

Zimbabwe Constitutional Outreach Document:-

For Zimbabwean Constitution with an African Blueprint

Preamble

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 (whom democracy claims to represent, empower and uplift), a non-conventional approach to governance and democracy is now a critical requirement than ever before,

Acknowledging that priests (masvikiro/amadlozi), see where normal people cannot see and by giving them executive authority, Zimbabwe would never go wrong. Mbuya neHanda and Sekuru Kaguvi had foresight of the future when they chose to fight yet they knew that they were going to be defeated at that point, but if they had chosen to make peace and be subject to the north, none of us would have thought of the struggle for independence to this day. Sekuru Chaminuka, Mbuya neHanda and Sekuru Kaguvi had clear roles in pre-colonial Zimbabwe and could summon traditional chiefs for instruction.

Acknowledging that Zimbabwe, the land of our fathers is wholly African country which had a full African law and justice system before colonialism and several years after independence cannot be administered by laws foreign to Zimbabwe or Roman-Dutch law or laws of conquest but by laws inherent in African culture or Unhu (Tsika) / Ubuntu (Insika) and Zimbabweans or Africans in general are no under any obligation to be administered by laws of conquest or subjugation,

Acknowledging the supremacy and efficacy of African culture or Unhu (Tsika) / Ubuntu (Insika) 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 by enacting provisions of African culture in the constitution,

Recognizing that African culture or Unhu (Tsika) / Ubuntu (Insika) in general has accorded our fathers guiltlessness among all nations of the world in areas of but not limited to being not 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 (Tsika) / Ubuntu (Insika); African people must be seen enacting provisions of African culture to inspire other nations of the world,

Acknowledging that not only Zimbabwe but Africa as a whole seriously lacks a cultural, spiritual and linguistic identity and by making a constitution that fuses those three aspects together, the original African Spirit or Renaissance would return,

Acknowledging that the major motivation for crime prevalence is the belief by criminals that if they do their due diligence well, they will not get caught. African Culture can determine an occurrence of crime even where there is no witness or evidence and installing such provisions in the constitution would make Zimbabwe a crimeless state and it can be possible for a home owner in Mufakose or Luveve to go on a journey for a week and leave an

unguarded house which shall have its main door closed only as far as making sure no stray dogs, cats and fowls would go in,

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, 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 constituencies money and resources gained or saved; to construct dams, irrigation schemes, small business loans for ordinary people (the former voters) to start their own businesses,

Acknowledging that globalization should not be misconstrued as integration of all people of the world for the reason that the global village uses no African languages, keeps no African culture and there is no practice of African spirituality or simply put the global village is an English village eating other cultures and languages without the battles of colonization,

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.

FUNDAMENTAL CONSTITUTIONAL PRINCIPLES

Democratic principles

- (1) The State is based on Matonjeni Democratic principles [selection of best leader for the people by Masvikiro/Amadlozi] which empower all citizens and encourage their active participation up to the highest level of government.
- (2) Subject to this Constitution, all the people of Zimbabwe should have access to leadership positions up to the highest level of government.

NATIONAL OBJECTIVES

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 particular—
 - (a) measures including those of African Cultural origin must be taken to expose, combat and eradicate corruption and abuse of power by those holding leadership positions and other public offices.

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 solutions 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, replace 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 (former voters) to start their own businesses;
- (g) provide funding previously budgeted for Electoral Administration for the setting up of state factory/industrial shells for upcoming small companies and business persons to use to produce goods in each constituency;
- (h) set up a general marketing company to assess quality of merchandise produced by upcoming companies or business persons (former voters), which would buy the said merchandise and sell or market;
- (i) set up 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]

Food security

The State must–

- (a) encourage people to grow and store adequate food by giving special attention to certain crop and animal varieties that suit their agricultural region especially African grains:- millet, sorghum and rapoko among others;

Land Ownership

All land outside municipal jurisdiction that includes commercial farms, communal lands, national parks and other shall be state land and such land shall not be subject to trade between any parties local, foreign or government.

Cultural objectives

(1) The State must–

- (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 Council of Priests to select and swear-in or affirm the Head of State through Matonjeni Democracy and advise the Head of State;
- (f) provide funding in each fiscal year for the proper and full administration of all Zimbabwe Shrines (maDzimbahwe).
- (g) lobby at continental level (African Union) for the re-origination of the Bantu Language spoken by African founding fathers before they picked or dropped a syllable or so to form today's Bantu dialects as they adapted to different habitats. The re-originated language shall be taught to every African child and shall be the medium of communication in African business while individual tribes would speak their local Bantu dialect at home and other places. Business cannot be as usual in the language of conquest or subjugation.

Foreign policy objectives

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. [If our fathers had mortgaged our country and resources before we were born, we would be strangers in Zimbabwe].

Gender balance and fair representation of marginalised groups

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? The mother must remain gentle and compassionate for the reason that if we transform her into a warrior so that she does not fear spilling blood, so shall be the children born by her. And we cannot all be mothers because the woman was designed to nourish the child which is more important than going to war? Ko vana amai vakanofa kuhondo ikoko, rudzi rwose rwapera. There are roles that cannot be exchanged in life.]

Children

- (1) The State must adopt reasonable policies and measures, within the resources available to it, to ensure that children–
- (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?]

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.

Legal aid

The State shall be under no obligation to provide legal representation in civil and criminal cases for people who are unable to afford legal practitioners of their choice for the reason that a court decision would depend to a small extent on a credible witness and to a large extent on evidence and through a determination by a priest (svikiro/dlozi) seconded to a court by the Council of Priests when a suspect is unwilling to tell the truth. [African judicial system has no necessity for attorney or the commercial representative of a suspect.]

FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

PRELIMINARY

Interpretation of Fundamental Human Rights

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

INDIVIDUAL HUMAN RIGHTS AND FREEDOMS

Right to life

- (a) the person sentenced must have a right to appeal against sentence up to the final Court of Appeal wherein if the appeal fails has to face the penalty.
- (b) Death penalty shall remain in force to instil the fear of spilling blood in the citizens.

Right to personal liberty

Anyone who is arrested or detained–

- (a) must be permitted, without delay–
- (i) 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 evidence and through a determination by a priest (svikiro/dlozi) when a suspect is unwilling to tell the truth]

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.

Forbidding sodomy is not discrimination but is love and a sincere way to discourage extinction of the practitioners thereof. ["natural difference or condition" deleted for it may have sodomite connotations]

Freedom of assembly and association

Everyone has the right to freedom of assembly and association, which includes—
(a) the right to form or belong to any trade unions, civic organisations and other associations for the promotion or protection of their interests; [right to form or belong to any political party is irrelevant on the basis of Matonjeni Democracy which makes political parties irrelevant groupings and of no consequence]

Protection of law: fairness in criminal cases

(1) The right to a fair trial under the constitution includes the right—
(a) if the accused person is liable to be sentenced to death or to life imprisonment, to have a legal practitioner not 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) seconded to a court by the Council of Priests when a suspect is unwilling to tell the truth]

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 to—
(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 Matonjeni Democracy.
[VanaBantwana beDzimbahwe considers the right to vote not as a right but the burden to lift another person to office].
(2) Subject to this Constitution and subsection 1 (a), every adult Zimbabwean citizen has the right to—
(a) 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.

ENFORCEMENT OF FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

Jurisdiction of all courts in constitutional matters

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.

CITIZENSHIP

Zimbabwean citizenship [add the following]

(1) It is the duty of every Zimbabwean citizen—
(a) to preserve the sanctity of the country's shrines, heritage sites, culture and traditions.

EXECUTIVE AUTHORITY

Executive authority

The executive authority of Zimbabwe vests in the President and the Council of Priests (Masvikiro/Amadlozi). [Zimbabwe would never go wrong or astray by this provision]

THE PRESIDENT

Office of President

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

Qualifications and disqualifications for selection as President

- (1) A person qualifies for selection as President if he or she is—
 - (a) a citizen of Zimbabwe by birth or descent;
 - (b) 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.

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 under duties of Council of Priests.
- (2) The selection of a President must take place every five years or as and when the Council of Priests deem necessary.

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.

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) a longer or lesser period where a determination has been made by the Council of Priests.
 - (b) a limit of service shall not be required of office of president for the sake of changing leaders, true leaders do not come in quantities.

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 vacant—
 - (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;

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 may—
 - (a) impeach and remove the president from office for –
 - (i) serious misconduct

- (ii) failure to obey, uphold and defend the constitution or
- (iii) wilful violation of the constitution; or
- (b) remove the president from office on the ground that he or she is unable to exercise the functions of the office because of physical or mental incapacity.

Vacation of office, absence or incapacity of President

(1) 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 –

- (a) by the Council of Priests; or
- (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) to appoint or revoke the appointment of a Vice President; or
 - (d) 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.

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 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.

THE GOVERNMENT

Appointment of Ministers

(1) Ministers are appointed from among competent and qualified Zimbabwean citizens other than traditional chiefs and priests, by way of submitting an application, resume and conducting of public interviews and successful candidate is given a contract with expectations or benchmarks and a budget.

Tenure of office of Ministers or Automatic Dismissal or Resignation

- (1) The office of a Minister becomes vacant—
 - (a) if he/she fails the expectations or benchmarks of his employment contract, he/she is presumed resigned or fired automatically from office;
 - (b) if he/she is commits any crime while in office. [drunken driving, over-speeding, spouse abuse, public indecency, theft, corruption]

Minister's Automatic Resignation

Example a) Minister of Health

In the Contract of Employment for Minister of Health, the fundamental expectations would be;

- * Average time taken to attend to a patient at a hospital or clinic or emergency.
- * Child mortality
- * Rate of outbreak of Infectious Diseases
- * Average mortality of Infectious Diseases outbreaks
- * Rate of spread of Infectious diseases

Example b) Minister of Home Affairs

In the Contract of Employment for Minister of Home Affairs, the fundamental expectations would be;

- * Crime rate
- * Police response time to reported crime

An Autonomous Statistical Department would gather meticulously information on the above expectations nationally and the statistics would be displayed on public Electronic Boards. If Minister's contractual expectations by average, fall in two consecutive quarters from national benchmarks, the minister is assumed resigned or fired. The minister need not write a letter of resignation but may write a letter of apology to the President for incompetence, then handover government equipment and confidential information and retire home. Matonjeni Democracy will not pay anyone for incompetence.

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;
- (3) Cabinet meetings are presided over—
 - (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.
- (e) There is no provision for government vote of no confidence as ministers have different contracts with different expectations.

EXECUTIVE FUNCTIONS

Executive functions of President

- (1) The President has the powers conferred by this Constitution and by any Act of Parliament or other law, including any powers necessary to exercise the functions of Head of State and Head of Government, and those powers may be exercised by him directly or through the Vice-President, the Cabinet or a Minister.
- (2) Without limiting subsection (1) and subject to this Constitution, the President may act in his or her own deliberate judgement and has powers—
 - (a) to make appointments to public offices that this Constitution or any Act of Parliament requires or permits the President to make;
 - (b) to appoint, accredit, receive and recognise diplomatic agents and consular officers;
 - (c) 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;
 - (d) to appoint a Vice President and Ministers;
 - (e) to consult the Council of Priests on any national or international issue for guidance.
 - (f) to deploy the Defence Forces outside Zimbabwe in accordance with guidance from the Council of Priests;
 - (g) to appoint Provincial Governors from suitable and qualified Zimbabwean professionals;
- (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).

War and peace

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

Prerogative of mercy

- (a) No one has prerogative of mercy. A matter that is appealed to the last Court of Appeal in consultation with a priest or priests seconded by Council of Priests if failed should proceed as per judgement.

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) whether any advice or recommendation was tendered to the President, and whether the President acted on any such advice or recommendation;
 - (b) whether the President consulted anyone in connection with the function;
 - (c) the nature of any advice or recommendation that may have been tendered to the President;
 - (d) the manner in which the President has exercised his or her discretion.
- (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) the nature of any advice or recommendation tendered to the President; or
 - (b) the manner in which the President has exercised his or her discretion.

THE LEGISLATURE - PARLIAMENT

Legislative authority

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

THE SENATE

Composition of Senate

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

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

Selection of President / Deputy 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 and Deputy President of the Senate on five year rotational basis.
- (2) Before commencing his or her duties as such, the President and Deputy President of the Senate must take the oath or affirmation of office.

THE NATIONAL ASSEMBLY

Composition of National Assembly

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

Selection of Speaker and Deputy 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 and Deputy Speaker on a five year rotational basis.
- (2) Whenever there is a vacancy in the office of Speaker or Deputy Speaker, the National Assembly must without delay select a person to fill the vacancy.
- (3) A person is qualified for selection as Speaker or Deputy Speaker if he or she is a Member of the National Assembly.
- (4) Before commencing his or her duties as such, the Speaker or Deputy Speaker must take the oath or affirmation of office.

GENERAL MATTERS RELATING TO PARLIAMENT

Parliamentary Legal Committee

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

PROCEDURE IN PARLIAMENT

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

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; a wrong decision supported by uninformed majority must not win the day]

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.

LEGISLATIVE POWERS

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.

Presidential assent to Bills

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

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.

(2) 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.

Matonjeni Democracy

(1) Provides for selection of the President or Head of State.

(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 followed by aspiring candidates as part of selection process.

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

(6) Matonjeni Democracy would be run at no cost to the fiscus. See **note** 2, 3 & 4 on page 15 on Investment of Electoral Budget on the former voters in the constituencies to build irrigation schemes, factory shells and loans for ordinary people to start their businesses.

Fixing of boundaries of National Assembly and Senatorial constituencies

(1) National Assembly and Senate constituencies shall be traditional chieftainship boundaries.

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 salary expenses.

THE JUDICIARY
APPOINTMENT AND TENURE OF JUDGES

Qualifications of judges

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

(1) if he or she is a priest, traditional chief, magistrate or lawyer.

Appointment of judges or acting 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 or acting 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.

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,

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—

(a) one has served as a judge in Zimbabwe;

(b) one must be chosen from a panel of at least three legal practitioners of at least seven years' standing who have been nominated by the association, constituted under an Act of Parliament, which represents legal practitioners in Zimbabwe;

(c) one must be a priest;

(d) one must be a traditional chief;

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

(5) 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.

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

(7) 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.

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.

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.

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) in defence of Zimbabwe;
 - (b) in support of the Police Service in the maintenance of public order; or
 - (c) in support of the Police Service and other civilian authorities in the event of an emergency or disaster.
- (2) With the authority of the President, in consultation with the Council of Priests, the Defence Forces may be deployed outside Zimbabwe—
 - (a) on peace-keeping operations under the auspices of the United Nations Organisation, African Union, Southern African Development Community or any other international or regional organisation;
 - (b) to defend the territorial integrity of a foreign country;
 - (c) in fulfilment of an international commitment; or
 - (d) in defence of Zimbabwe's national security or national interests.
- (3) A deployment of the Defence Forces outside Zimbabwe, other than in peacekeeping operations or in fulfilment of multilateral international commitments, must be rescinded unless it is approved by the Council of Priests.

INDEPENDENT COMMISSIONS

The Council of Priests

The Council of Priests

- (1) There is a Council of Priests consisting of twelve priests of which—
 - (a) one must be a Chief Priest selected by the Council of Priests; and
 - (b) eleven top priests of Zimbabwe.

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 Matonjeni Democracy.
- (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 (Tsika) /Ubuntu Insika));
- (j) to give guidelines to the judiciary on how to detect criminals and pass verdicts in courts in the shortest time by picking criminals among a group of suspects or in the absence of suspects advising police where to pick a suspect to ensure that no innocent people are jailed or are made to languish for years on remand while also accounting for every crime;
- (k) to give guidelines to the operations and practices of traditional medical practitioners;
- (l) to regulate, 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. [ZINATHA cannot regulate itself].

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.

ZIMBABWE HUMAN RIGHTS COMMISSION

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

ZIMBABWE ANTI-CORRUPTION COMMISSION

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.

- (a) at least one must be a priest seconded by Council of Priests; and
- (b) at least one must be a traditional chief.

Functions of Zimbabwe Anti-Corruption Commission

The Zimbabwe Anti-Corruption Commission has the following functions–

- (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.

ZIMBABWE MEDIA COMMISSION

Establishment of Zimbabwe Media Commission

At least one member of the commission must be a traditional chief.

Functions of Zimbabwe Media Commission

The Zimbabwe Media Commission has the following functions–

(a) to ensure that the language, application, content and graphical or pictorial presentations in the media conform to the guidelines of African culture or Unhu (Tsika) /Ubuntu (Insika) 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.

Auditor-General

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.

LOCAL GOVERNMENT

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;

PROVINCIAL GOVERNMENT

Provincial Governors

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

(2) 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.

LOCAL AUTHORITIES FOR URBAN AND RURAL AREAS

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.

GENERAL PROVISIONS AS TO COMMISSIONS

Functions and procedure of Commissions

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

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 for the former voters to start their own businesses.

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]

Note 2 – Investing Electoral Budget on Constituency Development

- * Zimbabwe has had about 10 general elections since 1980 excluding council elections.
- * The cost of running a general election is about US\$ 75 million.
- * About US\$ 750 million was used to run elections since 1980.

If the US\$ 750 million had been used to uplift the people in the constituencies whom democracy in general claim to represent, uplift and protect, we would have the following infrastructures in the constituencies;

- * One hundred times ten hectare irrigation schemes (100 x 10 ha Irrigation schemes) for intensive market gardening/ farming with a borehole, security fencing and drip irrigation system installed on each 10 hectare Irrigation Scheme.
- * Twenty-five thousand (25,000) households or adults would be entitled to an irrigated area of four hundred square metres (400 sqm) for intensive agriculture (market gardening).
- * Two hundred times three hundred square metre serviced industrial stands in each constituency (200 x 300 sqm industrial stands)
- * Two hundred industrial shells / factories in each constituency for ordinary people to do their businesses.
- * If the above infrastructure was constructed as per above guidelines, there would still have remained US\$ 1.5 million (One and half million dollars) for ordinary people to access zero percent (0%) interest revolving business loans to start their businesses in each constituency.

Note 3 – Zimbabwe Marketing Corporation

A corporation to be called Zimbabwe Marketing would be registered to do the following;

- * Control quality of goods and farm produce of ordinary people.
- * Buy goods, market and sell within Zimbabwe, in the Region (Southern Africa) or in International Markets.
- * Recommend and coordinate production quotas and specify what products need to be produced by who among the ordinary people.

Note 4 – Elected Member of Parliament's Truck

- * The truck formerly allocated to the elected Member of Parliament would be the constituency delivery van for ordinary people's goods from constituency production points to Zimbabwe Marketing Corporation.

Presenter questions the voters;

“Who among you do not want to invest Electoral Budget in Irrigation Schemes, Industrial Shells, Loans for people to start their businesses in constituencies in place of writing an “X” once in five years on ballot paper? Simudzai maoko tione shavi renhamo”

“And so when you find anything short of these provisions in the Draft Constitution for the referendum, vote no – the campaign starts here and now.”

Mbuya neHanda naSekuru Kaguvi would not have imagined that after Independence, the children of Zimbabwe would maintain all the laws and traditions of colonialism.

Tinotenda / Siyabonga

VanaBantwana beDzimbahwe