Rights (on page 38) where we saw that 97% of the people we surveyed (1006 people out of a possible 1039) supported the inclusion of a clause for freedom of expression in the Bill of Rights. This section of the survey asks questions which would probably be covered by this broad constitutional principle – if it were included in the new constitution - but in asking them we seek to gain a closer insight into what our sample of people feel about specific issues pertaining to the media.

A clear majority of those surveyed (67%) believe that ‘the media should be regulated by an independent commission’ (Chart 195). The second most popular choice was for the media to regulate itself, with 28% of respondents choosing this option.

In free text responses, some respondents suggested a preference for a mixture of self regulation and state regulation. One or two people proposed that laws should be enacted to prevent media monopolies from forming in Zimbabwe.

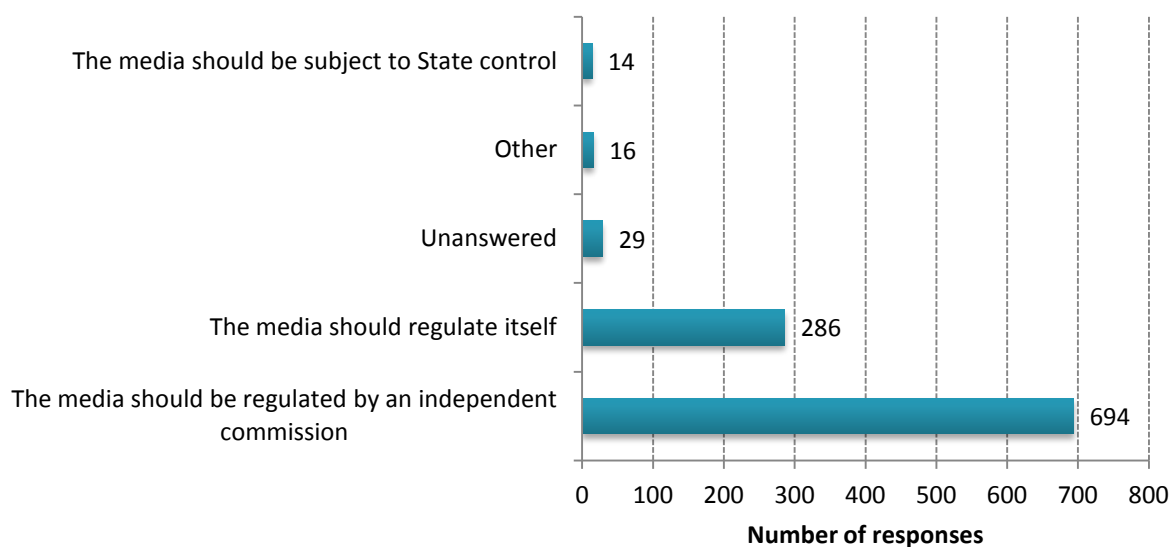


Chart 195: How should the media be regulated? (N = 1039)

95% of our respondents believe that the constitution should protect the rights of journalists to do their jobs freely and safely in Zimbabwe, and 96% believe that the constitution should allow for independent media, including independent newspapers, radio and TV stations (see Chart 196 and Chart 197)

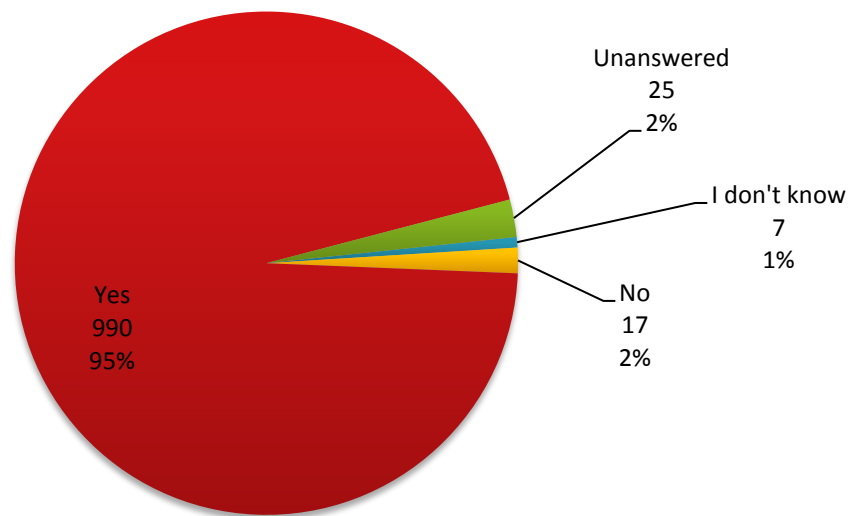


Chart 196: Should the Constitution protect the rights of journalists to do their jobs freely and safely in Zimbabwe? (N = 1039)

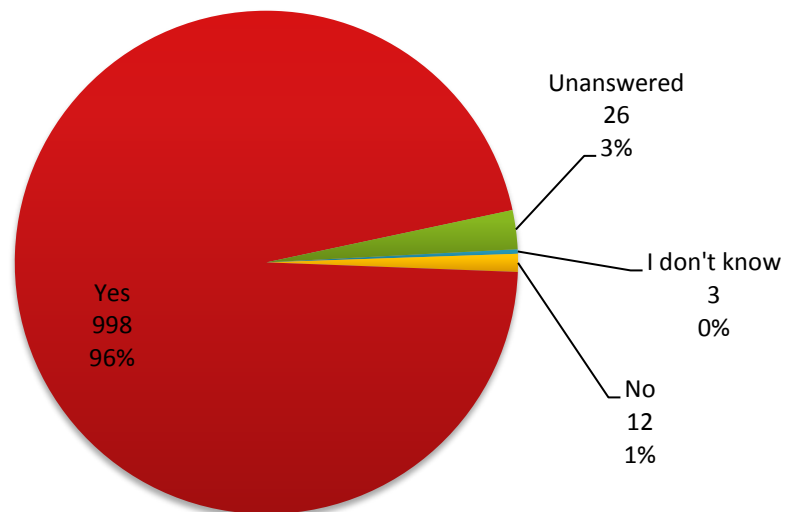


Chart 197: Should the Constitution allow for independent media, including independent newspapers, radio and TV stations? (N = 1039)

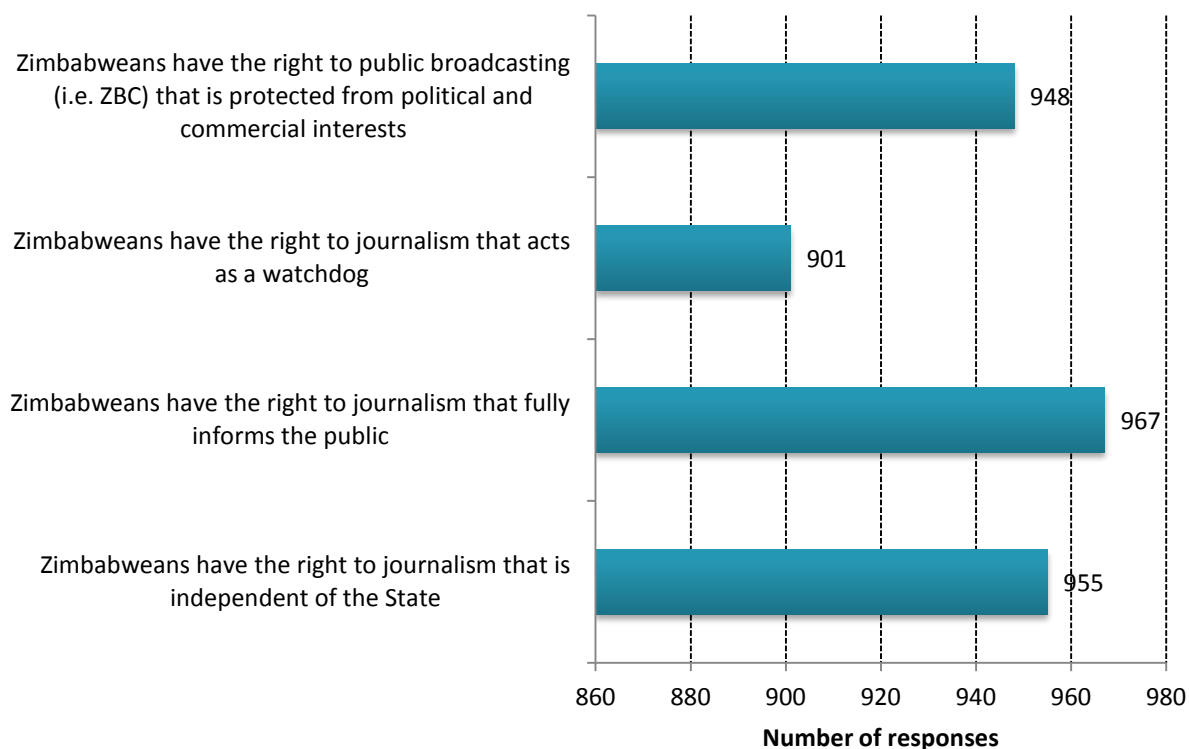


Chart 198: Which of the following media principles do you think should be included in the new Constitution, select all that apply (N = 1039)

We asked our respondents to select multiple answers from a short list of ‘media principles’ that should be included in the constitution, and provided free text space for them to submit further principles (Chart 198). Most support went to the principles that Zimbabweans should have the right to journalism that fully informed the public (93%, or 967 respondents). Almost as many – 92% or 955 respondents – felt that Zimbabweans should have the right to journalism that is independent of the State; and 91% (948) wanted public broadcasting that was protected from political and commercial interests. Still a majority, but significantly less support than for the other three principles, saw 87% (901) endorsing the principle that Zimbabweans have the right to journalism that acts as a watchdog.

The free text responses revealed broad trends of support for a few more principles. Chief amongst these was for broadcasting and media to be ‘non-partisan’ including comments like these:

- National broadcasters should not be partisan.
- [The media should have] the right to criticize the Head of State and members of government.
- The State should not own newspapers. State-run television and radio should be politically independent. This should be monitored by a media independence watchdog.

- Journalists should be allowed in all state meetings and to report truthfully.
- Both sides of the political story.
- Journalists should not be active in Politics.
- People should have the right to information about the country's military engagements outside Zimbabwe.

Similarly, broad support for 'freedom of expression' made itself manifestly obvious in repeated submissions by our respondents:

- Some of this should be contained within law based on the Constitution rather than in the Constitution itself.
- The main protection for the media should be the freedom of expression clause of the bill of rights.
- Freedom for all forms of communication - state prohibited from interfering - subject to usual censure by civil action
- [The media should have] the right not to disclose their sources.
- The constitution should aim for minimal intervention, that is, "the rights of ordinary citizens to freely publish views and opinions using the Internet." The government should guarantee these rights without having to say a lot about it.

Our respondents also expressed concern about the abuse of freedom of expression by the media, proposing some limitations on the principle:

- The right to access and collect all information from all sources except pornographic for minors and criminality.
- A responsible press devoid of hate speech whether private or state owned.
- A Press or Media Complaints Commission, Advertising standards authority, prohibition of 'hate speech'
- Pornography should remain outlawed
- Pornography should be censored
- Age restrictions and control on pornography, obscene language, and violent films.

78% (810) of our respondents felt that the constitution should allow for foreign ownership of independent media in Zimbabwe, with 136 people (13%) disagreeing (Chart 199). While the question did not mention freedom of access to information, some respondents included this aspect in their comments.

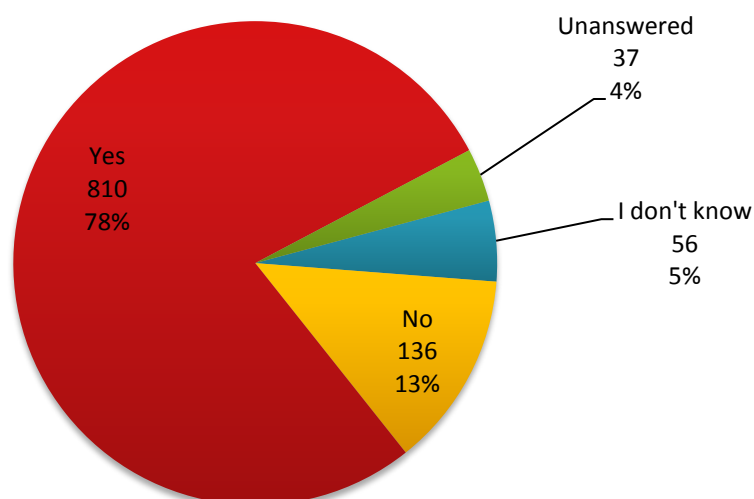


Chart 199: Should the Constitution allow for foreign ownership of independent media in Zimbabwe? (N = 1039)

Our final question in the media section of the survey concerned the rights of ordinary people to publish views on the Internet. This survey question was asked before the extraordinary 'Arab Spring' events of 2011, with momentum for activism in those regions often attributed to the ability of citizens to share information, and mobilize and coordinate demonstrations, using the new social media forums such as *Facebook* and *Twitter*. 91% (947) of respondents believe that their right to freely publish views on the internet should be protected.

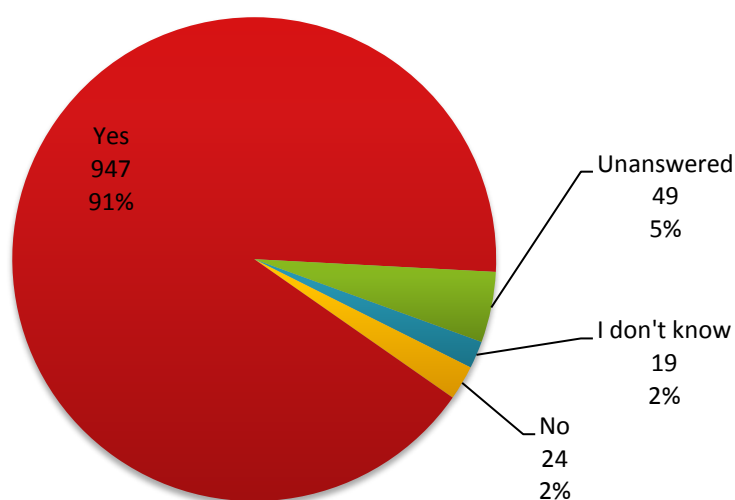


Chart 200: Should the Constitution protect the rights of ordinary citizens to freely publish views and opinions using the Internet? (N = 1039)

LANGUAGES

We asked which languages should be recognised in Zimbabwe's constitution, taking the languages⁵² listed in the NCA Draft Constitution (2001)⁵³ and Kariba Draft (2007)⁵⁴ as our guide for the choices available. The Law Society of Zimbabwe: Model Constitution of Zimbabwe (2010)⁵⁵ included 'Sena' in its list of languages; this was not included in the list we provided. Chart 201 below summarises the support for each language with each garnering support from 55% or more of the people we surveyed.

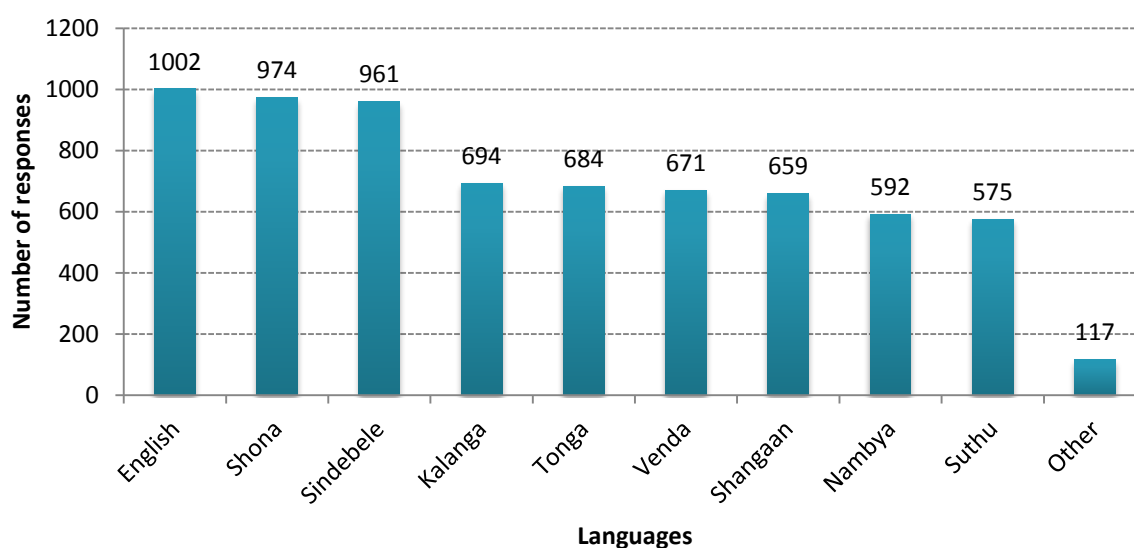


Chart 201: Which languages should be recognised in Zimbabwe's Constitution? (N = 1039)

We also invited our respondents to suggest 'other' languages that should be recognised. The following lists the most frequent requests for other languages to be recognized, these added as free text responses in our survey.

- Chewa / Chichewa / Chinyanja

Chewa is the national language of Malawi. It is also one of the seven official African languages of Zambia, where it is spoken mostly in the Eastern Province and in Lusaka. It is also spoken in Mozambique, especially in the provinces of Tete and Niassa, as well as in

⁵² 'Languages', *Sokwanele Constitution Resource*:

<http://www.sokwanele.com/zimbabweconstitution/searchterms?tid=Languages>

⁵³ 'National Constitutional Assembly Draft - 2001', *Sokwanele Constitution Resource*:

<http://www.sokwanele.com/zimbabweconstitution/sections/457>

⁵⁴ 'Kariba Draft Constitution', *Sokwanele Constitution Resource*:

<http://www.sokwanele.com/zimbabweconstitution/sections/208>

⁵⁵ 'Law Society of Zimbabwe: Model Constitution of Zimbabwe (2010)', *Sokwanele Constitution Resource*:

<http://www.sokwanele.com/zimbabweconstitution/sections/511>

Zimbabwe by descendants of Zambian, Malawian and Mozambiquan immigrants, where, according to some estimates, it ranks as the third most widely used local language, after Shona and Northern Ndebele.⁵⁶

- Chindau / Ndau (commonly spoken south of Mutare)

Ndau (also called Chindau, Ndzawu, Njao, Sofala, Southeast Shona, Chidanda) is one of the Shona dialects. It is spoken by people from the region of Chipinge (Zimbabwe). Some of its vocabulary is very similar to that of Ndebele and often this dialect can sound very different from that of basic Shona.⁵⁷

- Afrikaans
- Xhosa
- Sign language

With respect to sign language, we had previously asked the question ‘Should sign language be recognised as a language in the Constitution?’ in our section on ‘The Disabled’ (see page 150 for chart responses) 78% (808 people) of respondents answered ‘Yes’, forming a majority amongst those we surveyed in support of this idea. 11% (112 people) answered ‘No’.

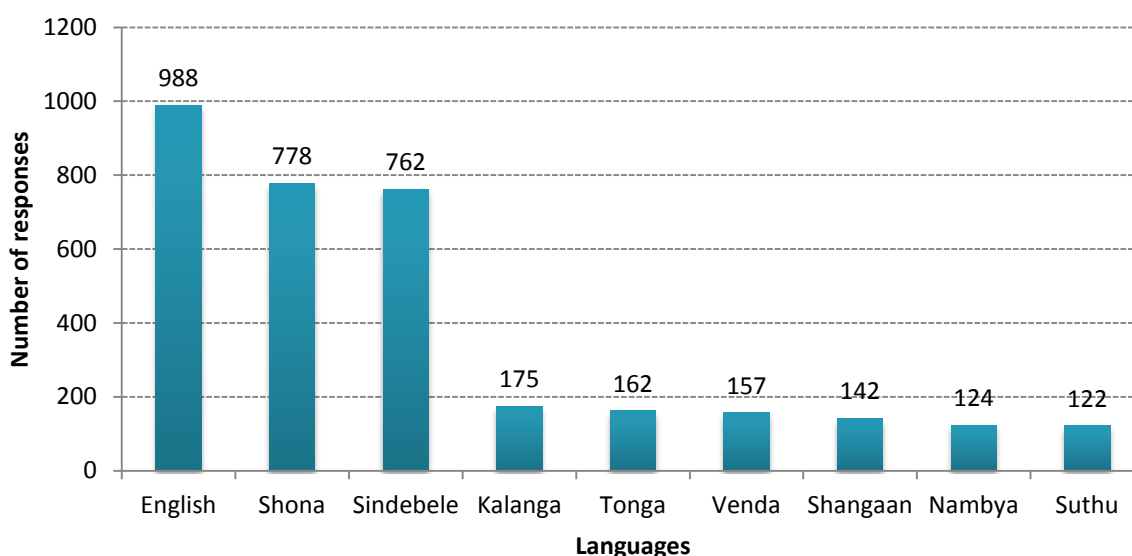


Chart 202: Which of the following languages should be Zimbabwe's OFFICIAL language/s? (N = 1039)

⁵⁶ ‘Chewa language’, *Wikipedia*: http://en.wikipedia.org/wiki/Chewa_language

⁵⁷ ‘Ndau language’, *Wikipedia*: http://en.wikipedia.org/wiki/Ndau_language

We then asked the people we surveyed, ‘Which of the following languages should be Zimbabwe's OFFICIAL language/s?’. Clear support emerged for English (95%), Shona (75%) and Sindebele (73%). The other languages were only supported by 16% or fewer of those we surveyed to function as an ‘official’ language. Despite this, the majority of our respondents favoured the view that the constitution should include principles to protect, preserve, promote and develop Zimbabwean languages that are less commonly spoken and used, with 64% in support of this and 9% disagreeing (Chart 203).

The survey did not define “recognize” or “official” in relation to the languages. Clearly respondents took these to mean different things, as the responses were not the same. Within either term one could include the use of the language in Parliament, on the radio, the translation of all public documents, and possibly most important to some, their teaching in schools.

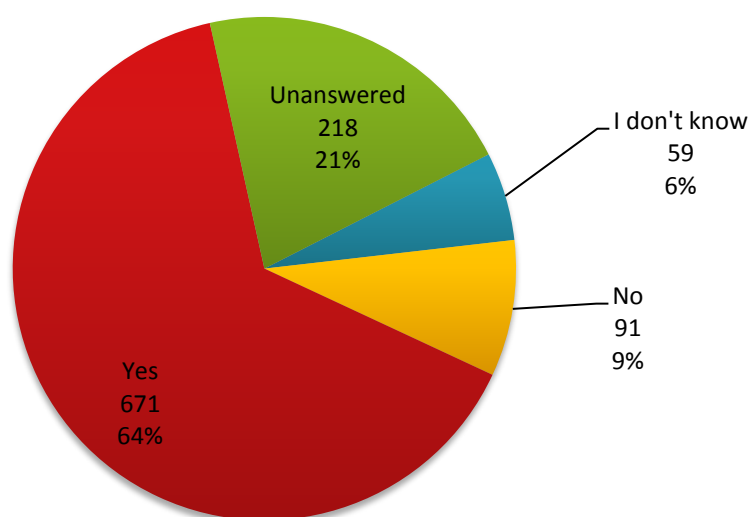


Chart 203: Should the Constitution include principles to protect, preserve, promote and develop Zimbabwean languages that are less commonly spoken and used? (N = 1039)

SELECTED PUBLIC COMMENTS ON ‘LANGUAGES’

I totally agree with the section on languages as it appears in the NCA draft constitution because it promotes all languages in Zimbabwe alike. The Chidyausiku Draft of 2000 and the Kariba Draft both simply recognise the indigenous languages (that is, Tonga, Nambya, Kalanga, Sotho, Xangani and Venda) without giving them an official status in their own areas while maintaining the hegemony of Shona and Ndebele languages. This tends to undermine the six afore-stated languages. Ideally there is no way a country can be united under the two languages (Shona/Ndebele) while belittling other languages. Everyone would feel part and parcel of Zimbabwe if their languages are recognised and used in various facets of life and made official

in their own areas. Language and culture are one and the same as language is a vehicle of culture. All Zimbabweans must learn their own language and English. If one wants to learn another African language which is not theirs, they do not necessarily need to learn it in a formal environment (that is at school). Therefore, there is no need to compel all people to learn Shona or Ndebele in their schools under the flimsy excuse of building national unity. The real reason is simply the desire to dominate others. Zimbabwe belongs to all ethnic groups found in the country and all ethnic groups equally fought to bring independence to this country. Therefore they ought to be given the freedom to exercise their language rights. Actually stopping other people from using their languages in their own areas is sowing seeds of disunity and tribalism [...] ~ *Buleya Mumpande - 4 February 2010*

To have three official languages is confusing. English should be the only official language. One should be confident to walk into any office and speak using only one official language instead of having to choose. ~ *Anonymous – 19 January 2011*

Any national office bearer should speak all the three national languages based on the principle that you cannot serve a people whose language, hence culture, you do not understand nor wish to understand. If you only speak SiNdebele, then you can only serve the SiNdebele speaking region and likewise if you only speak Shona. ~ *Sky – 1 January 2010*

The official language of Zimbabwe should be the most prominent indigenous language. Of course, English will be and can be spoken, but I believe it is time for Zimbabwe to re-assert herself as a sovereign African nation, not a copy of an English one. ~ *Anonymous - 10 December 2010*

The president of the country should be proficient in all three official languages. ~ *Anonymous – 5 January 2010*

In the NCA draft, sign language is not an official language, which is one of the clear signs that people with disabilities were not involved in coming up with the draft and this is against the democratic principle of equal participation. People with hearing impairments are human beings and have the right to participate on an equal basis with others in society and if sign language is not used in the public sector this just amounts to human rights violations of the people with hearing impairments. ~ *Nqobani Dube – 18 March 2010*

Extracted from the public discussion taking place on Sokwanele's Constitution Resource (<http://www.sokwanele.com/zimbabweconstitution>)

RELIGION

Zimbabwe has a very strong Christian faith, with 50% of its population adopting a mix of Christian and indigenous beliefs, and another 25% aligning themselves closely to Christianity⁵⁸. Out of this, the majority belong to one of the mainstream churches such as Anglican, Roman Catholic, Seventh-day Adventist or Methodist. The Apostolic Faith mission is the largest Pentecostal denomination in Zimbabwe and one of the fastest^{59 60} growing churches in the country. 89% (928 people) believe that there should be a constitutionally protected right to freedom of worship, with only 1% of those we surveyed disagreeing (Chart 204).

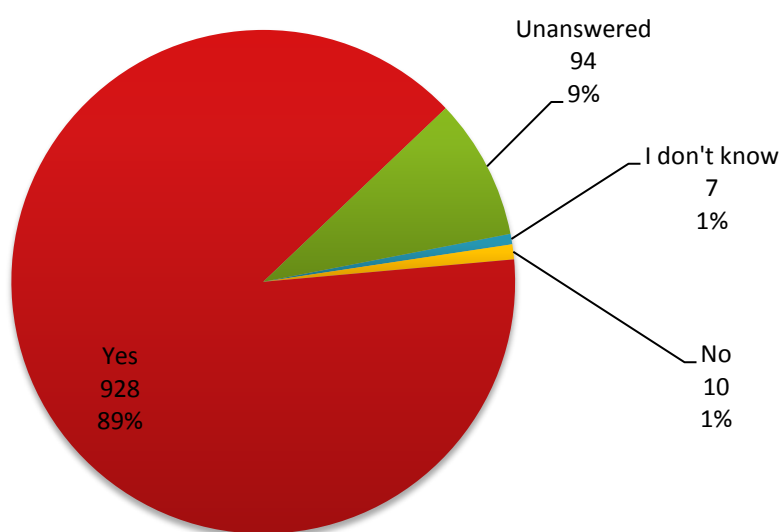


Chart 204: Should there be a constitutionally protected right to freedom of worship? (N = 1039)

Some of the apostolic faiths do not believe in vaccinating children. Towards the end of 2009, a measles outbreak in Zimbabwe caused deaths, mainly among children whose parents belonged to the apostolic faith, and affected many more. UNICEF embarked on a mass vaccination program but found religious convictions hampered their efforts to vaccinate people. UNICEF's communications officer said:

⁵⁸ 'CIA Factbook': <https://www.cia.gov/library/publications/the-world-factbook/geos/zi.html>

⁵⁹ 'People flock to church as inflation tops 1,000 percent', 16 May 2006, *IRIN*: <http://www.irinnews.org/report.aspx?reportid=59039>

⁶⁰ 'Pentecostalism in Africa', 5 October 2006, *The Pew Forum of Religion and Public Life*: <http://pewforum.org/Christian/Evangelical-Protestant-Churches/Overview-Pentecostalism-in-Africa.aspx>

While we as UNICEF respect the faith of the apostolic churches, we have also been engaging them to understand the value of vaccination. We have been engaging communities on the importance of protecting the rights of the children and to ensure that they access health services.⁶¹

By June 2010, some progress had been made among the apostolic faithful:

World Health Organisation representative Dr Custodia Mandlhate said a sizeable number of religious objectors had come forward after reaching a consensus on how best they should conduct the campaign in their communities.

"They told us that we should remove our shoes and uniforms when we get to their sites and we complied. There are however still pockets of other members who are refusing to be immunised," Dr Mandlhate said.⁶²

We asked those we surveyed, 'Should the government be able to override religious beliefs to ensure that children get vaccinated?' A majority of 73% (760) answered 'Yes' and 14% (143) answered 'No' (Chart 205).

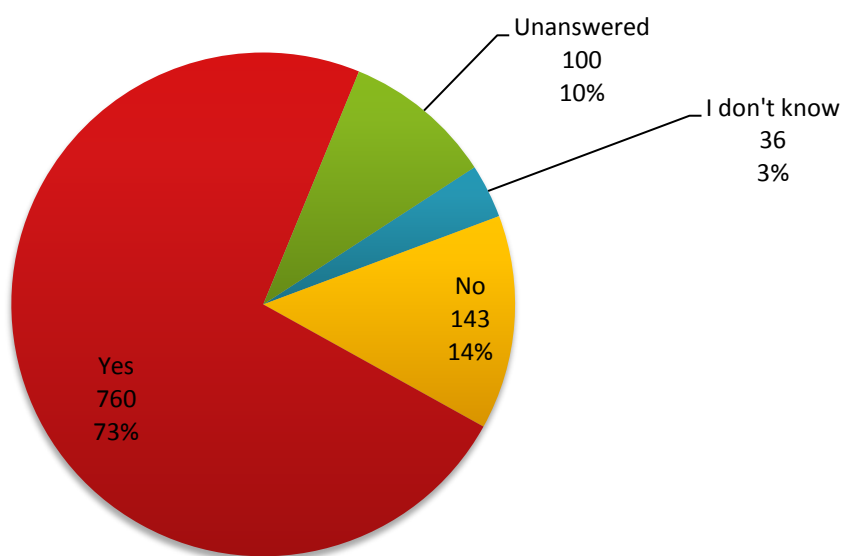


Chart 205: Should the government be able to override religious beliefs to ensure that children get vaccinated? (N = 1039)

⁶¹ 'Measles in nearly half of country's districts', 22 February 2010, *IRIN*: <http://www.irinnews.org/Report.aspx?ReportId=88199>

⁶² 'Government Praises Apostolic Sects', 2 June 2010, *The Herald*: <http://allafrica.com/stories/201006020083.html>

Our final question in the religion section asked ‘Should the Constitution allow polygamy (where a man can marry more than one wife) on the grounds of religious belief?’ A majority of 52% (540) answered ‘No’, but a significant number answered ‘Yes’ – 36% (379 people) (see Chart 206).

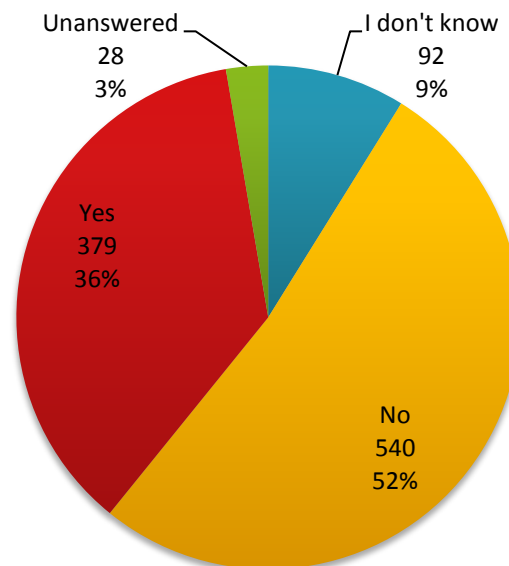


Chart 206: Should the Constitution allow polygamy (where a man can marry more than one wife) on the grounds of religious belief? (N = 1039)

Perhaps unsurprisingly, the majority of those who answered ‘Yes’ were men; in fact, almost as many men answered ‘Yes’ as did those who answered ‘No’ (48% of men answered ‘Yes’ and 51% answered ‘No’). For women, the proportional response based on gender showed a much wider difference of opinion: 22% of women respondents answered ‘Yes’ to the constitution allowing polygamy, but 78% answered ‘No’ (Chart 207).

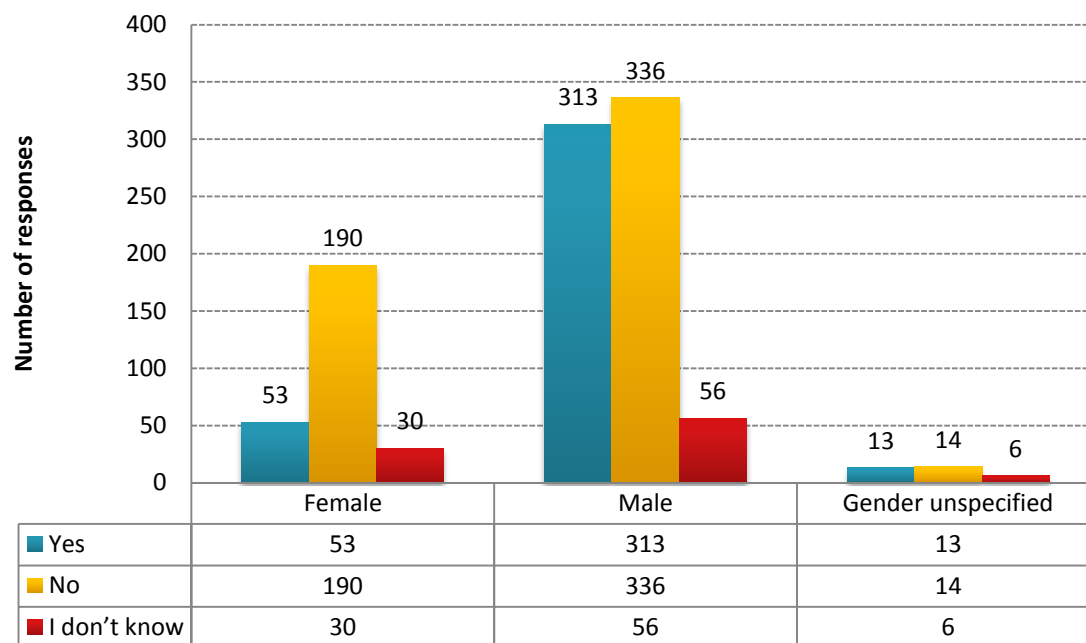


Chart 207: Gender analyses of the responses to answers shown in Chart 206 (n = 1011)

ARTS AND CULTURE

Our final section of the survey looked at 'arts and culture' and focused on two simple questions, with space provided for respondents to add comments of their own. The first question asked 'Should the Constitution list localities and monuments of special cultural significance, with a view to protecting and preserving them?' 81% (846) of those we surveyed answered 'Yes', and 6% (58) answered 'No' (Chart 208).

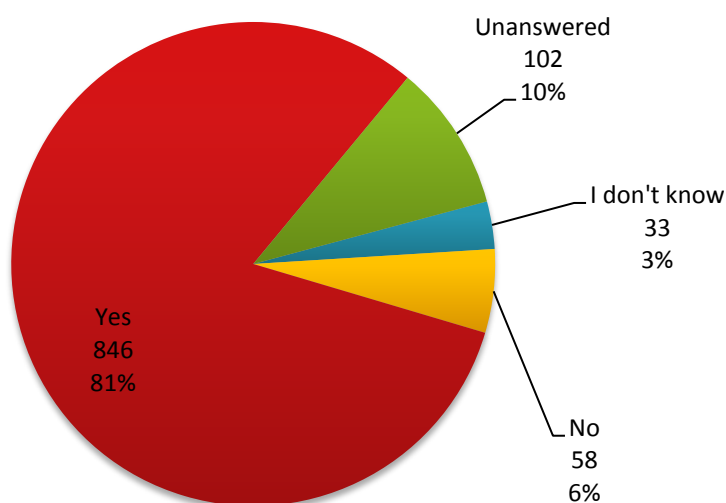


Chart 208: Should the Constitution list localities and monuments of special cultural significance, with a view to protecting and preserving them? (N = 1039)

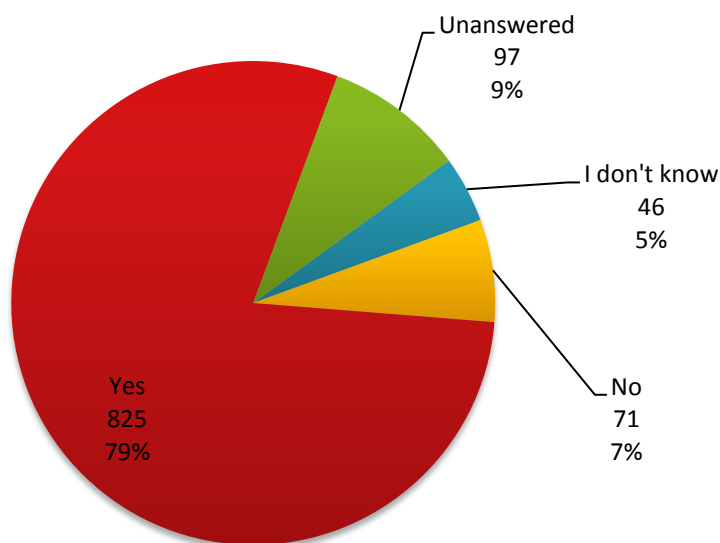


Chart 209: Should the Constitution recognise an artist's right to be free of censorship? (N = 1039)

Our second question focused on the issue of censorship and asked 'Should the Constitution recognise an artist's right to be free of censorship?' 825 respondents (75%) answered 'Yes' and 71 (7%) said 'No' (Chart 209).

Free text responses exposed different views around art and culture, although there was a majority view that artists should be free from censorship, dissenting views were expressed as follows:

- Freedom of expression of one's culture as long as it does not offend God as revealed in the Bible.
- Should be enshrined in the right to freedom of expression but the state has the right to security interests as well.
- Freedom from censorship should not be absolute as it should be balanced with the interest of the public.
- As long as that freedom is not abused to create disrespect for the government leadership, our culture and other cultures.
- The state should discourage art that is obscene.
- Censorship should be on a commission basis where the media should not be allowed to indulge in hate language, sexual perversion, religious persecution etc.
- I think that there should be a right to freedom from censorship but it must not be to the detriment of society. There needs to be a limit to some freedoms otherwise there will just be abuse.

Others were concerned that an artist's right to earn a living through art should be protected and encouraged, with comments such as these submitted:

- Exemption from taxes and some other possibilities for grants/other ways to actually earn a living.
- Allocation of funds to promote Zimbabwean talent.
- Right to protection of one's intellectual property against piracy.
- Possibility of patents on their work should also be pursued.
- Right to free duty on our borders; right to be promoted as an industry.
- Right to exhibit and sell.
- Right to public performance, e.g. on TV Radio, regardless of tribe.

As far as localities of cultural and historical significance are concerned, our respondents suggested the following:

- There should be proper (qualified) conservation and protection of National Art and Heritage collections.
- Local Government responsibility to fund and develop artistic projects and to maintain adequate facilities e.g. galleries, museums, concert venues. Support the College and Academy of Music!!
- Historical buildings (Great Zimbabwe), structures (eg Birchenough Bridge), areas of authentic natural beauty (Vic Falls) and game reserves should be preserved and protected as part of our culture.
- Matabeleland to be allowed to have their King installed and preserve their culture.
- Ministry of Culture should list localities and monuments of special significance – but it is not a constitutional matter. .

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APPENDIX 3: FIRST DRAFT OF CONSTITUTION TALKING POINTS (APRIL 2010)

PREAMBLE:

A preamble is a preliminary statement that introduces a constitution. A preamble normally carries the major historical legacies and challenges of a nation and its values and aspirations.

Talking Points/Key Questions

- a) What are the legacies, values and aspirations that should be carried in the preamble?
- b) In dealing with our historical legacies, should the preamble single out sections of our society or should it identify our legacies as collective endeavours?
- c) Should the constitution recognize post-independence internal challenges and conflicts?

THEME 1: FOUNDING PRINCIPLES OF THE CONSTITUTION:

Founding principles are those values that citizens commit themselves to their adherence. They are the both the soul and the spine of the constitution and they reflect the manner in which the people desire to be governed.

Talking Points/Key Questions

- a) Should the founding principles recognize the need to address the historical imbalances in the ownership and utilization of land and natural resources?
- b) Should the founding principles of the constitution recognize the irreversibility of the process of land reform having regard to the vision of the liberation struggle and the provisions of the GPA?
- c) Should the founding principles recognize and celebrate the struggle of the first Chimurenga, second Chimurenga and the struggle for democracy and the rule of law by Zimbabwean men and women?
- d) Should the founding principles of the constitution acknowledge diversity of religion?
- e) Should the constitution recognize matters like non racialism, good governance, gender equality, non tribalism, non discrimination, equal treatment before the law, accountability, adherence to the rule of law, peace and tranquillity?
- f) Should the constitution be the supreme law of Zimbabwe?
- g) Should the founding principles of the constitution recognize our cultural diversity, traditions and customs and their diversity?

- h) Should the founding principles acknowledge the national flag, national anthem and public seal?
- i) Should the founding principles of the constitution recognize our international relations with other countries?
- j) Should the founding principles of the constitution define by whom and how should hero status be conferred?
- k) Should the founding principles of the constitution recognize the calling for patriotism and loyalty to Zimbabwe?
- l) Should the founding principles of the constitution recognize the status of international treaties, conventions, and protocols and practices in our constitution?
- m) Should the founding principles of the constitution define the land question? If yes, what principles on land reform should be specified?
- n) Should the founding principles recognize the role and relevance of traditional institutions and customs in national development?

THEME 2: ARMS OF THE STATE (PRINCIPLE OF THE SEPARATION OF POWERS)

There are three principal functions of the state, that is, making laws, interpretation of the laws and implementation of the laws. These are vested in the legislature, executive and the judiciary respectively.

Talking Points/Key Questions [these are divided into three sections]

EXECUTIVE ARMS OF THE STATE

- a) Should the principle of separation of powers be acknowledged in the Constitution?
- b) Who should be head of state? President or Prime Minister?
- c) Should the head of state also be the head of government?
- d) How should the head of state and/or government be chosen?
- e) What are the requirements for one to become head of state and/or head of government?
- f) Should there be term limits for the head of state and/or government?
- g) Under what circumstances should a head of state and/or head of government leave office?
- h) Should the constitution prescribe the maximum number of ministers?
- i) Who should act as head of state and/or government if the incumbent is unable to perform his/her duties?
- j) Should ministers be MPs?

- k) How should ministers be appointed?
- l) How should the Attorney General be appointed? Should he/she be a member of cabinet in particular? What should be his/her functions?
- m) Should we have an independent National Prosecuting Authority?

LEGISLATURE - HOUSES OF PARLIAMENT

- a) How many houses of parliament should we have?
- b) What should be the size(s) of the house(s) of parliament?
- c) How should members of parliament be elected or appointed?
- d) What role(s) should the house(s) of parliament play?
- e) Should MPs be allowed to cross the floor with their seats?
- f) Should any seats be reserved for women and/or special interest groups? If so how should they be selected?
- g) Should seats be reserved for traditional leaders? If so, how many?
- h) How long should be the life of parliament?
- i) Under what circumstances should an MP lose his/her seat?

JUDICIARY

- a) Who should appoint judges and judicial officers?
- b) How many levels of courts should we have?
- c) Do we need a separate Constitutional Court?
- d) What should be the qualification of judges?
- e) What should be the role of traditional courts?
- f) Who should determine the conditions of service of the judiciary?
- g) Who should be the head of the judiciary? How and by whom should he/she be appointed?
- h) Under what circumstances should a judge be removed from office?
- i) How long should be the tenure of office of judges?

THEME 3: SYSTEMS OF GOVERNMENT:

Systems of government refer to the manner states are organized, that is, the distribution of political power and responsibility within the state. There are three major systems of governance in modern states. These are federations, unitary states and devolved states.

Federal System: A federal system of governance obtains where two or more pre existing independent states agree to have one national government.

Unitary System: A unitary system is where power is held by a single central government that controls all the political and administrative power with some devolution of power throughout the state.

A Devolved System: Devolution is whereby political and administrative power is shared between a national government and lower level spheres of the state, for example, provinces and local authorities.

Talking Points/Key Questions

- a) What systems of national government should Zimbabwe have?
- b) What relationships should exist between central government, provincial government, local government and traditional leadership?
- c) Who should lead provincial governments and how should they be chosen?
- d) How many provinces should Zimbabwe have? How should they be demarcated and named?
- e) If there are provincial and local governments, how should they be chosen?
- f) What should be the functions of provincial governments?
- g) Should all the different levels of government have a tax sharing system?
- h) Should traditional leaders be part of the national, provincial and local government structures?

THEME 4: CITIZENSHIP AND BILL OF RIGHTS

Talking Points/Key Questions [these are divided into two sections]

CITIZENSHIP:

Citizenship is one's membership of a country which a person gets because they were born in that country or their parents were born in that country, lived in that country or were registered in that country

- a) How should citizenship be acquired?
- b) Should dual/multiple citizenship be allowed?
- c) What are the rights and obligations of citizens and non-citizens?
- d) Should foreign spouses of citizens be entitled to Zimbabwean citizenship?

BILL OF RIGHTS:

A Bill of Rights sets out the rights and freedoms which all people in Zimbabwe are entitled to.

- a) What rights and freedoms should be contained and guaranteed in the constitution?
- b) Should the Bill of Rights be amendable? If so how should it be amended?
- c) What are the remedies that can be made available to a citizen who is aggrieved by the violation of their rights?
- d) Should the Bill of Rights contain separate and specific human rights and freedoms that relate to women in order to eliminate all forms of discrimination against women?
- e) Should it be permissible to suspend or limit rights during a state of emergency?
- f) Should the death penalty be retained?
- g) Should there be derogation from this Bill of Rights to redress historical imbalances for purposes of empowerment?
- h) Should the Bill of Rights apply to State as well as non State actors?
- i) Should a woman be allowed to marry another woman and a man to marry another man?
- j) What are the rights of children that should be protected in the constitution?

THEME 5: WOMEN AND GENDER ISSUES

Talking Points/Key Questions

- a) Should men and women be treated equally in the constitution?
- b) Should the constitution contain provisions to ensure, guarantee and enforce gender mainstreaming?
- c) Should the constitution guarantee a quota system for women's participation in politics and other decision- making public and private bodies?
- d) Should there be a gender commission? If so how exactly is it to be constituted

THEME 6: YOUTH

Talking Points/Key Questions

- a) Who are the youth in Zimbabwe? From what age to what age?
- b) Do we need a national body or commission for the youth? If so what should its composition, powers and functions, tenure/lifespan and funding be?
- c) Do we need national youth service? If yes should it be provided for in the constitution? And for what purpose?

- d) What specific rights of the youth should be guaranteed in the constitution?

THEME 7: THE DISABLED

Talking Points/Key Questions

- a) Should the disabled have the right to state protection?
- b) How can the Constitution guarantee Parliamentary representation for the disabled?
- c) How can the constitution ensure the full participation of disabled persons in all socio-economic and cultural activities of the communities?

THEME 8: MEDIA

Talking Points/Key Questions

- a) Should the constitution guarantee media freedom?
- b) What limitations, if any, should be imposed on media freedom?

THEME 9: WAR VETERANS

Talking Points/Key Questions

- a) Should there be a war veteran's commission? If so, what should its composition, powers, functions, tenure and funding be?
- b) Should there be a law to deal with specific issues relating to war veterans from time to time?

THEME 10: LAND, NATURAL RESOURCES AND EMPOWERMENT

Talking Points/Key Questions

- a) Should the constitution highlight that land reform is a necessary process to correct historical imbalances?
- b) On property rights, is there need to make special provision on land and natural resources in the constitution?
- c) What type of land tenure system should Zimbabwe have?
- d) Should the right to land ownership and/or occupation by previously disadvantaged people be entrenched in the constitution?
- e) Should compensation be paid when the State expropriates and/or acquires land?
- f) Who should pay compensation in respect of acquired land?

- g) Should there be a right to approach the courts in the event of land dispute?
- h) Should traditional leaders have a role to play in land administration?
- i) Who should own the land?
- j) Should foreigners be allowed to own land and if so, under what circumstances?
- k) Do we need a land commission and/or land court? If yes, what should be its powers and functions?
- l) How should marginalised groups be empowered with regards to land and natural resources?
- m) What role should traditional leaders play in the administration of land and management and exploitation of natural resources under their jurisdiction?

THEME 11: LABOUR

Talking Points/Key Questions

- a) What exact labour rights should be included in the constitution?
- b) Should the constitution recognize the right to strike without exception? If yes, how do you deal with the issue of essential services?
- c) How should the constitution promote and protect women workers' rights?
- d) Should the constitution recognize and incorporate international treaties, conventions, protocols and practices relating to labour?

THEME 12: ELECTIONS, TRANSITIONAL MECHANISMS AND INDEPENDENT COMMISSIONS: [THIS IS DIVIDED INTO TWO SECTIONS]

ELECTIONS AND TRANSITIONAL MECHANISMS

An election is an opportunity for people to choose their leaders. There are a number of electoral systems obtaining the world over the most popular of which are the first past the post system, the proportional representation system and the hybrid system comprising the two.

First Past the Post System: This is where the person with the highest number of votes becomes the elected representative of the electorate.

Proportional Representation: This is a system by which the elected people are determined by the proportion of votes obtained by each party.

Hybrid System: This is where some of the representatives are elected on the basis of the first past the post system and others on the basis of proportional representation.

Talking Points/Key Questions

- a) What type of electoral system should Zimbabwe have?
 - First past the post?
 - Proportional representation?
 - Hybrid?
- c) How often should we have elections for:
 - Head of State?
 - Head of government?
 - Parliament?
 - Local government?
- d) Should we have harmonized elections for the Head of State and/or Head of government, parliament and local government?
- e) Who qualifies to register as a voter and to vote at elections for the Head of State and/or Head of government, parliament and local authorities?
- f) What body should run elections and what should be its powers and functions?
- g) Should Zimbabweans living in the diaspora be allowed to vote?
- h) Should voter registration be mandatory?
- i) Should the constitution incorporate international treaties, conventions, protocols and practices dealing with free and fair elections?
- j) How should we deal with electoral disputes?
- k) Should there be term limits for elected officials?
- l) In the event of vacancies arising, how should these be filled?
- m) Should a specific time frame be given for the inauguration into office of the President, Prime Minister, Members of Parliament, Cabinet and Councillors?
- n) If there are term limits, should the person whose term has expired run for another post?
- o) If the Head of State and/or Head of government becomes incapacitated, who should run the country before an election is held and how long should it take for such an election to be held?
- p) How long after the referendum should the constitution come into force?

- q) Under what circumstances should a candidate be barred from standing in an election?
- r) Who should assist those unable to vote on their own?
- s) How many Parliamentary constituencies should the country be divided into?

INDEPENDENT COMMISSIONS: ANTI-CORRUPTION/MEDIA/HUMAN RIGHTS/ PUBLIC
PROTECTOR/ELECTORAL:

Independent commissions are constitutional watchdogs for monitoring and implementation of their areas of specialty.

Talking Points/Key Questions

- a) What should be the mandate and functions of the Anti-Corruption/ Media/Human Rights Commissions, Public Protector, Electoral Commission?
- b) What should be their composition?
- c) How and by whom should they be appointed?
- d) What should their qualifications be?
- e) What other executive commissions and organs should we have?
- f) What should be their functions?
- g) How should their members be appointed?
- h) Who should they be accountable to?

THEME 13: EXECUTIVE ORGANS OF THE STATE: PUBLIC SERVICE, DEFENCE FORCES, POLICE FORCE, PRISON SERVICE AND THEIR COMMISSIONS: ARE BODIES THROUGH WHICH THE STATE IMPLEMENTS LAWS AND POLICIES.

Talking Points/Key Questions

- a) What is the Public Service/Defence Forces/Police Service/Prison Service?
- b) What is their role and function?
- c) How should members be recruited and/or appointed?
- d) What other executive commissions and organs should we have?
- e) Who should they be accountable to?

THEME 14: PUBLIC FINANCE: ANY FUNDS THAT ACCRUE TO THE STATE: (A) THE CONSOLIDATED REVENUE FUND, (B) AUDITING OF PUBLIC FINANCES.

Talking Points/Key Questions [these are divided into four sections]

COMPTROLLER AND AUDITOR-GENERAL

- a) Should the office of the Comptroller and Auditor-General be specifically provided for in the constitution?

- b) Should the office of the Comptroller and Auditor-General be independent?
- c) By whom and how should the Comptroller and Auditor-General be appointed?

NATIONAL BUDGET

- a) Should the constitution ensure and guarantee transparency and accountability in the management of public finances?
- b) How should the constitution provide for the national budgeting process?
- c) Should the National Budget be gender sensitive/responsive and allocate resources in a way that recognizes men and women's differential needs?
- d) How should we ensure that there is transparency in the utilization of public finances?
- e) How do we ensure that Government procurement is transparent?

CENTRAL BANK

- a) What should be the primary function of the Central Bank?
- b) Should the constitution stipulate the role, functions, duties and obligations of the Central Bank?
- c) How and who should appoint the Governor of the Central Bank?
- d) Should the Central Bank be independent?
- e) Who should play an oversight role over the operations of the Central Bank?

GOVERNMENT BORROWING

- a) Who should oversee the borrowing and granting of government guarantees?
- b) How exactly should government loan contraction be implemented?
- c) Who should set the limits for government borrowing and granting of guarantees?
- d) Should the constitution provide for the oversight powers of Parliament on government borrowing?

THEME 15: TRADITIONAL INSTITUTIONS AND CUSTOMS

Talking Points/Key Questions

- a) What ought to be the relationship between elected representatives and traditional leaders?
- b) Should traditional leaders have judicial functions?
- c) What constitutional provisions should we have to guarantee the security of tenure, dignity and status of traditional leaders?

- d) Should we have a special commission to manage the day to day affairs, welfare, appointment and removal from office of traditional leaders?
- e) Should the constitution stipulate that all traditional leaders should not be active in politics?

THEME 16: RELIGION

Talking Points/Key Questions

- a) Should the constitution guarantee freedom of religious practice, worship, association, assembly, conscience and expression?
- b) Should the constitution acknowledge the supremacy of God?

THEME 17: LANGUAGES, ARTS AND CULTURE

Talking Points/Key Questions

- a) Which languages spoken in Zimbabwe should be protected, preserved, promoted and developed?
- b) Should the constitution guarantee protection of monuments, cultural practices, sites and localities?
- c) What rights and interests of artists should be acknowledged, protected, preserved, promoted and developed?

APPENDIX 4: REVISED CONSTITUTION OUTREACH TALKING POINTS (MAY 2010)

PREAMBLE

A preamble is a preliminary statement that introduces a constitution. A preamble normally carries the major historical legacies and challenges of a nation and its values and aspirations.

Talking Points

What are the national legacies, values and aspirations that should be set out in the preamble?

2. FOUNDING PRINCIPLES OF THE CONSTITUTION

Founding principles are those values that citizens commit themselves to their adherence. They are the foundations of the constitution and they reflect the manner in which the people desire to be governed.

Talking Points

What are the fundamental legacies, values and principles that should underpin the constitution?

3. CITIZENSHIP

Citizenship is one's membership of a country which a person gets because they were born in that country or their parents were born in that country, lived in that country or were registered in that country.

Talking Points

- a) How should citizenship be acquired?
- b) Should dual/multiple citizenship be allowed?

4. BILL OF RIGHTS

A Bill of Rights sets out the fundamental rights and freedoms of the people.

Talking Points

- a) What fundamental rights and freedoms should be protected and guaranteed in the constitution?
- b) What social, economic and cultural rights should be included in the constitution?

- c) Should the death penalty be retained?

5. WOMEN AND GENDER ISSUES

Talking Points

What specific rights should be protected and guaranteed to women by the constitution?

6. YOUTH

Talking Points

- a) Who are the youth in Zimbabwe? >From what age to what age?
- b) What specific rights for the youth should be guaranteed in the constitution?

7. THE DISABLED

Talking Points

What specific rights for the disabled should be guaranteed in the constitution?

8. MEDIA

Talking Points

What specific rights should the constitution guarantee to the media?

9. WAR VETERANS

Talking Points

What specific rights should be afforded to war veterans in the constitution?

10. LAND

Talking Points

How should the constitution address the issue of land?

11. EMPOWERMENT

Talking Points

How should the constitution deal with the empowerment of previously disadvantaged groups?

12. ENVIRONMENT

Talking Points

How should the constitution deal with the issue of the environment?

13. NATURAL RESOURCES

Talking Points

How should the constitution deal with the issue of natural resources?

14. LABOUR

Talking Points

What specific rights should be granted to workers in the constitution?

15. RELIGION

Talking Points

How should the constitution of Zimbabwe deal with the issue of religion?

16. SYSTEMS OF GOVERNMENT

Systems of government refer to the manner states are organized, that is, the distribution of political power and responsibility within the state. There are three major systems of governance in modern states. These are federal states, unitary states and unitary states with devolved powers.

Federal State: A federal system of governance obtains where a country is divided into two or more states with their own governments which then agree to have one national government.

Unitary State: A unitary system is where power is held by a single central government that controls all the political and administrative power.

A Devolved State: Devolution is whereby in a unitary system, political and administrative power is shared between a national government and lower level spheres of the state, for example, provinces and local authorities

Talking Points

- a) What system of government should Zimbabwe have? (Federal, unitary, devolved)
- b) Should there be provincial governments and how should they be constituted?
- c) Should there be local governments and how should they be constituted?
- d) What should be the functions of provincial and local governments?
- e) How many provinces should we have?
- f) How should they be determined?

17. ARMS OF THE STATE

There are three principal functions of the state that is, making laws, interpretation of the laws and implementation of the laws. These vest in the legislature, judiciary and the executive respectively

17.1 THE EXECUTIVE

Talking Points

- a) How should executive power be organized and distributed? (Should there be a President, a Prime Minister or both?)
- b) How should they be elected/appointed?
- c) Should all ministers be MPs?
- d) Should all ministers not be MPs?
- e) Should some ministers be MPs and others not?
- f) How should ministers be appointed?

17.2 THE LEGISLATURE

Talking Points

- a) How many Houses of Parliament should we have?
- b) Should there be MPs who are appointed?
- c) Should MPs be allowed to cross the floor with their seats?
- d) Should any seats be reserved for:
 - (i) women
 - (ii) traditional leaders
 - (iii) the disabled
 - (iv) special interest groups

17.3 THE JUDICIARY

Talking Points

- a) How should our court system be organized?
- b) How should judges be appointed?

18. ELECTORAL SYSTEMS

There are a number of electoral systems obtaining in the world, the common of which are the first past the post system, the proportional representation system and the hybrid system comprising of the two.

First Past the Post System: This is a system whereby the person with the highest number of votes becomes the elected representative of the electorate.

Proportional Representation: This is a system whereby the elected people are determined by the proportion of votes obtained by each party.

Hybrid System: This is where some of the representatives are elected on the basis of the first past the post system and others on the basis of proportional representation.

Talking Points

What type of electoral system should Zimbabwe have?

- First past the post?
- Proportional representation?
- Hybrid?

19. INDEPENDENT PUBLIC OFFICES

These are specialized executive offices of government performing important executive or oversight functions.

Talking Points

- a) What independent public offices should be created in the constitution and how should they be appointed?
- b) How should the constitution provide for:
 - (i) The Attorney General?

- (ii) Auditor and Comptroller General?
- (iii) Public Protector/Ombudsman?
- c) What are the functions of the Attorney General that should be provided for in the constitution?
- d) Should the Attorney General who is the legal advisor to government also be the national prosecutor?

20. INDEPENDENT COMMISSIONS

Specialized constitutional watchdogs for monitoring, promoting and enforcing rights and obligations in their areas of specialty.

Talking Points

- a) What independent commissions should be provided for in the constitution?
- b) How should their independence be protected?
- c) How should independent commissions be appointed?

21. EXECUTIVE COMMISSIONS

Are bodies through which the state implements laws and policies.

Talking Points

What executive commissions should be provided for in the constitution?

22. PUBLIC FINANCE

This includes the management and accounting of public funds, Consolidated Revenue Fund, the preparation and the management of the budget and the auditing and oversight over public finances

Talking Points

- a) Which aspects of Public Finance should be regulated by the constitution?
- b) How should the constitution provide for the management of the national budget?

23. CENTRAL BANK

Talking Points

What aspects of the Central Bank should be regulated by the constitution?

24. TRADITIONAL LEADERS

Talking Points

What role should be accorded to traditional leaders in the constitution?

25. LANGUAGES, ARTS AND CULTURE

Talking Points

How should the constitution deal with the issues of languages, arts and culture?

26. TRANSITIONAL MECHANISMS

Those provisions in the constitution providing for the orderly transition from the old to the new one.

Talking Points

What transitional mechanisms should be enshrined in the constitution?