



WOZA MOYA



WOMEN OF ZIMBABWE ARISE (WOZA) February 2013

Write: Box FM 701, Famona, Bulawayo Visit our website: www.wozazimbabwe.org
Email: wozazimbabwe@yahoo.com or info@wozazimbabwe.org

WOZA means 'Come forward'. By women for women and with women, across race, colour, creed, class or political persuasion. Empowering women to be courageous, caring, committed and in communication with their communities.

Women of Zimbabwe Arise (WOZA) members are happy to hear that the final Draft Constitution was presented to parliament on 6th February 2013 after a long struggle. The Draft was approved by the Parliament after the Select Committee presented along with a full report on the constitution-making process. Members can begin to celebrate and defend the gender equality gains in the Draft as a paper victory. But Zimbabweans and WOZA members must study the draft carefully and start to list the desired amendments. The main amendment will be for a devolved system of government with adequate resources.

WOZA has selected a special theme to commemorate this moment in history as we celebrate Valentines' Day 2013. The theme chosen should send a message to Zimbabweans to unite for our country, so we took inspiration from the words of Bob Marley that he wrote in the song **Zimbabwe**.

*Every man gotta right to decide his own destiny. And in this judgment, there is no partiality
So arm in arms, with arms, we will fight this little struggle, we gonna fight, fight for our rights.
No more internal power struggle. We come together, to overcome the little trouble.
Mash it up in a Zimbabwe. Natty trash it in a Zimbabwe. I and I a liberate Zimbabwe
To divide and rule, Could only tear us apart. In everyman chest there beats a heart
So soon we'll find out who is the real revolutionaries. And I don't want my people to be tricked by
mercenaries. Every man got a right to decide his own destiny*

And so inspired by these words, as we march and sing this song on Valentine's Day we do so under the theme taken from another song by Marley - **ONE LOVE!**

WOZA await the formal presentation of the Draft to the nation for study. In the meanwhile WOZA is joining the call to the inclusive government to ensure that the referendum is credible and that the people be afforded a free and fair framework to exercise their choice.

WOZA members expect the following conditions in order to fully participate:

- The Draft be available as widely as possible in the major languages.
- An adequate period for the campaign to enable all voters to have time to read and understand the Draft Constitution before making their choice. A minimum of two months is required.
- Suspension of the provisions of POSA for anyone to meet and discuss freely without harassment or arrest.
- A consulted and effective civic education programme on the contents.
- The right to peaceful protest marches and public activities to advance our organisational positions.
- Voting by ID and numerous polling stations so that everyone can fully participate.
- Urgent revision of conditions for voter registration as many Zimbabweans cannot access the necessary documentation.

Background about the Draft Constitution

1. In 1979 Lancaster House Constitution was produced by negotiation of the patriotic front with the British, Smith, and Muzorewa. There was no consultation with the people.
2. 1987 Unity Accord Constitution created an executive president with excessive powers.
3. Late 1990's the National Constitutional Assembly led the demand for constitutional reform and a reduction of presidential powers.
4. The 1999 Constitution drafted with some consultation but the people rejected it in a referendum. They thought it still gave the president too many powers even though it had many positive clauses.
5. The reform process was stalled for 10 years until 2009. It was revived as part of the mediation process which created the inclusive government. The Parliament Select Committee (COPAC) was selected to lead the process. The outreach process was affected by widespread harassment and violence. Despite this some of the views expressed appear in the Draft.

6. As the Draft was being finalised, there were difficult issues and selfish agendas delayed their resolution. The final draft is a result of stiff negotiations behind closed doors and the deal is one that suits the principals and the political parties in the inclusive government. Therefore this draft may not survive the test of time because it was written for a current political climate and not for the future generations. A constitution is supposed to be written by the people because they have to dictate how they want to be governed; it is their role to give **the rules to the rulers!**

WOZA welcomes some aspects of the draft:

1. The security sector members, civil servants and traditional leaders should be non-partisan. Senior officials now have limited terms of office.
2. All local council members are elected and the minister cannot fire them.
3. The bill of rights is expanded to include socio economic rights; it includes a very strong language on women rights to equality and brings in children's rights.
4. The right to protest and the right to liberty are now specific rights.
5. The bill of rights cannot be amended without a referendum. This means it is safeguarded against too many amendments.

The challenges noted were:

1. Executive authority and the process of selecting a replacement President. There will be no by-election if the President can no longer work. According to the draft, a Presidential vacancy would be filled by a nominee of the departed President's party.
 2. Very little 'Devolution' was kept and the preamble still calls Zimbabwe a unitary state. The appointed provincial governors/resident ministers have been replaced by provincial chairpersons elected by provincial councils. These are very weak and they are composed of the same people who are in Parliament. At least the MPs of that region will have to work in the province as well as attend Parliament. This may cost the nation more sitting allowances.
- There is a National Prosecuting Authority separate from the Attorney General's Office and headed by a Prosecutor-General independent of the Attorney General. The clause states that the Attorney General in office will automatically become Prosecutor-General. So Mr. Tomana could be the first Prosecutor-General for the first 6 years
 - The size of parliament which was already too large for our small country; we cannot afford over 300 representatives.

But there are also serious concerns that there are still too many powers given to the president and executive. Here are the powers of the President, quoting Prof L Madhuku, NCA press statement:

- The President is head of state, head of government and commander in chief. (Sec 89).
- The president appoints Ministers and Deputy Ministers on his/her own without the approval of Parliament. (Sec 104). The Draft does not limit the number of Ministers and Deputy Ministers.
- The President alone constitutes the Cabinet. (sec105). The statement in the Draft Constitution saying the President exercises executive authority "through cabinet" has no value because the Cabinet is the President's baby. All Cabinet Ministers are hired and fired by the President at his/her pleasure.
- The President appoints all security chiefs (Army Commanders, Commissioner of Police, Director of CIO etc) with only one of his/her Ministers being consulted. (Chapter 11).
- The President has the final say over the appointment of all judges after the interviews have been conducted. (Sec 180). The President has power to refuse to appoint any of those recommended and order the Judicial Service Commission to start afresh.
- The President has the final say over the appointment of all Commissions. (Chapter 12).
- The President also has power to dissolve Parliament if it passes a vote of no confidence in his/her government. (Sec 109(4)).
- The President has unlimited immunity from criminal or civil charges while in office and can plead "good faith" after leaving. (Sec 98). The President has power to declare war (sec 111) and to declare a state of emergency. (Sec 113).

This Draft Constitution is not the ideal one for us. If Zimbabweans decide to vote for it in order to make progress, the struggle will have to continue to ensure that elected government is accountable to the people and promotes their interests.

***DANCE – like there's nobody watching. LOVE – like you'll never get hurt.
SING – like there's nobody listening. LIVE – like its heaven on earth.***