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Prepared with reference to the Kariba Draft Constitution (Annexure B to Power-Sharing Agreement of 15th September 2008) in only as far as a reference for Standard Constitutional Sections, implying that the proposed African Blueprint shall suit any constitution that comes out of the People of Zimbabwe.

Sections of the referenced Kariba Draft Constitution or similar sections in any other draft which have not been referred to or amended in this proposal shall remain as they are.

CONSTITUTION OF ZIMBABWE

WITH AN AFRICAN BLUEPRINT

Preamble

ôAdd the following to the existing Preambleô

Acknowledging that with the current global trend of growing corruption, greed or general moral decadence, lack of sincerity and trust, rise in hypocrisy among humankind and general rise in poverty among ordinary people or the voters, a non-conventional approach to governance and democracy is now a critical requirement than ever before,

Acknowledging that Zimbabwe, the land of our fathers is wholly African country and cannot be administered by law foreign to Zimbabwe but by laws inherent in African culture or Unhu/Ubuntu,

Acknowledging the supremacy and efficacy of African culture or Unhu/Ubuntu in morality, hospitality, general goodness, sincerity, judicial system, governance system and leadership selection among other attributes, such aspects of African culture can be appreciated not necessarily by strangers but by Zimbabweans to enact provisions of African culture in the constitution,

Recognizing that African culture or Unhu/Ubuntu in general has accorded our fathers guiltlessness among all nations of the world in areas of but not limited to being no party to annexation of foreign territory, not starting any known conflict, having no hand in proliferation of arms of barbarism (chemical, biological and nuclear) and being the most peaceful people for reason of Unhu/Ubuntu, African people must be seen enacting provisions of African culture to inspire other nations of the world,

Acknowledging that the northern democracy model and justice system in application in Zimbabwe are based on northern models which may be prone to human errors of judgement, manipulation and are administered at a cost to the fiscus, it is of immeasurable benefits in cost and efficacy to institute African Democracy Model referred to hereafter as Matonjeni Democracy for Leadership Selection, and justice, Legislature and Governance systems with an African blue print,

Acknowledging cost benefits of employing the cost free Matonjeni Democracy Model in leadership selection visa vis financing the current Electoral Administration and legislature by ploughing into the constituents money and resources gained or saved to construct dams, irrigation schemes, small business loans for ordinary people to start their own businesses,

Recognizing the important role played by cabinet in managing the business aspect of the country by employing the most qualified professionals or experts on the Zimbabwean market by floating all cabinets posts on the job market through the media and also considering the fact that true leaders and professionals find politics too base to engage,

CHAPTER 11 FUNDAMENTAL CONSTITUTIONAL PRINCIPLES AND NATIONAL OBJECTIVES

PART I FUNDAMENTAL CONSTITUTIONAL PRINCIPLES

11 Democratic principles

(1) The State is based on Matonjeni democratic principles which empower all citizens and encourage their active participation up to the highest level of government in accordance with section 147.

(2) Subject to this Constitution, all the people of Zimbabwe should have access to leadership positions up to the highest level of government.

PART II NATIONAL OBJECTIVES

15 Good governance

(1) The State must adopt and implement policies and legislation to develop accountability, openness, personal integrity, national integrity and financial probity in the Government and all public institutions.

(2) In particularñ

(a) measures must be taken to expose, combat and eradicate corruption and abuse of power by those holding leadership positions and other public offices; and

16 Development

(c) stimulate agricultural, commercial, industrial, technological and scientific development by actively funding or financing research and development in all fields of globally friendly technologies and ethical sciences with special interest on natural agriculture, African foods or diet, balancing the natural habitat or ecosystem, African natural medicines and green energy among others;

(e) redress imbalances resulting from past practices and policies by prescribing a minimum equity requirement of 51 % for Zimbabwe's indigenous people in every foreign owned company registered in Zimbabwe or any other partnerships by third parties to Zimbabwe.

(f) Replace the current electoral system with the cost free Matonjeni Democracy and the elected legislature with traditional leadership and plough money gained into the people by building dams, irrigation schemes and creating a zero interest credit facility or grants to enable the common people to start their own businesses;

(g) provide funding for the setting up of state factory/industrial shells for upcoming small companies and business persons to use to produce goods with free rental for the first 5 years of a company's operation;

(h) set up a general marketing company to assess quality of merchandise produced by upcoming companies or business persons, buy the said merchandise and sell or market;

(i) set mechanisms to develop and sell the Zimbabwean brand by first encouraging Zimbabweans to consume their food, automobiles, and information communication technology products among other technologies so as to develop their children technologically. [A loving parent will cheer and support his child who is trying to make his/her first step in walking than go to the neighbour's already walking child and start ululating]

17 Food security

The State mustñ

(a) encourage people to grow and store adequate food by giving special attention to certain crop and animal varieties that suit their agricultural region;

19 Cultural objectives

(1) The State mustñ

(c) restore the authority of traditional governance in Zimbabwe by enacting a legislature made up of traditional leadership;

(d) restore the authority of traditional judiciary in Zimbabwe by enacting a judicial system consisting of a hybrid of priests (masvikiro/amadlozi), traditional chiefs, judges and magistrates;

(e) restore the role and authority of priests (masvikiro/amadlozi) by enacting a Priests Council to select and swear-in or affirm the Head of State through Matonjeni Democracy and advise the Head of State; and

(f) provide funding in each fiscal year for the proper and full administration of all Zimbabwe Shrines (maDzimbahwe).

20 Foreign policy objectives

(3) In the absence of win-win economic partnership(s) between Zimbabwe and a third party, economic resources shall be kept for the future of the unborn Zimbabwean children than proceed into partnership(s) where Zimbabwe will lose.

21 Gender balance and fair representation of marginalised groups

(4) The state shall not put the gentle women of Zimbabwe (amai/umama) in the battle front by giving them positions in the army or police that will strain their nature while trying to address gender inequality but equally rewarding professions like health and education shall be considered for amai/umama in that all genders are equal but different and befitting different applications. [If mother and father all go to war, who is going to take care of the children?]

22 Children

(1) The State must adopt reasonable policies and measures, within the resources available to it, to ensure that childrenñ

(b) enjoy family or parental care, or appropriate alternative care when removed from the family environment; [If both mother and father go to war, how will the children enjoy parental care?]

31 Social welfare

The State must take all practical measures, within the limits of the resources available to it, to provide social security and social care to those who are in need of it, in particular war veterans, orphans, widows and disabled persons as may be specified in an Act of Parliament.

32 Legal aid [delete article]

The State must take all practical measures, within the limits of the resources available to it, to provide legal representation in civil and criminal cases for people who need it and are unable to afford legal practitioners of their choice. [African judicial system has no necessity for attorney – see notes on section 38 (b) (ii)]

CHAPTER III FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

PART I PRELIMINARY

35 Interpretation of Chapter III

(c) consider international law, treaties and conventions albeit with full recognition that the law of Zimbabwe is the supreme law of the land; and

PART II INDIVIDUAL HUMAN RIGHTS AND FREEDOMS

37 Right to life

(e) the person sentenced must have a right to seek pardon or commutation of the penalty. [delete article]

38 Right to personal liberty

(3) Anyone who is arrested or detainedñ

(b) must be permitted, without delayñ

(ii) at their own expense, to choose, contact and consult with a legal practitioner; [Not necessary anyway for the reason that a court decision would depend to a small extent on a credible witness and to a large extent on a determination by a priest (svikiro/dlozi) when a suspect is unwilling to tell the truth]

43 Freedom from discrimination

(1) Everyone has a right not to be treated in an unfairly discriminatory manner on such grounds as their race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief or other opinion, culture, gender, marital status, pregnancy, age or disability. [“natural difference or condition” deleted for it may have sodomite connotations]

47 Freedom of assembly and association

Everyone has the right to freedom of assembly and association, which includes–

(b) the right to form or belong to any trade unions, civic organisations and other associations for the promotion or protection of their interests; and [right to form or belong to any political party deleted on the basis of Matonjeni Democracy which makes political parties irrelevant groupings and of no consequence]

50 Protection of law: fairness in criminal cases

(2) The right to a fair trial under subsection (1) includes the rightñ

(f) if the accused person is liable to be sentenced to death or to life imprisonment, to have a legal practitioner assigned by the State at State expense, and to be represented by that legal practitioner;

[Court decision will not be in any way influenced by the performance or services of a legal practitioner but to a small extent by credibility of a witness and to a large extent by evidence and determination by a priest (svikiro/dlozi) when a suspect is unwilling to tell the truth]

60 Leadership rights [right to stand –in for leadership replaces the right to vote others into power]

(1) Subject to this Constitution, every Zimbabwean citizen has the right toñ

(a) other than traditional chiefs, apply or tender his/her curriculum vitae for any leadership position in government or elsewhere as a professional, director, mayor, ambassador, permanent secretary, urban councillor or minister; and

(b) stand in or offer his candidacy before the Council of Priests to be selected to the office of President in accordance with section 147.

(c) irrelevant and deleted.

(2) Subject to this Constitution, every adult Zimbabwean citizen has the right to–

(a) irrelevant and deleted.

(b) stand for public office and, if most qualified, to hold such office.

“most qualified” shall mean having the most relevant experience, proven record and academic, qualification or expert background to that public post.

PART IV**ENFORCEMENT OF FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS****67 Jurisdiction of all courts in constitutional matters**

(3) No court other than Constitutional Court, has authority to declare that a law or administrative act is invalid on any ground but may refer a law or administrative act to the Constitutional Court for a determination or need for invalidation.

68 Right of Attorney-General to be heard in constitutional cases

(1) If an issue arises in legal proceedings as to whether or not a law infringes a right or freedom set out in Part II, the Attorney-General is entitled toñ

(b) irrelevant and deleted as a result of changes made in section 67 (3).

(2) irrelevant and deleted as a result of changes made in section 67 (3).

69 Right of Minister to make representations in certain constitutional cases

Irrelevant and deleted as a result of changes made in section 67 (3).

70 Right of persons detained under law declared unconstitutional

Irrelevant and deleted as a result of changes made in section 67 (3).

CHAPTER IV CITIZENSHIP**71 Zimbabwean citizenship**

(2) It is the duty of every Zimbabwean citizenñ

(d) *to preserve the sanctity of the country's shrines, heritage sites, culture and traditions.*

CHAPTER V THE EXECUTIVE PART I EXECUTIVE AUTHORITY

78 Executive authority

The executive authority of Zimbabwe vests in the President and the Council of Priests (Masvikiro/Amadlozi).

PART II THE PRESIDENT

79 Office of President

(2) *The President and the Council of Priests takes precedence over all other persons in Zimbabwe.*

81 Qualifications and disqualifications for selection as President

(1) *A person qualifies for selection as President if he or she isñ*

(a) *a citizen of Zimbabwe by birth or descent;*

(b) *Irrelevant and deleted; and*

(c) *at least forty years old.*

(2) *A person is not disqualified for selection as President if he or she has already held office as President for any number of terms.*

(3) *Irrelevant and deleted as result of section 81 (2).*

82 Selection of President

(1) *The President is selected by the Council of Priests (Masvikiro/Amadlozi) through a selection process called Matonjeni Democracy and the procedure for that selection is as described in section 147.*

(2) *Irrelevant and deleted.*

(3) *The selection of a President must take place every five years or as and when the Council of Priests deem necessary.*

83 Assumption of office by President

(1) *A person selected as President assumes office on the day he or she is declared to be selected or successful.*

(2) *Before exercising any of the functions of office, a person selected as President must take the oath or affirmation or vow of a President before the Council of Priests.*

(3) *A person who has been selected as President, and all public officers concerned, must take all possible steps to ensure that he or she takes the oath or affirmation of a President within forty-eight hours after he or she was declared to be so selected.*

84 Tenure of office of President

The term of office of the President shall be a period of five years or any other period determined by the Council of Priests; or

(a) *irrelevant and deleted ; or*

(b) *a longer period where a determination has been made by the Council of Priests.*

88 Vice-President

(1) *As soon as practicable after assuming office and in consultation with the Council of Priests, the President must appoint one qualified person to be Vice-President, as the case may be, to assist the President in the discharge of his or her functions and to perform any other functions, including the administration of any Ministry or Act of Parliament, that the President may assign to them.*

(2) *A person is qualified to be a Vice-President if he or she is qualified to be President.*

(3) *Before taking office, a person appointed as Vice-President must take the Vice-Presidential oath or affirmation or vow before the President and Council of Priests.*

(4) *The office of a Vice-President becomes vacantò*

(a) *upon a new person assuming office as President;*

(b) *if the President in consultation with the Council of Priests remove him or her from office;*

(c) *if he or she resigns from office by notice in writing to the President and Council of Priests;*
or

(d) *irrelevant and deleted.*

89 Resignation of President

The President may resign his or her office by written notice or verbally to the Council of Priests, who will give public notice of the resignation.

90 Removal from office of President

(1) The Council of Priests mayò

(a) and (b) remain unchanged.

(2), (3) and (4) Deleted.

91 Vacation of office, absence or incapacity of President

(1)(b) Deleted.

(c) during the absence or incapacity of the Vice President, as the case may be, by the Chief Priest as may be designated for such an eventuality –

(i) by the Council of Priests; or

(ii) Deleted.

(2) Except in accordance with a resolution passed by the Council of Priests, a person performing the functions of the office of the President in terms of subsection (1) shall not exercise the power of the President—

(a) to declare war or to make peace; or

(b) to enter into any international convention, treaty or agreement; or

(c) Deleted; or

(d) to appoint or revoke the appointment of a Vice President; or

(e) to assign or reassign functions to a Vice President, including the administration of any Act of Parliament or of any Ministry or department, or to cancel any such assignment of functions.

92 Succession in the event of death, resignation or removal from office of President

If the President dies, resigns or is removed from office, a selection to the office of President shall take place in accordance with Matonjeni Democracy by the Council of Priests in accordance with section 147 within ninety days after the office of President becomes vacant by reason of his death or his resignation or removal from office in terms of this Constitution.

PART III THE GOVERNMENT**93 Appointment of Ministers**

(2) Ministers are appointed from among competent and qualified Zimbabwean citizens other than traditional chiefs and priests, by way of public interviews and successful candidate is given a contract with expectations or benchmarks and a budget as set out in the First Schedule.

95 Tenure of office of Ministers

(1) The office of a Minister becomes vacantŧ

(a) if he/she fails the expectations or benchmarks of his employment contract, he/she is presumed resigned or fired automatically from office;

(d) if he/she is commits any crime while in office. [drunken driving, over-speeding, public indecency, theft, corruption]

(2) Irrelevant and deleted.

96 Cabinet

(1) There must be a Cabinet consisting of the President, the Vice-President, and not more than fifteen (15) government Ministers.

(2) A Minister holds office as a member of the Cabinet by default, but a Minister–

(a) ceases to hold office as a member of the Cabinet if he or she ceases to be a Minister;

(b) Irrelevant and deleted.

(3) Cabinet meetings are presided overŧ

(a) by the President;

(b) in the absence of the President, by the Vice-President; or

(d) in the absence of the President and Vice-President, by a Minister designated by the President.

97 Irrelevant and deleted.

PART IV EXECUTIVE FUNCTIONS

98 Executive functions of President

(2) (a) *irrelevant and deleted.*

(d) *to conclude or execute conventions, treaties and agreements with foreign states and governments and international organisations in consultation with the Council of Priests and Parliament;*

(e) *to appoint a Vice President and Ministers;*

(g) *to consult the Council of Priests on any national or international issue for guidance.*

(h) *to deploy the Defence Forces outside Zimbabwe in accordance with section 188(2) and guidance from the Council of Priests;*

(i) *to appoint Provincial Governors from suitable and qualified Zimbabwean professionals;*

(j) *Irrelevant and deleted [Senators composed of chief traditional chiefs].*

(3) *Except as otherwise provided in this Constitution, the President must act on the advice of the Council of Priests, Parliament and Cabinet in the exercise of any function other than a function that is specified in subsection (2).*

99 War and peace

The President has power to declare war and make peace in consultation with the Council of Priests.

100 Prerogative of mercy

(a), (b), (c), (d) *No one has prerogative of mercy. [A matter that is appealed to the Supreme Court and fail should proceed as per judgement]*

(2) *Irrelevant and deleted.*

102. Extent to which exercise of President's powers justiciable

(1) *Where this Constitution permits the President to act on his or her own judgement when exercising a function, the Council of Priests has power to inquire into any of the following—*

(a), (b), (c) and (d) *remain as is.*

(2) *Where this Constitution or any other law permits or requires the President to do anything on the advice or recommendation of, or after consultation with, any person or authority, the Council of Priests has power to inquire into the following—*

(a) and (b) *remain as is.*

CHAPTER VI THE LEGISLATURE PART I PARLIAMENT

103 Legislative authority

(1) *Subject to this Constitution, the legislative authority of Zimbabwe vests in Parliament, the President and the Council of Priests.*

PART II THE SENATE

106 Composition of Senate

The Senate consists of thirty-six Senators, of whom—

(a) *all are chief traditional chiefs of Zimbabwe;*

(b), (c), (d) and (e) *Irrelevant and deleted.*

(2) *Irrelevant and deleted.*

107 Selection of President of Senate

(1) *At its first sitting and before proceeding to any other business, the Senate must select a presiding officer to be known as the President of the Senate on five year rotational basis.*

(2), (3), (4) *Irrelevant and deleted.*

(5) *Before commencing his or her duties as such, the President of the Senate must take the oath or affirmation of office in the form set out in the First Schedule.*

108 deleted.**109 Resignation and vacation of office by President of Senate**

(2) (a), (b), (c), (d) and (e) *deleted.*

110 Deputy President of Senate

(1) As soon as practicable after selecting a President, the Senate must select a Senator to be the Deputy President of the Senate on a five-year rotational basis.

(2) Whenever there is a vacancy in the office of Deputy President of the Senate, the Senate must without delay select a person to fill the vacancy.

(3) Deleted.

(4) The Deputy President of the Senate may resign his or her office by giving notice in writing to the President of the Senate or to the Clerk of Parliament.

(5) (a), (b), (c), (d) and (e) Deleted.

PART III THE NATIONAL ASSEMBLY**111 Composition of National Assembly**

(1) The National Assembly consists of the remainder of traditional chiefs who are not members of the Senate.

(2) Irrelevant and deleted.

112 Selection of Speaker

(1) At its first sitting and before proceeding to any other business, the National Assembly must select a presiding officer to be known as the Speaker on a five year rotational basis.

(2) Whenever there is a vacancy in the office of Speaker, the National Assembly must without delay select a person to fill the vacancy.

(3) A person is qualified for selection as Speaker if he or she is a Member of the National Assembly.

(4) Irrelevant and deleted.

(5) Before commencing his or her duties as such, the Speaker must take the oath or affirmation of office in the form set out in the First Schedule.

113 Deleted**114 Resignation and vacation of office by Speaker**

(2) (a), (b), (c), (d) and (e) Deleted.

115 Deputy Speaker

(1) As soon as practicable after selecting a Speaker, the National Assembly must select one of its Members to be the Deputy Speaker on five year rotational basis.

(2) Whenever there is a vacancy in the office of Deputy Speaker, the National Assembly must without delay select a person to fill the vacancy.

(3) Irrelevant and deleted.

(4) The Deputy Speaker may resign his or her office by giving notice in writing to the Speaker or to the Clerk of Parliament.

(5) (a), (b), (c) and (d) Deleted.

PART IV GENERAL MATTERS RELATING TO PARLIAMENT**116 Privileges and immunities of Parliament**

(2) (c) Deleted.

118 and 119 Deleted.**120 Remuneration of President of Senate, Speaker and Members of Parliament**

(c) Deleted.

121 Committee on Standing Rules and Orders

(1) There is, for the life of Parliament, a Committee to be known as the Committee on Standing Rules and Orders consisting of

(e) members appointed by the Speaker and the President of the Senate from their respective Houses of Parliament which shall include the Leader of Government Business;

(f) members selected by each of the Houses of Parliament.

(2) and (3) Deleted.

122 Parliamentary Legal Committee

(2) Where possible, the majority of the members of the Parliamentary Legal Committee must be knowledgeable in Zimbabwean law, culture and traditions.

123 Functions of Parliamentary Legal Committee

(1) The Parliamentary Legal Committee must examine--

(a) every Bill, other than a Constitutional Bill, before it receives its final approval in the Senate or the National Assembly;

(b) any Bill which has been amended after being examined by the Committee, before the Bill receives its final approval in the Senate or the National Assembly;

PART V PROCEDURE IN PARLIAMENT**125 Person presiding in Senate**

The person presiding at any sitting of the Senate must be—

(b) in the absence of the President or Deputy President of the Senate, a Senator selected for the purpose by the Senate.

126 Person presiding in National Assembly—

The person presiding at any sitting of the National Assembly must be

(b) in the absence of the Speaker or Deputy Speaker, a Member of the National Assembly selected for the purpose by the National Assembly.

129 Decisions of Parliament

Except where this Constitution provides otherwise—

(a) all questions before each House are to be decided by consensus; [Like an African court where strictly voting is not part of business, majority decision is not necessarily the right decision]

(b) and (c) Deleted.

130 Right of Vice-Presidents, Ministers and Attorney-General to sit and speak in either House

(1) Vice-President and Ministers may sit and speak in either House.

(2) The Attorney-General has the right to sit and speak in either House.

133 Validity of proceedings in Parliament

(2) Deleted.

PART VI**LEGISLATIVE POWERS****134 Bills**

Parliament's power to make laws is exercised by Bills passed by the National Assembly and the Senate and assented to by the President in consultation with the Council of Priests.

136 Presidential assent to Bills

(b) the Bill must not be presented to the President again unless, within six months, it must be passed again.

139 Amendment of Constitution

(4) A Constitutional Bill is not regarded as having been passed by Parliament unless it agreed and affirmed by consensus in each House of Parliament. [notes on section 129 (a).]

139 Amendment of Constitution

(5) (j) (ii) Irrelevant and deleted.

(6) Irrelevant and deleted.

(7) When a Constitutional Bill is presented to the President for assent it must be accompanied by—

(a) certificates from the President of the Senate and the Speaker stating that it was agreed by consensus.

(b) Irrelevant and deleted.

141 First and special sittings of Parliament

(1) Irrelevant and deleted.

143, 144, 145 and 146 Deleted.

147 Matonjeni Democracy

(1) Provides for selection of the President.

(2) Candidates for selection to the office of President are any Zimbabwean citizen of 40 years and above.

(3) Aspiring candidates will respond to call by the Council of Priests for the selection of President once every five years.

(4) The Council of Priests will issue out a set of instructions to be following by aspiring candidates as part of selection process.

(5) Selection would be in public in the presence of all aspiring candidates.

148 Fixing of boundaries of National Assembly constituencies and frequency of revision

(1) National Assembly constituencies shall be traditional chieftainship boundaries not eligible for Senate seats.

(2) and (3) Irrelevant and deleted.

149 Irrelevant and deleted.

150 Delimitation of Senatorial Constituencies

Senatorial Constituencies shall be thirty-six chief traditional chieftainship boundaries.

151 Delimitation of Wards of Local Authorities

(1) Wards of rural Local Authorities shall be the traditional headsmen boundaries while urban wards shall be determined equivalent population boundaries. [local authorities boundaries were overlapping with traditional headsmen boundaries and creating unnecessary redundancies and salaries expenses]

(2) Irrelevant and deleted.

152 and 153 Irrelevant and deleted.

CHAPTER VII THE JUDICIARY

PART II APPOINTMENT AND TENURE OF JUDGES

162 Qualifications of judges

A person is qualified for appointment as a judge if he or she is at least thirty-five years old andñ

(c) if he or she is a priest or traditional chief.

163 Appointment of judges

(1) The President appoints the Chief Justice and the Deputy Chief Justice after consultation with the Council of Priests, Parliament and Judicial Service Commission.

(2) Judges other than the Chief Justice and the Deputy Chief Justice are appointed by the President either–

(a) with the approval of the Council of Priests, Parliament and Judicial Service Commission; or

(b) from a list of names submitted to him or her by the Council of Priests, Parliament and Judicial Service Commission.

164 Acting judges

(2) The President may appoint a person as an acting judge eitherñ

(a) with the approval of the Council of Priests, Parliament and Judicial Service Commission; or

(b) from a list of names submitted to him or her by the Council of Priests, Parliament and Judicial Service Commission.

165 Tenure of office of judges

(1) *A judge must retire at the age of sixty-five years unless, before attaining that age, he or she gives written notice to the President, Council of Priests, Parliament and Judicial Service Commission of election to retire at the age of seventy years, in which event the judge must be permitted to continue in office*

(2) *A judge may resign his or her office at any time by written notice to the President, Council of Priests, Parliament and Judicial Service Commission,*

166 Removal of judges from office

(1) *A judge may be removed from office on the advice of the Council of Priests, Parliament and Judicial Service Commission only for incompetence, misbehaviour or for mental or physical disability that incapacitates him or her from exercising the functions of a judge.*

(3) *The President must appoint a tribunal without delay to inquire into the question of a judge's removal from office if the President is advised by the Council of Priests, Parliament and Judicial Service Commission that the question should be investigated.*

(4) *A tribunal appointed under this section must consist of at least five members appointed by the President, of whom–*

(c) *one must a priest;*

(d) *one must be a traditional chief; and*

(e) *the remainder must be persons referred to in paragraph (a), (b), (c) or (d).*

(7) *After due inquiry a tribunal appointed under this section must report its findings to the Council of Priests, Parliament and Judicial Service Commission and the Commission, after considering the tribunal's findings, must report to the President whether or not, in its opinion, the judge concerned should be removed from office.*

(8) *The President must act in accordance with any recommendation of the Council of Priests, Parliament and Judicial Service Commission under this section.*

(9) *If the question of a judge's removal from office has been referred to a tribunal under this section, the Chief Justice must suspend the judge from office until the President, on the recommendation of the Council of Priests, Parliament and Judicial Service Commission, revokes the suspension or removes the judge from office.*

PART III

PROVISIONS APPLICABLE TO MEMBERS OF JUDICIARY GENERALLY

170 Security of tenure of members of judiciary

(2) *A member of the judiciary, other than a judge, must not be removed from office except by or with the approval of the Judicial Service Commission, for incompetence, misbehaviour or for mental or physical disability that incapacitates him or her from exercising the functions of a member of the judiciary.*

CHAPTER VIII ATTORNEY-GENERAL

(2) *The Attorney-General is appointed by the President after consultation with the Council of Priests, Parliament and Judicial Service Commission.*

175 Functions and powers of Attorney-General

(2) *By virtue of office, the Attorney-General is–*

(a) *a member of the Cabinet; and*

(b) *a member of both Houses of Parliament and must not be selected to any office, post or committee of either House.*

(5) (c) *Unnecessary and deleted.*

176 Independence of Attorney-General

In the exercise of his or her powers regarding criminal prosecutions, the Attorney-General is only subject to the direction or control of the Council of Priests, and he or she must be guided by the public interest, the interests, of the administration of justice and the need to prevent abuse of legal process.

178 Removal from office of Attorney-General

(1) *The Attorney-General may be removed from office by the President on the advice of the Council of Priests, Parliament and Judicial Service Commission, but only for incompetence*

or misbehaviour or for mental or physical disability that incapacitates the Attorney-General from exercising the functions of the office.

184 Permanent Secretaries

The Chief Secretary to the President and Cabinet, and Permanent Secretaries of Ministries, must be appointed by the President on the advice of the Public Service Commission from the best qualified Zimbabwean professionals and must work in liaison with the Minister and with same expectations, benchmarks and a contract. Failure to meet the agreed contractual expectations shall give the incumbent room for automatic resignation.

185 Ambassadors and other principal representatives of Zimbabwe abroad

- (1) The President may appoint persons to hold the office of ambassador or other principal representative of Zimbabwe in other countries or accredited to international organisations.*
- (2) The President shall choose candidates from Zimbabwean citizens who are best qualified professionals in that field.*
- (3) Successful candidates will be given contracts with benchmarks or expectations and a budget and failure to meet the agreed contractual expectations shall give the incumbent room for automatic resignation.*

188 Deployment of Defence Forces

- (1) With the authority of the President, who is in consultation with the Council of Priests, the Defence Forces may be deployed in Zimbabwe—*
 - (a), (b) and (c) Remain as is.*
- (2) With the authority of the President, in consultation with the Council of Priests, the Defence Forces may be deployed outside Zimbabwe—*
 - (a), (b), (c) and (d) Remain as is.*
- (3) A deployment of the Defence Forces outside Zimbabwe, otherwise than in peacekeeping operations or in fulfilment of multilateral international commitments, must be rescinded unless it is approved by the Council of Priests.*

CHAPTER XIII INDEPENDENT COMMISSIONS

PART I The Council of Priests

201 The Council of Priests

- (1) There is a Council of Priests consisting of—*
 - (a) a Chief Priest selected by the Council of Priests; and*
 - (b) eleven top priests of Zimbabwe.*
- (2), (3), (4) and (5) Irrelevant and deleted.*

202 Functions and powers of the Council of Priests

The Council of Priests have the following functions—

- (a) to call for, conduct and supervise—*
 - (i) selection of a candidate to the office of President efficiently, freely, fairly, transparently and in accordance with sections 11 and 147.*
 - (ii), and (iii) Irrelevant and deleted.*
- (b) to swear or affirm the successful candidate in (a) (i) to the office of President;*
- (c) to cause a President to step down, resign or dismiss in accordance with benchmarks set in the Constitution on the conduct of the President;*
- (d) to advise the President on any matter relevant according to the Constitution;*
- (e) to appoint or second priests to the various organs of the judiciary, the Supreme Court, High Court and other courts provided for in the Constitution;*
- (f) to give guidelines on administrations of all national shrines (maDzimbahwe);*
- (g) to give guidelines to the president on the declaration of holidays and national harmonised Chisingarimwi;*
- (h) to give guidelines and lead the business of national and seasonal offerings (mabira enyika);*

- (i) to give traditional chiefs and other priests guidelines on how to administer a full throttle African culture (Unhu/Ubuntu);*
- (j) to give guidelines to the judiciary on how to detect criminals and pass verdicts in courts in the shortest time;*
- (k) to give guidelines to the operations and practices of traditional medical practitioners; and*
- (l) to certify and give permit or to disqualify unsuitable traditional medical practitioners based on an ethical code of conduct as in who has made devices of witchcraft (goblins/tokoloshis/zvikwambo) for his clients or who has prepared a spell for his client against an innocent person or who has caused the death of an innocent person by administering a lightning bolt, medical concoction, poison or general unwarranted magic enchantment for his clients?; and*
- (m) to recommend the unsuitable or unethical traditional medical practitioners in (l) for indictment in the courts for witchcraft or murder.*

203 and 204 Irrelevant and deleted.

205 Remuneration, allowances and benefits of members of the Council of Priests

- (1) Individual members of the Council of Priests and any other priest draw no salary from the fiscus.*
- (2) Individual members of the Council of Priests and any other priest shall be sustained by a fund drawn from the Consolidated Revenue meant for each shrine (Dzimbahwe) in the provision of water, food, clothing design and manufacturing, fees for children and their transport, settlement of bride-price for any priest who intends to marry, accommodation and other day to day expenses of the priests to enable them to fully perform their duties.*
- (3) The state shall provide a stable of horses for use by priests at every shrine (Dzimbahwe) as transport medium.*

206, 207 and 208 Irrelevant and deleted.

PART II ZIMBABWE HUMAN RIGHTS COMMISSION

209 Establishment and composition of Zimbabwe Human Rights Commission

There is a Zimbabwe Human Rights Commission consisting of–

- (a) a chairperson, who has been qualified for at least five years to practise as a legal practitioner or a traditional leader and who is appointed by the President after consultation with the Judicial Service Commission and the Committee on Standing Rules and Orders;*
- and*

PART III ZIMBABWE ANTI-CORRUPTION COMMISSION

212 Establishment and composition of Zimbabwe Anti-Corruption Commission

- (1) There is a Zimbabwe Anti-Corruption Commission consisting of at least six and not more than nine members appointed by the President in consultation with the Committee on Standing Rules and Orders.*
- (2) (d) at least one must be a priest; and*
- (2) (e) at least one must be a traditional chief.*

213 Functions of Zimbabwe Anti-Corruption Commission

The Zimbabwe Anti-Corruption Commission has the following functionsñ

- (d) to detect corruption and general decadence in business using non-conventional detection systems to be advised by priests and traditional chiefs. [my stomach is swelling ladies and gentlemen, let me thus begin to tell the truth about my under dealings!]*
- (e) to recommend a serious corruption suspect/case for indictment in the court for treason or murder and not culpable homicide in corruption cases that cause death of people directly or indirectly.*

PART IV ZIMBABWE MEDIA COMMISSION

215 Establishment of Zimbabwe Media Commission

- (3) At least one member of the commission must be a traditional chief.*

216 Functions of Zimbabwe Media Commission

The Zimbabwe Media Commission has the following functions—

(f) to ensure that the language, application, content and graphical or pictorial presentations in the media conform to the guidelines of African culture or Unhu/Ubuntu in general. [no licensed media house would be allowed to impart teachings of nudity, sodomy, prostitution, fornication or adultery, foul language and any other to lovely African children in the name of media freedom.]

228 (2) *Irrelevant and deleted.*

232 (3) *Irrelevant and deleted.*

235 Auditor-General

(4) The Auditor-General shall be given a contract with expectations and benchmarks and failure to meet the terms of the contract will cause him/her to resign automatically from office.

CHAPTER XVI LOCAL GOVERNMENT PART I PRELIMINARY

242 Principles of local government

The following principles apply to the local government system of Zimbabwe

(a) local authorities must be selected from qualified professional Zimbabweans resident in those locations (urban) and traditional headsmen in rural locations;

PART II PROVINCIAL GOVERNMENT

244 Provinces

(2) (b) the boundaries of a province must not be altered.

247 Provincial Governors

(1) For each province there is a Provincial Governor appointed by the President from professional and competent Zimbabwean citizens.

(2) The office of Provincial Governor is a public office but does not form part of the Public Service.

(3) Deleted.

(5) An Act of Parliament must provide for the appointment of Provincial Governors who will be given a contract with expectations and benchmarks and failure to meet the conditions of the contract shall mean automatic resignation.

PART III LOCAL AUTHORITIES FOR URBAN AND RURAL AREAS

251 Appointments to local authorities

Appointment of members of local authorities must be held

(a) in rural local authorities, councillors shall be the traditional headsmen and women.

(b) in the case of urban councils, councillors shall be appointed from qualified Zimbabwean professionals resident in those areas.

CHAPTER XVII TRADITIONAL LEADERS

252, 253 and 254 Irrelevant and deleted.

CHAPTER XVIII GENERAL AND SUPPLEMENTARY PROVISIONS PART I GENERAL PROVISIONS AS TO COMMISSIONS

259 Functions and procedure of Commissions

(1) Any decision of a Commission requires consensus of members of the Commission.

265 Funding for political parties

To enhance the well-being, health and development of the people of Zimbabwe, all funding provided for political parties shall be used to empower the ordinary people in construction of dams, irrigations schemes and provision of zero interest small business loans or grants.

(a) and (b) Irrelevant and deleted.

270 Definitions

All terms in regard of political parties, elections, electoral commissions, referendums, elected offices and Council of Chiefs are null and void in respect of the amendments made in this draft constitution.

278 Resignations

(1) Anyone who is appointed or selected to an office established by this Constitution may resign from that office by written notice addressed to the person that appointed or selected the office-holder concerned, but in the case of—

(a) the President, the notice must be addressed to the Council of Priests;

(d) and (e) Irrelevant and deleted;

281 (3) deleted.

FIRST SCHEDULE (Sections 83, 88, 92, 107, 112 and 117) OATHS AND AFFIRMATIONS

PART I

OATH OR AFFIRMATION OF PRESIDENT

The nature, form and content of oath or affirmation of President shall be determined by the Council of Priests. [an oath or affirmation (mhiko) which if broken easily and without cause may kill the president, so those who cannot keep their oaths, it is better for them to abstain or keep a distance from the office of President]

PART III PREVENTIVE DETENTION

Basic rights of detainees

(5) (1) (b) (ii) Unnecessary and deleted.

Review of detainees' cases

(4) (a) Unnecessary and deleted.

THIRD SCHEDULE (Sections 82, 106, 111 and 1.46)

QUALIFICATIONS FOR SENATORS, MEMBERS OF NATIONAL ASSEMBLY

PART I

QUALIFICATIONS FOR SENATORS AND MEMBERS OF NATIONAL ASSEMBLY

Qualifications for appointment as Senator

1. (1) A person is qualified for appointment as a Senator referred to in section 106(1) (a) if he or she—

(a), (b), (2) (a) Irrelevant and deleted.

(b) holds the office of Chief and in accordance with section 106;

Qualifications for appointment as Member of National Assembly

2. A person is qualified for election as a Member of the National Assembly if he or she—

(a) holds the office of Chief and in accordance with section 111;

(b) Irrelevant and deleted.

Disqualification for election to Parliament

3. (1) and (2) Irrelevant and deleted.

PART II

QUALIFICATIONS AND DISQUALIFICATIONS OF VOTERS

Qualifications for registration as voter

4 (a), (b) and (c) Irrelevant and deleted.

Disqualifications for registration as voter

5 (1) and (2) Irrelevant and deleted.

Right of registered voters to vote

6 (a), (b) and (c) Irrelevant and deleted.

PART II PROCEDURE REGARDING BILLS

Disagreement between Houses

(3) When a Bill is referred to it under this paragraph, a joint sitting of the Senate and the National Assembly may pass the Bill by the consensus.