

NATIONAL SECURITY COUNCIL BILL, 2009

MEMORANDUM

Following upon the agreement (referred to in this Memorandum and Bill as the “Interparty Political Agreement”) between the Presidents of ZANU-PF and the two formations of the MDC, signed on the 15th September, 2008, this Bill seeks to establish the National Security Council on a statutory basis, and to allocate certain seats on the Council between the parties.

In more detail the Bill provides as follows:

Clause 1

This clause sets out the Bill’s short title.

Clause 2

This clause 2 defines terms that are used throughout the Bill.

Clause 3

This clause formally establishes the National Security Council, composed of the President as chairperson, the two Vice-Presidents, the Prime Minister, the two Deputy Prime Ministers, Ministers responsible for finance, the Defence Forces and the Police Force, and one Minister nominated by each of the three political parties who are signatories to the Interparty Political Agreement. In addition to these Cabinet members the Council includes other members such as the Commander of the Defence Forces, the Commanders of the Army and Air Force, Commissioner-General of Police and the Commissioner of Prisons.

Clause 4

This clause sets out the functions of the National Security Council. Broadly speaking, the Council will be responsible for reviewing national policies on security, defence, law and order and recommending or directing appropriate action.

Clause 5

The frequency with which the Council will meet and the procedure to be followed at its meetings are set out in this clause. Subclause (3) will empower the Council to appoint committees to assist it in exercising its functions.

Clause 6

Under this clause, vacancies on the Council or any committee of the Council will not invalidate its decisions.

Clause 7

This clause provides that this Bill, if enacted, overrides other enactments to the extent of any inconsistency with it.

Clause 8

This clause provides that the life of this Bill, if enacted, will be coterminous with the Interparty Political Agreement.

BILL

To provide for the establishment of the National Security Council provide for its functions and meetings; and to provide for matters connected therewith or incidental thereto.

ENACTED by the President and the Parliament of Zimbabwe.

1 Short title

This Act may be cited as the National Security Council Act, 2009.

2 Interpretation

In this Act—

“Council” means the National Security Council established by section 3;

“Interparty Political Agreement” means the agreement referred to in section 115 of the Constitution;

“security services” means—

- (a) every branch of the Defence Forces; and
- (b) the Police Force; and
- (c) the Prison Service; and
- (d) the Department of State for National Security.

3 Establishment and membership of Council

(1) There is hereby established a council to be known as the National consisting of the President as chairperson and—

- (a) the following members of the Cabinet—

- (i) the two Vice-Presidents; and
- (ii) the Prime Minister; and
- (iii) the two Deputy Prime Ministers; and
- (iv) the Ministers responsible for finance, the Defence Forces and the Police Force; and
- (v) one Minister nominated by each by each of the three political parties who are signatories to the Interparty Political Agreement;

and

(b) the following other members—

- (i) the Minister of State in the President's Office responsible for National Security; and
- (ii) the Chief Secretary to the President and Cabinet; and
- (iii) the Chief Secretary to the Prime Minister; and
- (iv) the Commander of the Defence Forces; and
- (v) the Commanders of the Army and Air Force; and
- (vi) the Commissioner-General of Police; and
- (vii) the Commissioner of Prisons; and
- (viii) the Director-General of the Department of State for National Security.

(2) If a person nominated to the Council in terms of section 3(1)(a)(v) ceases to be a Minister, the political party that nominated him or her shall, without delay, nominate another Minister to be a member of the Council.

4 Functions of Council

The Council shall be responsible for—

- (a) reviewing national policies on security, defence, law and order and recommending or directing appropriate action; and
- (b) reviewing national, regional and international security, political and defence developments and recommending or directing appropriate action; and
- (c) considering and approving proposals relating to the nation's strategic security and defence requirements; and
- (d) receiving and considering national security reports and giving general or specific directives to the security services;
- (e) ensuring that the operations of the security services comply with the Constitution and any other law; and
- (f) exercising any other function that the Cabinet may delegate to the Council;
- (g) generally keeping the nation in a state of preparedness to meet any threat or security.

5 Meetings, procedure and committees of Council

(1) The Council shall meet at such times and places as the President, in consultation with the Prime Minister, may direct:

Provided that the Council shall meet at least once in every calendar month.

(2) All decisions of the Council shall be made by consensus.

(3) For the better exercise of its functions, the Council may establish one or more committees and may vest in those committees such of its functions as it thinks fit:

Provided that the vesting of a function in a committee shall not divest the Council of that function.

(4) Where it has established a committee, the Council, subject to this section—

(a) shall appoint at least one member of the Council to be a member of the committee and shall designate that member or one of those members, as the case may be, to be chairperson of the committee:

(b) may appoint persons who are not members of the Council to be members of the committee.

(5) The Council shall regulate its own procedure and the procedure of any committee at meetings in any manner it deems fit.

6 Validity of decisions and acts of Council and committees

No order or direction given, or decision made or act done by or under the authority of the Council or any of its committees shall be invalid solely because there were one or more vacancies on the Council or committee when the order or direction given, or decision made or act done.

7 Inconsistency with other enactments

In the event of inconsistency between this Act and the Civil Protection Act [*Chapter 10:06*] or any other enactment then, unless the enactment concerned expressly excludes or modifies the provision of this Act sought to be applied—

(a) this Act shall prevail over the enactment concerned to the extent of the inconsistency; and

(b) the enactment concerned shall be construed with such modifications, qualifications, adaptations and exceptions as may be necessary to bring it into conformity with this Act.

8 Expiry of this Act

The Act shall cease to have effect on the date on which the Interparty Political Agreement terminates.