

Conclusion

In conclusion the following are some highlights of the first three chapters of the Draft Constitution:

Chapters 1 – 2 : State key values such as rule of law to be respected and used to hold duty bearers to account; recognises 16 languages; places duty on the State to educate people about the Constitution; includes a list of objectives to direct and guide all agencies and state institutions; obligates the State to ensure all international conventions, treaties and agreements it joins become part of domestic law.

Chapter 3 on citizenship: Protects rights of abandoned children to citizenship; guarantees citizens' rights to documents; does not permit revocation of citizenship if one is to become stateless; preserves citizenship after dissolution of marriage; ensures people born in Zimbabwe whose parents migrated from SADC countries retain citizenship by birth; inconclusive on dual citizenship issue.

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UNDERSTANDING THE DRAFT CONSTITUTION

*A series of leaflets to inform you of the contents of the
Final Draft Constitution*

No. 2

Preamble, Founding Provisions, National Objectives and Citizenship [Chapters 1- 3]

Introduction

This leaflet looks at the first three chapters of the final draft Constitution. The Draft Constitution starts with a preamble, followed by the first two chapters on founding provisions and national objectives. Such information is, by and large, not provided for in the current Constitution. Chapter 3 is on citizenship.

Preamble

The preamble sets out the values, ideals or standards of the people of Zimbabwe, against which the rest of the provisions of the Constitution are framed. Among other things, the preamble recognises the supremacy of God; provides the historical basis of the Constitution by recalling the liberation struggle; celebrates Zimbabwe's natural resources, various cultures and democratic values such as equality, freedom, fairness, honesty and dignity of hard work.

Founding Provisions

Chapter 1 deals with 4 critical issues. Firstly, it puts the Constitution above every person, organ, agency or institution of the State. Secondly it provides the basic principles upon which Zimbabwe is founded as a nation, that is, supremacy of the Constitution and such values and principles as rule of law, fundamental human rights and freedoms, gender equality, good governance, free and fair elections, orderly transfer of power following elections.

Thirdly, it places duty on the State to educate people about the Constitution, teach it in schools and to all uniformed forces as part of their training. Fourthly, all indigenous languages of Zimbabwe are recognised as official while an Act of Parliament will prescribe languages of record from time to time. The Draft Constitution recognises 16 languages in total, including sign language.

National Objectives

Chapter 2 of the Draft Constitution spells out national objectives to direct and guide all institutions and agencies of State and Government as they exercise their powers, make laws and policy decisions. In general terms Government authority should be exercised with the aim being to establish and promote a just, free and democratic society in which people can enjoy prosperous, happy and fulfilled lives. The list of national objectives includes: good governance, national unity, peace and stability, fostering of fundamental human rights and freedoms, empowerment and employment creation, national development, food security, gender balance, culture and fair regional representation. The State has to ensure that all international conventions, treaties and agreements it joins become part of domestic law.

Citizenship

Citizenship refers to one's membership of a country, which a person gets because he/she (or his/her parents or grandparents) was born in the country, lived there or registered there. If one is not a citizen of a country it means he/she does not belong to a country and loses out on certain rights and privileges.

Acquisition of Zimbabwean Citizenship: Under the Draft Constitution and the current Constitution, Zimbabwean citizenship can be acquired by birth, descent and registration. A new aspect provided by the Draft Constitution is that a child found in Zimbabwe who appears to be under 15 years of age and whose parents or nationality are not known can be granted citizenship by birth.

Loss/Continuity of Citizenship: According to the Draft Constitution, citizenship is not lost after 'dissolution of marriage'. Revocation of citizenship is only possible if a person does not become stateless as a result. In addition, the Draft Constitution ensures people born in Zimbabwe whose parents migrated from SADC countries acquire citizenship by birth.

Rights and Benefits of Citizenship: The Draft Constitution stipulates the rights and benefits of Zimbabwean citizens in addition to any others granted to them by law. These are the right to a passport, travel documents, birth certificate and protection by the State wherever they may be. The current Constitution obligates the State to protect citizens wherever they are but does not mention the rights of citizen to the various documents.

Duties: The duties of Zimbabwean citizens are the same in the Draft and the current Constitution. Citizens must be loyal, respect the flag and anthem and defend Zimbabwe and its sovereignty.

Dual Citizenship: According to the Draft Constitution, dual citizenship can be prohibited or permitted by an Act of Parliament if citizenship is acquired by registration and descent. Currently the laws of Zimbabwe outright prohibit dual citizenship for Zimbabwean citizens above 18 years.

Citizenship and Immigration Board: Both the Draft Constitution and the current Constitution state that an Act of Parliament must provide for the establishment of a Citizenship and Immigration Board, appointed by the President, with power to grant or revoke citizenship by registration and other functions.