

PARLIAMENT OF ZIMBABWE

Wednesday, 17th June, 2026

The National Assembly met at a Quarter-past Two o'clock p.m.

PRAYERS

(THE HON. SPEAKER *in the Chair*)

SECOND READING

CONSTITUTION OF ZIMBABWE AMENDMENT (NO. 3) BILL

[H. B. 1, 2026]

First Order read: Adjourned debate on Second Reading of the Constitution of Zimbabwe Amendment (No. 3) Bill [H. B. 1, 2026].

Question again proposed.

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Good

afternoon Mr. Speaker. Firstly, let me just start by thanking the Hon.

Members for the debate that happened over the last two weeks. All

the Hon. Members who wanted to debate, I believe managed to

debate, and therefore, I will give my response to the debate.

Mr. Speaker Sir, I rise to reply to the Second Reading debate on the Constitution of Zimbabwe Amendment (No. 3) Bill, [H. B. 1,

2026] of 2026. Before doing so, I thank Hon. Members for their spirited and constructive engagement of the Bill. Over seven sitting days, Hon. Members from every province and both sides of the ISO rose to engage the Bill with the energy that does credit to Parliament. Whatever our differences, Mr. Speaker, the people of Zimbabwe have watched their representatives debate the supreme law of the land with seriousness, and that in itself vindicates the institution which this Bill proposes to trust as the forum for selecting the country's Head of State and Government – [HON. MEMBERS: *Hear, hear.*] -

Mr. Speaker, I am also grateful to the invaluable and technically grounded contributions that I got from colleagues in making this response. Let me share with the Honourable House, the shape of its own debate as it unfolded over a historic course of seven sittings. A record-breaking, Mr. Speaker, 182 Members made substantive contributions. Of these, 111 supported the Bill as a whole. A further 31 supported the Bill while raising reservations on specific provisions and 10 Members raised issues without taking a final position, and 30 opposed the Bill in its entirety.

All told, 139 of the 182, were positively disposed towards the Bill. Two in three Members of this entire Honourable House rose to debate this Bill. This compares very well with CAB1 and CAB2. At the Second Reading of CAB1 in 2017, 19 members rose on the record before the Honourable House; while CAB2 in 2021 had 18. This Bill, Mr. Speaker, by the parliamentary record itself, is the most debated constitution amendment in the country's constitutional history.

The provisions that attracted the most comment was the election of the President through Parliament; the distinction between the length of the term and the term limit; the future of the Gender Commission and the political status of traditional leaders. I will address each of them in its place. I turn first to the report of the Joint Committee presented by Hon. Zvobgo, the Chairperson. I thank him and every Member of the Committee for a report of genuine quality. The report is thorough, it is candid and it carries the voice of the people in numbers that deserve to be read into the record once more. The Committee received 540 037 submissions on this Bill. Of these, 537 102 were in support and 2 935 were against. The provincial public hearings drew 54 231 citizens through their doors. As I

mentioned a little while ago, no amendment has been interrogated by citizens in the recent history of constitutional history of this country. The Joint Committee did not count simply counted these voices. It weighed them clause by clause.

In the main, the Committee recommended the adoption of the Bill's provisions and, in respect of certain provisions, it recommended refinements. For example, the Electoral Commission retain the accreditation of observers, that the hierarchy of our two apex courts be better clarified, that the traditional leaders' provisions should not be adopted, that the leadership terms of the National Council of Chiefs be aligned to the new seven-year national electoral cycle and that the Gender Commission remains in place.

Mr. Speaker, the Government has studied each of these recommendations with the seriousness that they deserve and I will respond to each in the cluster to which it belongs, and more specifically during the Committee Stage. The report of the Joint Committee is compelling evidence of what consultation means, not a ritual to be performed and forgotten but a discipline that binds the framers of a Bill to listen to those who examine it.

Mark well what was not said. Members questioned the manner of the hearings but not one rose to say that the Committee's Report was false or its figures wrong. The very Members who challenge me left the central record untouched.. Their silence upon it is its endorsement and it is the full answer to those who cry from outside this Honourable House that the figures were cooked while saying nothing against them within it. For support that named no single clause but embraced the entire Bill, I thank you. I thank Hon.

Mangondo, Hon. Tavaziva, Hon. Mapfumo, Hon. Marange and Hon. Dzidzai Butau.

Mr. Speaker Sir, I now turn to the debate on the core amendments. I come to debate on the Bill's core amendments, which drew the heaviest debate, the election of the President through Parliament and the length of the national electoral cycle. I want to thank Hon. Matema for opening that debate with the reminder that this is not foreign terrain for Zimbabwe because Parliament elected the President and the then Prime Minister in this country before 1990. In the same vein, I thank Hon. Chiduwa for situating the Bill's reforms in the honest company of other nations that have amended

their constitutions far more often than we have. In particular, I thank Hon. Togarepi for the clearest statement of the distinction on which so much of this debate tends. I thank Hon. Mutodi for contrasting the histories of our deeply disputed Presidential elections with the quiet of our Parliamentary ones.

I thank Hon. Sibanda, who rose from the opposition benches to eloquently endorse the spirit of these reforms and the Hon. House noticed. On entrusting the election of the President to Parliament, I also thank Hon. Machangu, who cited Professor Madhuku's endorsement of Parliament as the Electoral College. I am also grateful to Hon. Mipasi, Hon. Jaravaza, Hon. Batitsa, Hon. M. Nkomo, Hon. Munemo and Hon. Murambiwa who spoke to the same purpose and for support that embraced the role of the Bill. I thank in particular Hon. Matangira, Hon. S. Dube, Hon. Zhanda, Hon. M. Ziyambi and Hon. Chikwinya. I thank you too for the same wholeheartedly endorsement of the Bill, Hon. J. Tshuma, Hon. Maunganidze, Hon. Maoneke, Hon. Mukungunugwa and Hon. Zemura.

Response on specific concerns. Mr. Speaker, before I address notable issues raised by some Hon. Members, let me say something

with all due respect about the manner of their concerns. Listening to some contributions, one would be forgiven for thinking Hon.

Members concerns were absent when I presented the Second Reading Speech or that they were unaware that the speech exists at all, printed in the *Hansard* for any Member who cared to read it. This is because they responded out of context and Hon. Members know that context is everything. The context of this Bill is historical and constitutional.

It is the mischief that the Bill seeks to remedy. I gave that mischief a name and a number in my Second Reading Speech. I outlined five afflictions that have gripped our public life since the introduction of direct Presidential elections in 1990; the perennially disputed Presidential contest with the political violence and lost investment that trail it; the policy paralysis of a nation trapped in permanent election mode. The corruption that instability feeds and that every cycle renews the politicisation of a public service that should be neutral professional and continuous. The polarisation of a society asked again to divide itself against itself.

Five afflictions, not one, not two, not three or four but five, interlocking and documented, that is the mischief. No one needed the

help of a lawyer or a rocket scientist to grasp it because I gave it in this Hon. House from this floor. Yet not one of the 30 Members who opposed this Bill in its entirety engaged all five afflictions. Most seized upon one, declared the Bill to be about nothing else and rejected the whole on the strength of that one part. Hon. Gumbo, to take an example, built his entire bombastic rejection of the Bill on elections and elections alone. As though I had stood on this floor and named dysfunctionally disputed elections as the only affliction bedeviling our country. The other four, he left standing exactly where I placed them, unanswered to this day.

HON. MOLOKELA-TSIYE: On a point of order Hon. Speaker! With all due respect to the Hon. Minister, when Hon. Members of Parliament debate a Bill of this importance, they are not doing so in an individual capacity. They are doing it not just as august Members of this House but as representatives of the people of Zimbabwe who do not have the privilege to attend an important assembly of this nature. So, to the extent that each one of us took time to participate in this debate, we are not doing it at a personal level. The language that the Hon. Minister is using is very unparliamentary.

A word like bombastic is totally unacceptable but to go personally, each Member of Parliament who objected to this Bill, to the extent that he is doing, is definitely unparliamentary and is disrespectful of his Hon. Colleagues. I request the Hon. Speaker to encourage the Hon. Minister to respond not to the people but to the issues that were raised against the Bill.

THE HON. SPEAKER: Order. Order! Before you come to that conclusion, you must check the *Hansard* as to whether or not the said Members did not state what the Hon. Minister said.

HON. Z. ZIYAMBI: Thank you Mr. Speaker. According to Hon. Gumbo, all that needs to be done is to observe the rule of law. With respect, Mr. Speaker, that is a simplistic view where it is demonstrated that there is a lacuna in the law or there is a structural mischief that enables bad behaviour in the body politic. It is imperative, Mr. Speaker, for Parliament to intervene. The important point that Hon. Gumbo and his associates miss is that it is the constitutional duty of this House to make the law. Some Hon. Members came to debate, if I may so kindly, Mr. Speaker, with preconceived ideas. A preconceived idea is a speech written before

the other side has spoken. The irony should not escape the Hon. House. The very Members who ignored four of the five afflictions now present themselves as the guardians against polarisation and corruption.

The very afflictions this Bill, precisely exists to remedy, Mr. Speaker, weigh what it means to reject this Bill in its entirety. Among its provisions is one that does no more than delete a single word, a previous amendment left behind when it abolished the Office of the First Vice-President, and one that ends a commission, the Constitution itself had already time-limited as I shall come to shortly.

The Zimbabwe Council of Churches (ZCC), the Zimbabwe Heads of Christian Denominations (ZHOCD), and the Zimbabwe Catholic Bishops' Conference (ZCBC) rejected this Bill wholesale in their written submissions to Parliament and the Hon. Engineer Mhangwa, on this floor took up that cry as his own. To reject a Bill in its entirety when it includes clauses that merely complete what the Constitution and a previous amendment had already settled is not to defend. “This is not pedantry;, it is the tell”. Such a rejection was

never about the Constitution at all. It was just a mere rejection, never about what we are doing here.

Let me dwell a moment on Hon. Ngadziore, whose contribution illustrates a trait that marred too many of the rejections we had during the debate. He told the Hon. House emphatically that South Africa cannot be our comparator because it elects its Parliament by proportional representation while Zimbabwe, in his own words, is a first-past-the-post system. He was so certain, Mr. Speaker, about this that at one point he rose on a point of order and demanded that a colleague withdraws. The record does not need correcting, but not as he supposed. Zimbabwe does not have a first-past-the-post system. It has a hybrid system in which constituency seats are filled by the first-past-the-post while a substantial body of seats are filled by proportional representation. The proof required no textbook - it was standing in the Chamber.

The Hon. Member himself sits in this Hon. House by virtue of the very proportional representation, he told us this country does not use. He rose to correct another on the effect his own seat disproves. He was not alone. Member after Member rose to perform against this

Bill rather than engage it, purporting to be certain of things that are clearly not so, and pretending to correct colleagues who were in fact right. How a Parliament is filled does not change what a Parliament does. That was the simple matter before us, missed most loudly by those most eager to pontificate.

Mr. Speaker, Hon. Hlatywayo made the same error and the same answer missed it. The question before us is not how a Parliament is constituted.

HON. G. K. HLATYWAYO: On a point of clarity!

THE HON. SPEAKER: What clarification are you seeking Hon. Member?

HON. G. K. HLATYWAYO: Yes, I seek clarification. He has referred to my name, but he has not favoured me with an explanation in terms of what I did that was wrong. Can you please favour me with that explanation so that I can adequately respond?

THE HON. SPEAKER: Thank you very much Hon. Member. Do you have the *Hansard* with you there?

HON. G. K. HLATYWAYO: I do not have the *Hansard*, but I remember fully well what I said Mr. Speaker.

THE HON. SPEAKER: Speak to the record of the *Hansard*, and then if the Hon. Minister is misquoting, then that shall be corrected.

HON. G. K. HLATYWAYO: He is actually misquoting. He is misquoting me; I know what I said.

THE HON. SPEAKER: You do not have the *Hansard* there. You admitted. Please sit down.

HON. G. K. HLATYWAYO: But I know what I said.

THE HON. SPEAKER: Can you sit down!

HON. Z. ZIYAMBI: Thank you Mr. Speaker, the question before us.

THE HON. SPEAKER: Can we have order, Hon. Members on my right.

HON. Z. ZIYAMBI: Thank you Mr. Speaker. The question before us is not how a Parliament is constituted. It is what a Parliament does. In South Africa, however, if Members arrive in the Chamber, those Members elect the President. In Botswana, Mr. Speaker, which uses the First Past the post system, the Presidency goes to the leader of the party that wins a majority of the directly

elected National Assembly seats, and that system recently delivered a peaceful transfer of power. That is precisely the family of mechanisms this Bill proposes to join. How nations build or choose their legislatures differs the world over. Ours, as Hon. Members know, is a hybrid of constituency seats and proportional seats and every one of those seats is filled by the vote of the people. The function is the point and the function is identical and since the comparative question has been put, let the Hon. House have the full comparative picture.

Of the states around the world, 56 elect their head of the executive directly and 53 elect the same indirectly through their parliaments. Some Hon. Members opposite would have us believe the majority settles the argument but examine the majority. It consists, overwhelmingly, of former military regimes, former one-party states and systems in transition from authoritarian rule, where the strongman's ballot was the favoured instrument of legitimacy.

Now examine the 53. They include the most stable, most prosperous and most enduring parliamentary democracies on earth and they include the majority of the Commonwealth of Nations, 34 of

its 56 members. Hon. Butau pressed the point in plain terms, that the second-largest economy on earth is governed through its national institutions, not in spite of them and let the Hon. House note who keeps this company.

South Africa sits among them, a nation whose freedom was won through one of the most protracted liberation struggles of our continent. Angola whose liberation war was among the longest and deadliest in Africa, sits among them. These nations did not come by the people's voices cheaply; they bled for it. Yet their liberation movements, in Government, entrust the election of the president to the people's representatives in Parliament. Zimbabwe sat in this company before 1987.

So, Mr. Speaker Sir, this Bill does not march Zimbabwe out of the democratic mainstream. It walks it out of a club whose membership was built by dictatorships in transition and back into the company of fellow liberation states and enduring parliamentary democracies whose stability we have every reason not just to envy but to join.

Hon. Makumire invoked those who died for the principle of one man, one vote and he named names that this Hon. House receives with respect. Let me say this plainly: nothing and I repeat, nothing in this Bill touches the right of every adult Zimbabwean to vote, nothing. Not one citizen loses a ballot.

Every adult Zimbabwean will continue to register, to queue and to vote in every polling station, ward, constituency and every province, in every general election. Every seat in Parliament is filled by the people and the President this Bill contemplates would hold office by the mandate of the people, expressed through every constituency and every province at once, carried by the representatives the people themselves chose.

The people who elect the electors produce a representative outcome that ensures peace, stability, unity and development. Hon. Mazhindu pressed the same concern in another form, urging that to have the Hon. House elect the President would diminish an Office whose legitimacy springs from the millions. The millions remain and it is theym who elect the electors;

an office filled by the people's own chosen representatives is not a diminished Office but a constituted one and let history complete the answer. The settlement our liberation struggle delivered in 1980 had Parliament electing the Head of State while the Head of Government was the leader of the political party that commanded the majority in Parliament.

The Executive Presidency arrived only in 1987, in anticipation of a legislated one-party state that never came. So, I am happy if the Hon. Members want us to introduce a one-party state; we would gladly accept ZANU PF, Zimbabwe, one-party state. Therefore, when an Hon. Member invokes our fallen heroes, let him invoke them accurately: the system this Bill proposes is the one the founding leaders of the liberation movement itself wrote at independence. That is not the betrayal of one man, one vote. It is its operation, restored to its founding form.

Mr. Speaker, Hon. James and Hon. Kuka pressed the same sovereignty argument and the answer is the same. Hon. James told us it is fundamentally undemocratic to expect Members of Parliament to decide a question of this weight. He made that argument as a Member

of Parliament, standing in this Parliament and he will cast his vote on this very Bill, expecting it to count.

A member who argues that this Hon. House cannot be trusted with great questions should tell us what he believes his own seat. Mr. Speaker, what he believes his own seat is, therefore, sovereignty resides in the people and the people exercise it both directly and through their elected representatives.

Hon. Mhuri reminded the Hon. House of the text itself: the legislative authority of Zimbabwe derives from the people and it is vested in their Parliament. We do not say a mayor lacks legitimacy because councillors elect him; Hon. Kuka's own council elects its mayor in precisely the same way. We do not say a Speaker lacks authority of the people because this Hon. House elects him or that the Chief Justice lacks the judicial authority of the people because the President appoints him. Representative election or even delegated appointment is not the dilution of the popular will. It is its constitutional form.

Hon. Makuvire, Hon. Njanji and Hon. Mujeyi spoke to the same truth, that the people's authority is exercised through the very House

they elect. Hon. Mushoriwa told the Hon. House that the 2013 Constitution was endorsed by 94.5% of those who voted and that this Bill dishonours that mandate. That is clearly a political statement, nothing more. Meanwhile, I invite him to read what those millions endorsed. They endorsed a Constitution that contains within its form, four corners; the procedure for its amendment in Section 328.

The people did not vote for a frozen document. They voted for a living Constitution and they wrote the key to its renewal into the document itself. To use the procedure which the people ratified is not to dishonour their mandate. It is to obey it faithfully.

Not every member who rose in doubt did so without engaging the Bill. Hon. Nyathi engaged it in good faith, raising conditions rather than rejecting and accepting the principle that Parliament may elect the President. That is the manner of debate this august House should honour and I thank him.

Mr. Speaker Sir, Hon. Mamombe placed her constituency opposition before the Honourable House and I would meet her arguments with respect were they arguments about the Bill, but hear what she asked the Honourable House to weigh. She told us that the

campaigns around the Bill, the advertisements on radio and television, the jingles and the songs were centred on an individual and on that, she predicated her rejection of the Bill in its entirety.

Mr. Speaker, I have read this Bill many times and I am sure many Hon. Members have done likewise. There is no clause in the Bill about a jingle, no provision about a radio advert and no section about a song. nor does any of this appear in the Second Reading speech I delivered from this floor, printed, Mr. Speaker, in the *Hansard* and available to every Member who cared to read it.

To conflate a tune on the radio with the supreme law of the land is to debate everything except the Bill before us, this is what disappoints. The text of this Bill is published. The speech that explains it, mischief by mischief and provision by provision, sits in the *Hansard*.

A Member who wished to oppose this Bill...

HON. MAMOMBE: On a point of order Mr. Speaker.

THE HON. SPEAKER: What is the point of order?

HON. MAMOMBE: With all due respect, Mr. Speaker, you said that we should refer to the *Hansard*. I debated almost every

clause of this Bill. I think it is really unfair and unfortunate that the Hon. Minister then picks an example that I made where the jingles that are being played on television and also on radio are just propelling an individual, but not actually getting into the merits of each and everything that I debated on the particular day.

I think he needs to get into the merit of my debate. I debated clause by clause and for him to then just pick those elements, I think it is unfair and also very unfortunate Mr. Speaker.

THE HON. SPEAKER: Did you refer to the jingles in your speech?

HON. MAMOMBE: As an example, but not anchoring the debate.

THE HON. SPEAKER: No, no, just answer me a straightforward question. Did you refer to the jingles in your speech?

HON. MAMOMBE: Yes, I did and the jingles are there.

THE HON. SPEAKER: Thank you, the Hon. Minister is referring to the same jingles that you spoke about – [HON.

MEMBERS: *Hear, hear.*] -

HON. MADZIVANYIKA: On a point of order Mr. Speaker?

On a point of privilege Mr. Speaker?

THE HON. SPEAKER: On a point of order?

HON. MADZIVANYIKA: Yes.

THE HON. SPEAKER: I want a point of order, not privilege.

HON. MADZIVANYIKA: Okay, thank you.

THE HON. SPEAKER: Are you raising a point of order?

HON. MADZIVANYIKA: Yes, a point of order.

THE HON. SPEAKER: What is the point of order?

* **HON. MADZIVANYIKA:** Thank you Mr. Speaker. As these people were debating from our side, the President was compared to a soccer player by the name Mbappe and then he is coming to speak of the jingles.

THE HON. SPEAKER: The Minister of Justice has not finished his presentation. Hon. Minister, please proceed.

HON. Z. ZIYAMBI: Thank you Mr. Speaker Sir. I was saying a Member who wished to oppose this Bill on its merits had every word he or she needed before them. Some came to this floor, headless of both the text and the speech and offered the Honourable House the

jingles they say they had heard on the airwaves in the place of argument.

The Honourable House, Mr. Speaker, deserves better and so do more than half a million citizens who took the trouble to read the Bill and tell us what they thought of it. Hon. Karenyi told the Honourable House that this Bill creates no job, lowers no price of mealie meal, builds no school and mends no hospital and on that ground, she asked whose problem it solves.

Hon. Sithole pressed the same charge in his own words, asking what national crisis requires this reform. They spoke for the people of Chikanga and of Chitungwiza North with the feeling and the hardships they named are real and weigh on this Government daily. The argument, Mr. Speaker, they share rests on a category error and it goes to the very nature of the document the Bill is amending.

Mr. Speaker, Constitution is not a grocery list – [HON. MEMBERS: *Hear, hear.*] - and was never meant to be one. Hon. Karenyi told us as much herself that the price of oil has risen because of a war in Iran and fertiliser because of another war in Ukraine. No Constitution written in Harare Mr. Speaker, moves those prices and

no amendment drafted in this Honourable House ever could. To expect otherwise is to misconceive what a Constitution is for. It comes before jobs and hospitals as the edifice within which that work is done, setting how power is held, how it is limited and how it passes from one hand to hand in peace. To fault it Mr. Speaker, for not lowering the price of bread, is to confound the foundation with the roof and so their question recoils upon them. They ask whose problem this Bill solves and what crisis it demands.

It solves the problem of a nation that cannot build because it is forever locked in a toxic election mode, the disputed power and instability that frighten away the very investment from which jobs are created. The meal they speak of is milled in factories and that needs a stable and a united country to run.

This Bill does not put bread on the table with its own hands. It builds peace and continuity in which the baker can. That is the proper work of a Constitution which this Bill is about.

Mr. Speaker, there were others who also rose to reject the Bill in its entirety. Among them Hon. Zvaipa, Hon. Mureri, Hon. Chikombo, Hon. Chimbaira, Hon. Mavhunga and Hon. Hamauswa. I have

weighed their contributions with the rest and the answer I have given to the five afflictions answers them too.

The loudest of those who would reject this Bill was Hon. Matewu, who called the election of the President through Parliament as an assault on the sovereignty of the citizen, a snatching of the ballot from the people's hands. I have answered that already. No citizen loses a ballot and the people elect the very Members who would elect the President. This practice proposed in the Bill is not my invention. It is an international standard across constitutional democracies.

Mark the iron Mr. Speaker, a Member who rose to defend democratic participation could not abide by the most basic principle of participation on this floor. The ten equal minutes each Member is allowed, he disputed the clock, refused his seat and in the end, argued himself out of the Honourable House. A man who cannot keep his place on this floor is poorly placed to lecture it on the will of the people – [HON. MEMBES: *Hear, hear.*] -

Mr. Speaker, Hon. Eng. Mhangwa made what is arguably the most engaging case against the long term, highlighting that projects

vary in length, that no fixed extension matches them all and that the true obstacles to delivery are funding and execution rather than the calendar. I thank him for arguing the substance and I answer the substance to show him the fundamental point he misses. The case of a seven-year electoral cycle has never been that a road takes exactly seven years to build. I am sure Hon. Mhona will attest to that. It is that the present cycle devours the time in which anything is built. The first year after an election, is consumed by transition and too often by the vexatious litigation. The final two years are consumed by campaigning and worse, by the fiscal indiscipline that campaigning invites. The Hon. Member is right that funding and execution matter. That is precisely the fundamental point. Funding and execution are the first casualties of perpetual election seasons.

On the case for the longer national electoral cycle, I am indebted to many. Hon. Kaitaino set our open cycle against the term-limited offices of other nations. Hon. Dhanzi gave the seven-year horizon as the framing of a faith- community. Hon. Mapiki put the cost of our permanent campaigning in plain figures. Hon. Gwabeni, Hon. Muringazuva and Hon. Mudowo made the case based on the

fundamentals of planning, continuity, and the stability that the young deserve. Hon. Mashavave set our open cycle beside the long-cycle democracies of Europe. Hon. Matinyanya brought words that Mbare had asked for the two additional years by name. Hon. Chiwa and Hon. Mandiwanzira praised the case for continuity.

Hon. Shireyedenga, for a Constitution that is allowed to evolve with its people, the seven-year cycle does not promise that projects will fit a template. It promises the Government a sustained stretch of governing. It promises the taxpayer relief from the most expensive habit in our public life, which is the permanent election mode.

Mr. Speaker Sir, I also thank Hon. Maburutse, Hon. Marikano, Hon. Murechu and Hon. Nyevera, who pressed the same case. Hon. Makumbe and Hon. Matiza carried it from their constituencies for their unqualified support.

I also thank Hon. Kanupula, Hon. Tasikani, Hon. Mundungehama, Hon. Musiyiwa and Hon. Murwira for their support of this Bill. Many thanks also go to Hon. S. Nyoni, Hon. Zevezai, Hon. Raradza, Hon. Mudekunya and Hon. Timburwa. Mr. Speaker

Sir, Hon. Chigumbu attributed to me the claim that longer-term fuels electoral violence. I said no such thing and I corrected the record when it was made.

I invited the Hon. Member to debate the speech I delivered, rather than the one he had already written his reply to, in advance of the Second Reading speech. What I have said and what the submissions of half a million citizens confirm is that our presidential elections have repeatedly brought tension and perennial dispute that our parliamentary and local Government elections have not.

This Bill responds to that lived national experience in the national interest. On the length of the term, Hon. Madzivanyika built his case on the wrong proposition that the provision fixing the duration of the term is itself a term-limit provision, and he misquoted the constitutional court's binding decision in the landmark Mpungu case, in purported support of his incorrect position. I corrected this on the floor, and I now place the correction on the record. The passage that the Hon. Member quoted was an observation or an illustration made by the court in passing. It is called *obiter dictum*. It was not the holding of the court or its racial dissent, and this House should

examine the very passage he relies upon. In it, the court listed, by way of illustration, ten provisions of the Constitution as examples of term limits.

Nine of the ten share the defining feature of every true term limit or provision on tenure, namely an express cap or limit on how long a person may serve, a term non-renewable or renewable once only, or limited to a stated maximum. Then 10, Section 95 (2), the provision that merely fixes the duration of the presidential term carries no such cap and shares none of those defining elements. Its inclusion in that illustrative list was clearly a benign oversight, and nothing turns on it. The list was an aside, not the holding of the two-term rule where the presidential term limit actually lives, and which should have been included in the list of examples given by the court, Section 91 (2), which is untouched by this Bill. What our Constitution does, and the House should...

THE HON. SPEAKER: Order! The Hon. Member who is standing there, can you take your seat. The Hon. Minister, may you please continue.

HON. Z. ZIYAMBI: Thank you Mr. Speaker Sir. What our Constitution does, and the Hon. House should hear this with care, is keep two distinct promises in two distinct provisions. One provision fixes how long a term runs. Another provision, untouched by this Bill, says no person may hold the Office of the President for more than two terms. Think of a doctor's prescription, one line fixes the size of the dose, another line says no more than two doses. The doctor may raise the dose from five millilitres to seven, and the second line still reads exactly as it did.

No patient in history has read a larger dose as a licence to take a third. So, it is with this Bill. It lengthens the term from five to seven years. It does not amend by a single word. The rule that limits every occupant to two terms, the cap stands. The proof that Parliament's power over the cycle runs in both directions sits in Parliament's own record. In 2007, Parliament amended the Constitution to shorten its own life by two years to harmonise our elections. Every Member present voted for it, the Opposition included and no one asked for a referendum. The power that shortened the cycle then is the power that lengthens it now. –[HON. MEMBEFRS: *Hear, hear.*] – Hon. Gumbo

and Hon. Muwodzeri argued that the serving provisions of the Constitution bar a sitting incumbent from any benefit. Those provisions speak to term limit provisions and for the reasons I have given, the length of the term is not a limit on the person.

Hon. Madzivanyika went further and told this House that a referendum is required. He is wrong because that demand was made by several Members. I will answer it comprehensively before I conclude. Mr. Speaker Sir, a word about constitutional arguments themselves, for several Members who are lawyers, rose in effect to purportedly deliver the rulings on the constitutionality of the Bill. Section 152 (3) of the Constitution could not be cleaner. The Parliamentary Legal Committee must examine every Bill, other than a Constitutional Bill, to determine whether its provisions, if enacted, would contravene the Constitution. So, the Constitution deliberately withholds, even from Parliament's own Legal Committee, the power to sit in judgment on a constitutional appeal. Why, Mr. Speaker? It is because when Parliament amends the supreme law of the land, Parliament is not subordinate to the existing text.

Parliament, by special majority and special procedure, is the framer of the Constitution itself, appointed for the purpose. Yet, some Members rose in this debate as one-member law firms, claiming for themselves a jurisdiction the Constitution denies to the very technical Committee of Parliament created for that task. Members are, of course, entitled to their opinions but the judgment the Constitution asks for is the judgment of this Honourable House, voting by the majority the Constitution prescribes.

Mr. Speaker, I now turn to the debate on the clauses dealing with the electoral ecosystem. I want to thank Hon. Makombe, Hon. Pinduka, Hon. Mureyani, Hon. Masvisvi, Hon. Ndou, Hon. Mutokonyi and Hon. Ziyambi, as well as Hon. Rungave; Hon. T. Hungwe, who spoke to the practical sense of these reforms. To Hon. Muwodzeri and Hon. Gumbo, who described the transfer of voter registration to the Registrar General as executive capture, I say this, the Registrar General already holds the master record of every birth, every identity document and every death in this Republic. The Minister of Home Affairs who is an expert in I.T and is in charge of that will testify. The duplication of that record by a second institution

is precisely what has haunted our Voters' Roll with the names of the deceased. Consolidating registration where the Civil Registry leaves while the Electoral Commission retains the conduct and supervision of every election and referendum is not capture. It is coherence.

Hon. V. Moyo gave the Hon. House the lived proof from Hwange West, where the electoral body is seen only as an electioneer while the Registrar's Office saves the year-round. Hon. Nkala and Hon. Priscilla Moyo supported the same consolidation. To Hon. Hlatywayo who warned of gerrymandering, I point out that the Bill entrenches a dedicated constitutional delimitation authority precisely so that boundary drawing is the full-time discipline of a constitutional body rather than the part-time burden of an overloaded electoral body without the requisite expertise. The Joint Committee's recommendation that ZEC retain the accreditation of observers will receive serious consideration when the Hon. House examines the Bill clause by clause. On these same reforms, I also want to thank Hon. Chokururama, Hon. Chinodakufa and Hon. Kashambe, Hon. Jonga, Hon. Chitimbe and Hon. Ziki, who supported consolidating

registration where the Civil Registry lives and entrenching a dedicated delimitation authority.

I record my gratitude as well to Hon. O. Bvute, Hon. Muwombi, Hon. Nyakuyedzwa, Hon. R. Mpofu and Hon. Chari who supported this Bill in its entirety. Mr. Speaker Sir, the Hon. House should not forget who first moved this very transfer. It was Hon. Hwende at the Committee stage of the Electoral Amendment Bill in the last Parliament and he was strongly supported and he still sits among us. I place that on record in my Second Reading Speech.

THE HON. SPEAKER: Order, Hon. Mandiwanzira, can you find a seat please. Thank you.

HON. Z. ZIYAMBI: Thank you Mr. Speaker Sir. I was saying that the Hon. House should not forget who first moved it, Hon. Hwende, who sits among us. I indicated that I placed that on record in my Second Reading Speech and not one Member has reason to deny it. Yesterday, some Members, including Hon. Kore, sought to revise the record by claiming that the 2023 proposal by Hon. Hwende, supported by Mr. Biti and Mr. Markham in the 9th Parliament, was only for the automatic registration by the Registrar General of Voters

who attained the place of majority, with ZEC retaining the custody of the voters. The simple point, Mr. Speaker Sir, is that the Registrar General cannot register any single voter without the constitutional power or function to register voters. It would be irrational to empower two public bodies with the same function of registering voters. Hon. Hwende, Mr. Biti and Mr. Markham supported by...

HON. SHIRIYEDENGA: On a point of order. Mr. Speaker Sir, apparently in my submission yesterday, I did make reference to what the Minister is talking about. I did go back to the *Hansard* of 18th of May 2023 which the Minister is referring to. So actually, my belief which I did speak about yesterday, is that the Minister actually took part of what Hon. Hwende and others had recommended and left a significant portion of their recommendation. In the sense that Hon. Hwende, Markham and Biti did recommend automatic voter registration, which, according to this *Hansard*, the Minister agreed to it. However, the difference now was with respect to the Voters' Roll. Now the voter registration...

THE HON. SPEAKER: Order! Order! That information should have been tendered yesterday. [HON. SHIRIYEDENGA: *I*

talked about it yesterday in my submission]- No, I said the *Hansard* record. Not talking about it, but the *Hansard* record. – [HON.

SHIRIYEDENGA: *It is there in yesterday's Hansard.*]- Thank you.

HON. Z. ZIYAMBI: Mr. Speaker, that is exactly the point that I am referring to, that you cannot have two bodies doing the same function. One purportedly only does automatic registration and the other does non-automatic. You cannot do that. Hence, I am supporting what was proposed that the Registrar General should do and this is the argument that I am placing on record here. I am indicating that the proposal that was supported by the 9th Parliament is the proposal that I am supporting. That proposal cannot become capture now because the Government has taken it up and now it is being labelled a capture of the Voters' Roll. I rest my case on that Mr. Speaker.

Then, I turn to the debate on the judicial alignment. Mr. Speaker, on judicial alignment, the debate was lighter and the Hon. House will draw its own conclusions from which provision of the loudest criticism of this Bill chose not to engage. I thank Hon. Masvingise for a constructive contribution on the relationship

between our two apex courts which arrives at the very clarification the Joint Committee recommended.

Let me also correct one persistent confusion, Mr. Speaker Sir. The expansion of the apex court's jurisdiction is a question of what the court may hear. It is not a question of how judges are appointed. Those are distinct provisions and distinct debates. On appointments, the Judicial Service Commission remains in the mix. Its advisory role is preserved. What is removed is procedural inefficiency, not a constitutional safeguard.

On these provisions Mr. Speaker, I thank Hon. Mahachi, Hon. Nyabani and Hon. Mugwadi who engaged the reach of the apex court and the architecture of judicial appointment with care. On the recalibration of the legislature, Members raised the question of the Senate's composition with measure and Government took note. It is telling that this cluster drew so little fire from those who opposed the Bill in its entirety. Where the substance is sound, the silence speaks volumes.

On the recalibration of the Senate, I thank Hon. Ndudzo, Hon. Nhari and Hon. Sakupwanya for their constructive contributions. I

thank you also for backing the whole of this Bill; Hon. Chibagu last night – [HON. MEMBERS: *Hear, hear.*] – Hon. Muchimba, Hon. Kambuzuma, Hon. Kangausaru and Hon. Ndumbarimwe.

Then I turn to the debate on Section 212. Mr. Speaker Sir, on the Defence Forces, Hon. Muwoderi called the provisions of the most dangers in the Bill, a striking superlative. For the Hon. Member never once read the provisions' words to the Honourable House except to say it is dangerous, without even reading anything. Hon. Gumbo described it as coup-proofing. I ask the Honourable House to read the provisions rather than the slogans. In the first place, Mr. Speaker Sir, the idea of coup-proofing through an amendment to the Constitution is really meaningless. Our Constitution already commands every security service to act in accordance with it. What this reform does is to harmonise the founding description of the Defence Forces with that principle, so that no reading of our supreme law can place any institution above it or besides it with a parallel mandate of its own. That is not coup-proofing; it is fidelity to the Constitution. The Defence Forces remain bound to defend Zimbabwe, its people, its security and its territorial integrity.

What the amendment removes is textual ambiguity. The Joint Committee, having weighed precisely the concerns of the Hon. Members raised, recommended the provision for adoption in the interests of democratic governance and the stability of the State. Hon. Sagandira raised his concern with care that moving from upholding to acting in accordance with the Constitution might dilute the forces' founding duty.

It does not, Mr. Speaker. The duty to defend Zimbabwe is restated, not relaxed.

I now turn to some consequential alignments. Mr. Speaker, I come to the debate on consequential alignments and I come first to the Gender Commission because on this provision, the Honourable House has been unanimous. I come to the debate on consequential amendments. If you allow me to speak in Shona, about the issue of the Gender Commission, all the Members were in unity that this clause and that the provision be not adopted. This Honourable House's recommendation, Mr. Speaker, found an echo across the aisle. Hon. Mutandi spoke against the merger from her experience

leading a Committee of Parliament. Hon. Chakakura and Hon. Tawomhera built the evidential case for retention. Hon. Matsunga gave personal testimony to the Commission's work. Hon. Zhou, Hon. Shongeza, Hon. Mahlangu, Masuku, Hon. Thomson, Hon. Matinenga, Hon Chihota, Hon. Karumazondo, Hon. Samson, Hon. Mudzingwa, Hon. Buka, Hon. Ndlovu, who all supported this Bill, each rose to say the Gender Commission should stay. Hon. Liyani lent the same voice from Matebeleland North and Hon. Mguni and Hon. Ncube from across the opposition bench said the same. Mr. Speaker, Government tabled this provision in pursuit of institutional efficiency. The argument for consolidation was made in good faith, but consultation is not theatre. The Joint Committee has made a clear recommendation grounded in the submissions of the public and echoed across the Honourable House. Government stands guided by that recommendation. Let no one say the people spoke into the wind – [HON. MEMBERS: *Hear, hear.*] -.

Mr. Speaker Sir, on the National Peace and Reconciliation Commission, Hon. Mguni asked a serious question and asked it with care. When the Commission's chapter closes, what carries the work of

healing forward? The Constitution itself limited the Commission, Mr. Speaker, to a 10-year term which expired in 2023. The Joint Committee was right to observe that the Bill before us is, in that sense, the tidying of the text after the event but the Hon. Member's deeper point is heard.

The end of a Commission's constitutional term is not the end of the nation's commitment to healing and unity. That commitment outlives any single institution. It continues through the organs of the State charged with it. This Government does not treat the closing of a chapter as the closing of the book. Accordingly, the Constitution will continue to give full expression to the imperative of forced conflict, justice, healing and reconciliation. Our Attorney General will advise us so that we can come up with an Act of Parliament to deal with that.

Then on the political participation of traditional leaders, Mr. Speaker Sir, the Bill sought to resolve a real contradiction, namely a Constitution that seats chiefs in Parliament and counts their votes in constitutional majorities yet asks them to stand outside political life. The public majority supported the provision and the honourable

House divided on it in good faith. I record too Mr. Speaker that the case for political participation of chiefs was pressed with conviction by Hon. Jere, who urged that they be appointed rather than elected, by Hon. Mananzva, Hon. Musweweshiri, Hon. Chaimvura and Hon. Samambwa. The Hon. House weighed their voices and the Committee's recommendation alike. Hon. Guyo recalled Chief Ndiweni to show the cost of pushing traditional leaders to the margins of public life and Hon. Makaza and Hon. Tayedzwa spoke to the same end. However, the joint Committee identified the decisive principle - our chiefs preside over courts of customary law and those who sit in judgment must stand apart from partisan contest. This principle is unassailable. Government is persuaded and will be guided by the Committee's recommendation that the status quo remains when the Bill reaches its clause-by-clause consideration.

Mr. Speaker Sir, I have saved one question for last but one because it has been made by several Hon. Members. It deserves a complete answer and because the answer exposes how little the demand has to do with the Constitution itself. The demand is that this Bill must go to the referendum. It must. The demand Mr. Speaker, is

that this Bill must go to the referendum. It must not and here is why Mr. Speaker Sir. Hon. Makope and Hon. Mukomberi met the demand squarely in the debate and I am glad to complete the answer they began. Hon. Malinganiso, an ally on this question, lent his voice to the same answer. Mr. Speaker Sir, the referendum is a matter of law. I repeat, the referendum is a matter of law, not of political appetite, disposition or preference. The Constitution reserves the national referendum for three categories of amendment and three alone. An amendment to Chapter 4 on the Declaration of Rights. If you read it Mr. Speaker, it says amendment of Chapter 4. If you want to remove a comma on any part of Chapter 4 - referendum. If you remove a comma or a substantial text in one of the founding values - no referendum. That is what the Constitution says. It also says an amendment to Chapter 16 on Agricultural Land and an amendment to Section 328, the amending provision itself. For every other provision, Mr. Speaker, the Constitution prescribes a different and equally rigorous road; publication of the Bill in precise terms, which is what you did Mr. Speaker. A minimum of 90 days for public consultation and the affirmative votes of two-thirds of the membership of each

House at the final reading is not a loophole Mr. Speaker. That is the design, the will of the people expressed to be for amendments of this kind through the people's Parliament. So, the question becomes a simple one, does this Bill amend the Declaration of Rights, the Land Chapter or the amending provision. It does not Mr. Speaker and the Constitution itself tells us how to check. Section 328 (2) provides that an Act of Parliament that amends this Constitution and I quote Mr. Speaker, "must do so in express terms." The Constitution is written in express terms and it is amended in express terms. There is no such thing as an implied amendment to the Constitution. Such an amendment is not permissible under section 328 (2) of the Constitution and therefore, cannot be taken to a referendum.

Now, examine the case of Hon. Members on the referendum. It is built from foundation to top on implication that lengthening the electoral cycle somehow has the effect of amending the entrenchment provision that providing for Parliamentary election somehow indirectly amends the chapter on Political Rights in Section 67 but no clause of this Bill expressly amends the Declaration of Rights or the Two-Term Rule, the amending procedure. It appears that some Hon.

Members believe in amendment by atmosphere, a method the Constitution own words foreclose. You cannot Mr. Speaker, amend by implication what the supreme law says may be amended only by declaration and you cannot demand a referendum for amendments this Bill does not make. Hon. Ngwenya read the supreme law's own amendment road to the correct conclusion that the Bill travels exactly the path the Constitution prescribes. The same discipline answers the term limit argument Mr. Speaker. The Constitution defines a term limit provision as one which limits the length of time that a person may hold or occupy a public office. The defining mark is the cap on the person and the Constitution speaks its caps expressly, a term that is non-renewable, a term renewable once, a tenure of no more than two terms and there are 15 such provisions in the Constitution. Not one of them is entrenched behind a referendum and not one of them is amended by this Bill. The national electoral cycle provisions, which this Bill amends, carry no cap or limit on any person and they never have. Indeed, provisions of this very kind have governed every general election this country has held since 1980. President Mugabe served for 37 years under the same electoral cycle provisions. Across

four decades, presidents and parliamentarians were re-elected and served far beyond a single cycle without one court, one parliament, one religious group or one opposition party ever suggesting that a limit was being breached. Everyone understood Mr. Speaker, because the text says so, that the clock belongs to the national electoral cycle and that it resets with every election. The first true and only presidential term limit in this country's history arrived in 2013, in the two-term rule under Section 91 (2); written in the express cap language that every one of the 15 term limits in the Constitution carries. The framers wrote it as a new and distinct kind of provision precisely because the national electoral cycle provisions had never done and could not do that work. That rule stands today exactly as the people adopted it, untouched by this Bill in letter or spirit. The living proof sits in the Constitution's own machinery of continuity: when a presidential successor assumes office mid-cycle, he serves only the remainder of the cycle and the member who wins a by-election does not win a fresh five-year term, but only the time the cycle has left. The clock belongs to the electoral cycle, not to the person, and that is why no referendum attaches to it.

This is not untested theory. Twice before, the Constitution the people adopted in 2013 has been amended and twice the road was the one the Constitution prescribes: the people's Parliament, voting by the special majority. There is a final principle older than any of us. Each Parliament is the equal of every Parliament before it. The authority to amend the Constitution by its prescribed procedures belongs to the Parliament now sitting as fully as it belonged to the Parliament that adopted it, for one legislature cannot bind its successors. Parliament is therefore, not merely authorised to consider this Bill by the route the Constitution prescribes; it is duty-bound to do so. The demand for a referendum, the Constitution does not require is not constitutional vigilance. It is a request that weakens and marginalises Parliament by demanding that it abdicates a responsibility the Constitution places squarely upon it.

Debate on the Public Consultation

Before I conclude, I must address the question of public participation, because several members, among them Hon. Hlatywayo and Hon. James, disputed the consultation that produced the numbers I read into the record earlier. The Hon. House should remember what

actually happened during those hearings. There were political leaders who instructed their supporters to stay away. There were voices that told the public that submission of views to Parliament was surrender. Tellingly, some of those same voices then travelled to the hearings they implored the public to shun, such as the City Sports Centre in Harare and the Large City Hall in Bulawayo; not to submit but to be seen, and some of them now rise in this Hon. House to tell us that the process lacked voices. One cannot demobilise his or her own supporters, and then dispute the arithmetic of those who showed up. The bottom line is that you cannot reap where you did not sow.

Hon. Mhetu carried to the Hon. House a grievance from Epworth North, that Parliament had misrepresented the views of his people, while conceding in the same breath that the hearings were held and their results published openly before the Hon. House. A charge of misrepresentation that collapses on the speaker's own admission is no argument but a complaint in search of one; those who could not speak in person were invited to submit in writing and the published count showed plainly where the majority stood.

Those who told the people to be silent have been hoisted by their own petard and the 537 102 citizens who spoke anyway owe them no apology. Hon. Dhliwayo gave the Hon. House the statistical defence of those numbers and Hon. Zhou reminded us that the hearings reached every district of this country. If any member doubts what those numbers mean, let history supply the scale. When the first amendment to this Constitution went to the people in 2017, the record before the Hon. House shows an attendance of 1 447 citizens in total. This Bill drew 54 231 citizens. The numbers stand and there is power in numbers. Hon. C. Moyo and Hon. Shamu marshalled those same figures in the Bill's defence, Hon. Maposa and Hon. Muchemwa testified that those who came were heard, and those who stayed away chose to.

Hon. Tsvangirai reached for why nations fail and warned that this Bill builds extractive institutions that concentrate power and shut the citizens out. He chose his authority poorly. The very book he cites prizes inclusive institutions and the widest possible participation and the widest voice this nation has ever raised on any Bill is the 540 037 submissions and the 54 231 citizens who came to these hearings. To

stand on a theory of inclusion while dismissing the most inclusive consultation in our history is to argue against one's own book. The scrutiny matched the numbers Mr. Speaker Sir. This Bill was examined by a record eight Committees of Parliament, three Thematic Committees of the Senate and five Portfolio Committees of this Hon. House, the most that have ever sat in the joint scrutiny of a single amendment. Those who call the consultation did not trouble to read who conducted it. Let no one call this Bill a rewriting of the Constitution Mr. Speaker. It carries 22 clauses, fewer than the 24 of the amendment this Hon. House passed in 2021 and an amendment no member then called an overhaul.

For support that named no single clause but embraced the whole, I thank Hon. Karikoga, Hon. Kudhlande, Hon. Nyelele, Hon. B. Ndlovu and Hon. Chitando. For the same unqualified support, I thank Hon. S. Tshuma, Hon. Nkani, Hon. Gava, Hon. Mudumi, Hon. Mashonganyika and Hon. Nhatiso. The people of Zimbabwe asked for institutions that allow them to build. They asked in 540 037 written submissions, in 54 231 attendances at hearings in every province and now through the contributions of 182 of their elected representatives,

the clear majority of whom support this Bill. The support inside this Hon. House resonates with the support outside it. The debate has been long; the scrutiny has been real and the Bill before us is stronger for both. We have listened, we have answered and where the people and their Committee asked us to reconsider, we have shown that we will. I, therefore, commend the Constitution of Zimbabwe (Amendment No.3) [H.B.1, 2026] to this Hon. House and accordingly, I move that the Bill be now read a second time. I thank you.

Motion put and agreed to.

Bill read a second time.

Committee Stage: With leave, forthwith.

COMMITTEE STAGE

CONSTITUTION OF ZIMBABWE AMENDMENT (NO.3) Bill [H.
B. 1, 2026].

House in Committee.

On Clause 1:

HON. MUSHORIWA: Thank you Mr. Chair. Whilst this clause gives this Bill its short title, it cannot, in my view, be divorced from the substance of this Bill. Since I consider the Bill

fundamentally inconsistent with the spirit of the 2013 Constitution, I oppose it being passed by this House in its entirety and therefore, we must delete Clause 1. So I submit.

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Hon. Chairperson, the rules of the House dictate that the Hon. Member state exactly what is wrong with that clause. In the absence of him indicating what is wrong with the Short Title of the Bill, the proposed amendment must fall. So the Hon. Member must tell us what he is against in the Short Title. He must not speak to things that are not within the Short Title.

HON. MUSHORIWA: Mr. Chairperson, when a Member including the Hon. Minister, speaks and says that the rules of the House state this, he should state the rule rather than generalise.

THE TEMPORARY CHAIRPERSON (HON. J. TSHUMA): Hon. Mushoriwa, I think the Minister has stated something that must be logical. – [HON. MEMBERS: *Inaudible interjections.*] - Do not say *aiwa panapa ukuti aiwa kunani iwee*. Hon.

Mushoriwa, can you state exactly what you propose that you are against? I have ruled.

HON. MUSHORIWA: Chairperson, when I stood up, I told you the reason why Clause 1 needs to be deleted. Fundamentally, Parliament is guided by rules. Whenever a Member stands up to say that the rules have been broken, you need to state the rule. The Hon. Speaker has actually made a judgment to simply say, you do not just stand up and say the rules. If there is a rule, tell us. This is the *Green Book*. This is Mr. Chairperson. It is not like this is the first time that we have debated Clause 1 of a Bill. We have been doing this and we cannot restart and reinvent the rules when this *Green Book* is there.

THE TEMPORARY CHAIRPERSON: Order Hon. Mushoriwa. You are proposing an amendment and you do not want to expound on it.

HON. Z. ZIYAMBI: Hon. Chair, can I speak to the rule? If you go to the Standing Rules and Orders, Number 158, it says so in clear and expressed terms that during committee debate, a Bill must be confined to the subject matter of the clause before the Committee of the whole House. So the Hon. Member is proposing amending this

specific clause. So he must tell us what is offensive to this particular clause so that we can amend it.

THE TEMPORARY CHAIRPERSON: I think the Minister has now read the clause for you. I thought it was going to be logical anyway. You are the mover of that amendment in that clause Hon. Mushoriwa. So it is only logical that you put us through to what you detest from that.

HON. MUSHORIWA: I think it is also important that when we debate, we should also listen to each other's debate. I explained and I want to restate the reason why Clause 1 needs to be deleted. Primarily because Clause 1 is like a mother that is going to carry the entire baby, which is this whole Bill. If the substance of this Bill is actually bad, in my view, it is important in my view to say that we need to delete Clause 1. In actual fact, by moving for the deletion of Clause 1, we are basically saying that this Bill should not stand in this House.

HON. Z. ZIYAMBI: Hon. Chair, we do not have to have people who waste our time. I would rather we divide the House and we move. – [HON. MEMBERS: *Inaudible interjections.*]-

THE TEMPORARY CHAIRPERSON: Anyone who switches on the mic, I am going to throw you out. No, do not switch on the mic. Order! Hon. Hlatywayo, take your seat. Order! Please take your seat! I want to make a ruling. Please take your seat Hon. Members. Order! Order, honorable members. Order! Please take your seat. Order! Hon. Members, can we be quiet.

Right. It is a very simple logical rule that if there is a proposal for an amendment and if we think that we are not reaching any consensus, we simply. - [HON. G. K. HLATYWAYO: *Point of order.*]-

THE TEMPORARY CHAIRPERSON: No, no, no. I am talking and you are standing up. I am not yet done. No. Please take your seat. - [HON. G. K. HLATYWAYO: *It is a point of order.*]-

THE TEMPORARY CHAIRPERSON: I am still talking.

HON. G. K. HLATYWAYO: Yes, it is a point of order on you, Hon. Chairperson.

THE TEMPORARY CHAIRPERSON: Ah! Please switch off your mic.

HON. G. K. HLATYWAYO: Yes, I have a point of order.

Can you allow me to speak to my point of order?

THE TEMPORARY CHAIRPERSON: Allow me to finish first.

HON. G. K. HLATYWAYO: Then again, I have got a point of order.

THE TEMPORARY CHAIRPERSON: No, allow me to finish.

HON. G. K. HLATYWAYO: No, a point of order. You do not need to finish Chairperson.

THE TEMPORARY CHAIRPERSON: I will give you that but allow me to finish. Take your seat.

HON. G. K. HLATYWAYO: Into which rule? A point of order is a point of order.

THE TEMPORARY CHAIRPERSON: I said take your seat and I will allow you to talk.

HON. G. K. HLATYWAYO: No, but I have got a point of order.

THE TEMPORARY CHAIRPERSON: No, I am not allowing you.

HON. G. K. HLATYWAYO: I have got a point of order. You have to let me speak.

THE TEMPORARY CHAIRPERSON: I will not allow it unless you allow me to finish what I am saying.

HON. HWENDE: Point of order!

THE TEMPORARY CHAIRPERSON: Hon. Hwende, just hold on. I was finishing a ruling on something. – [HON. MEMBERS: *Inaudible interjections.*]-

THE TEMPORARY CHAIRPERSON: If you try and disrupt the House there, we are not going to be on the same page honestly. Please take your seat, Hon. Hwende. I will recognise you just now. Hon. Hlatywayo, just hold on. What is the point of order?

HON. G. K. HLATYWAYO: Thank you Chairperson. My point of order is that we want to debate. Before you proceed with dividing the House, we want to debate.–[HON. MEMBERS: *Inaudible interjections.*]- Can I be protected, Chairperson? My mic is being switched off.

THE TEMPORARY CHAIRPERSON: Order! Order! Right, Hon. Hlatywayo, as I said, if by any means people are not agreeing on something, it is procedural to take things to a vote. It is as simple as all that. Now, what I am simply saying is that the proposal that has been put forward by Hon. Mushoriwa, the Leader of Government Business has refused it and he has said, let us put the House to order.

HON. G. K. HLATYWAYO: How does he refuse it before we debate?

THE TEMPORARY CHAIRPERSON: It is very procedural.
–[HON. MEMBERS: *Inaudible interjections.*]- Order! Order! Hon. Members. Hon. Nyandoro, please take your seat.–[HON. MEMBERS: *Inaudible interjections.*]-

Clause 1 put and agreed to.

On Clause 2:

HON. HWENDE: Point of order!

THE TEMPORARY CHAIRPERSON: Order, order. Hon. Members, order – [HON. MEMBERS: *Inaudible interjections.*] –

HON. HWENDE: Chairman...

THE TEMPORARY CHAIRPERSON: Yes, go ahead.

HON. HWENDE: I want to appeal to you to conduct this debate guided by our own rules, because rushing when a Member clearly wants to debate is against the rules and it is also against the spirit of the work that needs to be done – [HON. MEMBERS: *Inaudible interjections.*] –

THE TEMPORARY CHAIRPERSON: Order, order. Can you allow Hon. Hwende to finish?

HON. HWENDE: My appeal, Chairperson, is that you must not conflate your role as a Speaker and as a Chairperson. If you correct that, I think we will have a smooth debate. Thank you – [HON. MEMBERS: *Inaudible interjections.*] –

THE TEMPORARY CHAIRPERSON: Order, order. Right, I put Clause 2, in the new section of the Constitution.

HON. MUSHORIWA: No, on a point of order, Hon. Chair.

THE TEMPORARY CHAIRPERSON: What is your point of order?

HON. MUSHORIWA: Hon. Chair, I stand by point of order No. 153, which says, “if during the consideration of a Bill in a Committee of the whole House, the Chairperson's opinion that the

subject matter of a clause and any matters arising have been adequately, and I underline the word adequately, discussed in the course of debate, all the amendments proposed to the Bill, he or she may”. So, Honorable Chair – [HON. MEMBERS: *Inaudible interjections.*] –

THE TEMPORARY CHAIRPERSON: Order, order. Hon. Mushoriwa, what you are saying is exactly what I intend to do.

HON. MUSHORIWA: You did not allow the debate.

THE TEMPORARY CHAIRPERSON: Order, order. Take your seat. Let me finish. Like you rightly read, it says “may,” and in this case, the Leader of Government Business stood up here and indicated that, no, we cannot be talking about deleting the whole Bill and therefore I consider dividing the House and I want us to go properly together.

I will give you all a chance to debate properly, but we need to be orderly about it. We do not want to push each other. It is not necessary. Let us all respect each other and we will do this in a very civilised way, because that is the intention that we have as a House. To say that we want this thing to be done properly, we want people to

debate openly and independently, but if you want to be disruptive, then it serves no purpose at all.

HON. G. K. HLATYWAYO: Point of order.

THE TEMPORARY CHAIRPERSON: What is your point of order?

HON. G. K. HLATYWAYO: Thank you Chairperson. I want to put it on record. I had a debate on Clause 1 and you could not allow me to debate and you proceeded to divide the House before I could debate. The Minister comes at the tail end after the debate. That is when you then call for the division of the House. You do not call for a division of the House before Members have exhausted their debate. In fact, you did not allow even a single person to debate on Clause 1. I had a debate on Clause 1 and you did not allow me to do that.

THE TEMPORARY CHAIRPERSON: Thank you, Hon. G. K. Hlatywayo for your observation. Next time, we will make sure that we give you a chance to debate.

HON. MUSHORIWA: Mr. Chairperson, I move that Clause 2 of this Bill needs to be deleted from this Bill. Hon. Chair, Electoral Management should remain under an Independent Constitutional

Board and in this case, ZEC. The 2013 Constitution deliberately sought to remove electoral administration from direct executive influence and what this Clause 2 seeks to do is to take us back to pre-2013.

Hon. Chair, ZEC needs to be capacitated rather than for us to allow a situation where voter registration is to fall under the Registrar General exclusively. You recall, Hon. Chair, when we came up with the 2013 Constitution and we voted for it, it was actually after we had come from the 2008 election, where the Registrar General was actually printing some papers outside the existing Voters' Roll. We agreed as a nation that the Zimbabwe Electoral Commission needs to be empowered.

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Point of order.

THE TEMPORARY CHAIRPERSON: Order, Hon. Mushoriwa.

HON. Z. ZIYAMBI: I want it to be put on record. Hon. Mushoriwa must bring us proof of what he is saying, that the

Registrar General did that. If he fails to do that, then I propose that we invoke the order so that the Privileges Committee deals with him – [HON. MEMBERS: *Inaudible interjections.*] –

THE TEMPORARY CHAIRPERSON: Order, order. Hon. Makumire, let me rule first – [HON. MEMBERS: *Inaudible interjections.*] – Order, order, Hon. Mushoriwa. What I want us to maintain in this House is some form of decorum. I want us to be able to debate holistically and openly, but while we do that, may I implore all Hon. Members to always be guided by facts and truth. Let us not add things that do not exist and say things that will rile other people up. We are all Hon. Members here and we are supposed to be free to debate. Let us do it, but factually all the time. Please, I implore all of you.

HON. MUSHORIWA: Hon. Chair, anyone who...– [HON. MEMBERS: *Inaudible interjections.*] –

HON. HAMAUSWA: On a point of privilege.

THE TEMPORARY CHAIRPERSON: What is your point of privilege?

HON. HAMAUSWA: Hear it first Hon. Chair. The challenge we are having is that we understand the passion that the Minister has for this Bill. We also believe there are contributions that we can make towards the law-making in a manner that will not affect the whole country. My point is that the Minister cannot continuously threaten us and when you are seated there, you are not protecting us. We should feel protected and also a request to give evidence, it is very difficult. We know the access to information procedures where you need to file a request and wait for 21 days, and threatening each other with the Privileges Committee, it will be dangerous. I do not think the Minister wants everyone else to say yes, yes, to the Bill. We should contribute.

THE TEMPORARY CHAIRPERSON: Thank you. You have made your point and like I said - [HON. MEMBERS: *Inaudible interjections.*] – Order, order. I think I gave you the protection that you are talking about. I have said that let us all be able to freely debate, but while we do that, let us stick to facts. Let us not manufacture issues. That is what I have implored you to do.

HON. TOGAREPI: Chairman, I have an observation. If you look at the amendments that have been proposed by the Hon.

Member, delete, delete, delete on all sections – [HON. MEMBERS: *Inaudible interjections.*] – Let me be allowed to speak. Mr. Chair, we had our time to debate in this House on every issue that is in this Amendment Bill. So, if somebody says delete, there is always a counter answer to say do not delete. Once we get to that point, we need to settle it with how many say delete and how many say do not delete – [HON. MEMBERS: *Hear, hear.*] – Otherwise, here we are playing circus because all the Members would want to debate on every one of these provisions – [HON. MEMBERS: *Inaudible interjections.*] –

THE TEMPORARY CHAIRPERSON: Order, order Hon Members! It is only proper and good to hear someone so that when you also stand up, you can be heard too.

Hon. Gumede having stood up on a point of privilege.

THE TEMPORARY CHAIRPERSON: Order Hon. Members. Just one minute. Please take your seat Hon. Gumede. I want to clarify this very openly and I will allow you to debate but let us do it in an orderly fashion. I have said that you are protected. I am chairing this Committee.

***HON. HWENDE:** On a point of privilege! Mr. Daniels, may the Chairperson listen to us? Our request is small. With this job that we are doing, everyone knows that this is the place of grapevine and lies. If someone says something that we know is a lie and says you want to set up a Privileges Committee, I think it is not fair at all. The Chairperson, you must make sure that this aspect is corrected. Otherwise, there is no point in Members rising to debate, because you have the power to set up a Privilege Committee and we will all be chucked out of this House. I am appealing to you to correct that, then we proceed with the debate. Thank you.

THE TEMPORARY CHAIRPERSON: Thank you very much. Like I have said and I will say it again that the Hon. Minister might have said that, but it came from the spirit of...- [HON.

MEMBERS: *Inaudible interjections*]- Hold on, let me allow the Hon. Minister to respond to that issue.

THON. Z. ZIYAMBI: Mr. Speaker, Mr. Mudede is not in this House. The Hon. Member has insinuated that in 2008, he was stuffing the ballot box. I want him to prove that because he has defamed an Hon. Member who cannot defend himself in this House. All these

people who are watching live have heard it as if it is a fact and I want it to be put on record for the defence of Mr. Mudede, that he must bring proof that he says he has to the effect that is what happened. -

[HON. MEMBERS: *Inaudible interjections.*]

Hon. Mushoriwa having stood up

THE TEMPORARY CHAIRPERSON: Hon. Mushoriwa.

Why do you not just withdraw your statement...

HON. MUSHORIWA: No, I need to answer him. No, no. You want me to withdraw what before answering?

THE TEMPORARY CHAIRPERSON: Alright, answer.

HON. MUSHORIWA: Mr. Chairperson, the Hon. Minister cannot put words in my mouth. Check the *Hansard*. I did not say stuffing. I said the Registrar General was printing slips. Anybody who voted in 2008 will know that people ended up being given voting slips and it is a fact. You do not even need to do anything.

Secondly, while I am standing, the Hon Minister cannot threaten. You cannot threaten me, a Member of Parliament elected by Dzivarasekwa people. If the Hon. Minister cannot withdraw that statement, what type of a House are we? Why is that Chairman, you

do not allow the Minister to withdraw? - [HON. MEMBERS:

Inaudible interjections.]-

THE TEMPORARY CHAIRPERSON: Order, order! Stating a fact that can happen is not a threat, it is not a threat. – [AN HON.

MEMBER: *It is a threat.*]- It is not a threat.

HON. TOGAREPI: Mr. Chairman, the issue of people getting afraid, even if there is nothing to be afraid of. A Privileges Committee is a process of Parliament. Nobody can feel threatened if you are innocent.

THE TEMPORARY CHAIRPERSON: Thank you Hon. Government Chief Whip. I said, stating that a process that can occur is not a threat. Hon. Mushoriwa said, no, you are speaking about slips. So, even if a Privileges Committee were to be set up, he was going to simply produce that and say this is what happened. It is not a threat, it is a process. We run this House through processes and rules. That is why we have the Standing Rules and Orders. - [HON. MEMBERS: *Inaudible interjections.*]-

HON. GUMUDE: On a point of privilege Hon. Chair. I hope I am also safe to debate today and I rely on your protection. My debate

on Clause 2 is to replace the term Registrar General with the Zimbabwe Electoral Commission. I have heard the response that is coming from the Hon. Minister. The question which is before this House is whether we agree that records should be consolidated.

Yes, I agree that records can be consolidated. I also agree that there must be no duplication of roles, namely between ZEC and the Registrar General. However, I submit that there is a difference between maintaining the source of records and exercising responsibility in terms of the Voters' Roll. While the Registrar General can, for example, keep the deaths and citizenship records, ZEC must retain constitutional responsibility for the Voters' Roll. It must retain the voters' registration database. I also propose that the Registrar General be required to provide voter registration dates directly to ZEC, while ZEC retains responsibility for the Voters' Roll.

In short, I support automatic voter registration, the idea of data integration and a single source of civil registration data. What I cannot support is the transfer of electoral responsibility away from the Independent Constitutional Commission. I will give an example that the Minister of Health keeps health records, let me say for our

children. That does not mean that the Minister of Health then gets to run the schools. My suggestion is to let them share the information, but keep the constitutional responsibility with ZEC. Thank you.

THE TEMPORARY CHAIRPERSON: Hon. Members, hold on, can we have a bit of House rules here? If you want to debate, you just stand up and I will recognise you. Do not switch on your microphone, because it disturbs the whole process.

HON. BAJILA: Thank you Mr. Speaker Sir. My debate with respect of Clause 2, in relation to the amendment, is that the process of voter registration must be retained with the Zimbabwe Electoral Commission (ZEC). Mr. Speaker, with me here is the *Hansard* of 11 February, 2026. The Minister of Home Affairs and Cultural Heritage, in this House, reported that the Registrar General's (RG) office was struggling with stationery, including producing ID cards, *et cetera*. That is issue number one. Once you have accepted that the RG has its own challenges, it does not mean that you are saying ZEC does not have its own challenges. The Electoral Commission has its own challenges and the RG have their own challenges.

You go to the Zimbabwe Human Rights Commission Report, which was tabled in this House in 2020, around Zimbabweans' access to documentation. If you read that report, it speaks of very problematic conduct of workers in the Registrar Department who have no customer service attitudes, *et cetera*. Now, my argument is, the movement of functions from one Government department that has problems to another is not reform. Reform means we must capacitate electoral institutions to manage electoral data and electoral issues. Lastly, on this issue, independent management of elections requires that we have independent management of the Voters' Roll, independent drawing of electoral boundaries and independent management of the actual polling day logistics. If you are having this issue about elections being in a Central Government department and this one in a Central Government department and only this one in an independent body, there is no independence of election under that kind of scenario.

My proposal, therefore, is to let us take the Voters' Roll back to ZEC and capacitate it to manage it well because neither ZEC nor RG

has demonstrated that they have the capacity to do things right. I thank you.

HON. DHLIWAYO: Thank you Mr. Chairman Sir. My understanding of Clause Number 2 is that it simply says the RG must keep the records, not use them. Keep them on behalf of ZEC – [HON. MEMBERS: *Inaudible interjections.*]-

THE TEMPORARY CHAIRPERSON: Order Hon. Members! Hon. Members, when you were debating, there was total silence; it is his opinion. It is very wrong to say he was lying; it is his opinion. If you have another opinion, you are free to stand up and say no, we cannot do that.

An Hon. Member having stood to raise a point of order.

THE TEMPORARY CHAIRPERSON: What is your point of order?

HON. MAKUMIRE: Hon. Chair, this clause is very clear that maintenance of the Voters' Roll and registers, the Registrar General shall register voters. He must not bring in his own Bill.

THE TEMPORARY CHAIRPERSON: That is the reason why we are debating this. What he is saying, if you are against it, you

are going to have a chance to speak your point. You do not need to rise on a point of order on such an issue.

HON. DHLIWAYO: Thank you Mr. Chairman. I think the RG already has all the required infrastructure to keep the Voters' Roll, the required infrastructure and the required systems. We cannot recreate such infrastructure under ZEC. We will be wasting our resources; taxpayers' money that the RG already has the capacity and the systems. So, it is my submission that Clause 2 must be adopted as it is, no amendment.

The Temporary Chairperson having nominated Hon. Matangira after he had first nominated Hon. Hwende.

HON. HWENDE: No, that is not it!

THE TEMPORARY CHAIRPERSON: Hon. Hwende, you are going to debate, I will give you the chance. [HON. HWENDE: *That is a very wrong precedence. What you are doing is not allowed. This is a Committee Stage; you recognised me and...*] - I will recognise you Hon. Hwende.

***HON. MATANGIRA:** Thank you Hon. Chair. The clause is saying that the Voters' Roll must be at the RG. We debated, went

through it, corrected and we saw that no one is to be left behind. No one will not find their name because at the RG, everyone can access those offices, for birth certificates, National Identity cards, you will find them. Since we debated, let us get to the conclusion and we complete this, then we vote. We can divide the House, leaving no one and no place behind; that is what the President is saying. That is democracy, one man, one vote and no one will vote twice. No rigging will happen.

HON. HWENDE: Hon. Chair, I think you heard the Minister first when he presented his statement and today, thrice when he was responding that this is our proposal. Indeed, he is correct but he cannot then remove and change our proposal. Our proposal was very clear that firstly, we want automatic voter registration. We want automatic voter registration and ZEC should continue with its constitutional role. The Hon. Minister has now brought changes and removed ZEC, substituted it with the Registrar-General. We were happy when he had brought in the Minister of Home Affairs, thinking that he was going to come in and assist us.

I do not know why he was removed from the programme. It is very simple, so that as someone is registering, the information is automatically transferred to ZEC. This is a very simple thing; we should not even take time. That way, we achieve the automatic voter registration but at the same time, we also keep ZEC with its role and function of registering voters. I must also emphasise that ZEC is now putting us in a tight corner because they are not doing their work diligently. We must not take away the role from them. My proposal is simple, let us delete where it is written the Registrar-General and put ZEC. Then the Minister will come with a Bill so that the systems are synchronised. So, if a person gets an identification card, that information is automatically transmitted to ZEC. With the help of the Ministry of ICT, we should synchronise the systems. Thank you.

HON. KAPOIKILU: Thank you Hon. Chair. Electoral systems must not fall under the Executive control. The Registrar-General's Office falls under the Executive control. The Registrar-General must digitalise its systems and have its systems communicating with ZEC in real time. This is what we are asking for, simple Hon. Chair. I thank you.

HON. TOGAREPI: Thank you Hon. Chair, we are dealing with effectiveness. Effectiveness can only be gotten under the Registrar-General. We are dealing with automatic registration. How is ZEC going to achieve that because they have no information for anyone until you have gone to register. The Registrar-General has got my details when I was born and would register me as a voter immediately when I attain 18. It is very convenient and very efficient but ZEC has no way of having this data until I come and register, which we have seen time and again causing problems of people failing to vote because their information is not there. Hon. Chair, if we say somebody is born today and when he gets to 18 he is already a registered voter, that can only be achieved under the Registrar-General.

HON. NGWENYA: Thank you Mr. Speaker. My understanding on this aspect is that Section 239 of our Constitution actually gives the co-mandate of ZEC to conduct and supervise elections. Voter registration is a pre-election administrative function, done in an election. We are saying that is administrative, so ZEC cannot run both. Let us follow the mandate of ZEC, which gives them

that mandate of supervising the elections and running them and leave this issue of voter registration. This is an administrative issue that must be brought back to the Registrar-General. Thank you Mr.

Speaker – [HON. MEMBERS: *Hear, hear.*] -

***HON. ENG. MHANGWA:** On a point of order. We have problems as representatives of the people. When we think that we are still in the era that a clerk can move around with files...

THE TEMPORARY CHAIRPERSON: Order, please sit down. I will give you time to debate.

HON. G. K. HLATYWAYO: I join the colleagues that are of the view that we need to keep the Voters' Roll with the Zimbabwe Electoral Commission. Why, Mr. Speaker? Mr. Speaker, I want to refer to two regional instruments that we as a State party to, as Zimbabwe, and that I think we need to be seen to be respecting the instruments. The first one is the SADC Principles and Guidelines governing democratic elections, which states that it is the responsibility of States to establish impartial, professional, independent, all-inclusive, competent and accountable electoral

management bodies, staffed by eminent, non-partisan, incapable commissioners and efficient and professional personnel.

The second Instrument that I want to make reference to is the African Charter on Democracy, Elections and Governance, which Zimbabwe has ratified. In its preamble, it reads, and I quote, ‘it commits member states of the African Union to the holding of regular, free, fair, transparent elections conducted by competent, independent and impartial national electoral bodies’.

What I am simply drawing your attention to, is the requirement of independence. The Voters’ Roll lies at the heart of an election, Hon. Chairperson. It lies at the heart of an election. It is too important to be left in the hands of the Executive who will be, by the way, participants in an election. So, it is too important to be left in the hands of the Executive. It creates a moral hazard for the Executive to influence the outcome of an election and therefore leads to more toxicity, something that the Minister said we need to be curing.

The Registrar General lacks constitutional safeguards to protect its independence and integrity. Structurally, the Registrar-General is not an independent actor but part of the Executive and answerable to

the Executive. I think Hon. Members have made reference to our history in terms of our experiences as a country when we had a situation when the Voters' Roll was in the hands of the Registrar-General and that did not go well.

I do not see any wisdom in us reverting to a system that was not working. Hon. Chair, in the interest of those two international protocols that we are state parties to, Zimbabwe, in terms of making sure that our election management systems are independent. I do not see any justification whatsoever why we should be giving such an important role in our elections to an office that is monitored by the Executive. I associate my comments with those that are moving for the deletion of this clause, I so submit.

THE TEMPORARY CHAIRPERSON: Order, order, just one moment. Hon. Members, there is something that we are overlooking here. The proposal brought forward by Hon. Mushoriwa was to delete this clause. So in our debate, we cannot be proffering any other new solutions and stuff like that because we will be now going back to that debate stage like we did before the Second Reading. So just hold on. When we stand up to debate, we are looking at Hon. Mushoriwa's

proposal that he has brought forward that he wants the clause to be deleted.

HON. G K. HLATYWAYO: On a point of clarity Chairperson, I am just referring to the debate that I have just given to the House, I made it very clear that I am moving for the based on basis of the international protocols that I made reference to, that are speaking to a professional, independent electoral management system.

THE TEMPORARY CHAIRPERSON: You are very clear, I am not disputing that. That is why I am just guiding others.

HON. G, K. HLATYWAYO: I thought you were referring to me. Thank you.

THE TEMPORARY CHAIRPERSON: I am making reference to future debaters that - please do not bring up any new issues. We are sticking to the issue of deletion that has been proposed by Hon. Mushoriwa because the question that will be put before this committee will be about that precisely. So we will either now moving to delete or not.

HON. DR. MUTODI: Thank you Hon. Chair. I think when we are determining or trying to establish a law, we need to clarify what kind of mischief the law intended is supposed to cure. So in the debate, it was very clear that voters using the ZEC Voters' Roll have found their names absent in the Voters' Roll. They have seen some dead people too. I am sure there is someone who said there were four dead relatives who remained in the ZEC Voters' Roll. I am sure it was Hon. Mushoriwa. The existence of this Voters' Roll under ZEC has actually added more criticism to ZEC to the extent that even legitimate genuine voters' results would be disputed on the basis that the Voters' Roll had a lot of names of deceased people and some names absent. So we need then to scrutinise this thing and say if we are saying the Registrar General cannot maintain a Voters' Roll because it is under the Executive but it is the same Registrar General, which produces I.Ds necessary for you to register as a voter under the ZEC Voters' Roll. So, it is an unnecessary argument to actually say the Registrar General cannot maintain a Voters' Roll because it is under the Executive. It does not make sense. Thank you Hon. Chair.

HON. SHIRIYEDENGA: Hon. Mushoriwa's deletion proposal is that this clause is materially different from what Hon. Hwende and others recommended, which the Minister alluded to earlier on. Chairman, if you look at the memorandum and what this clause seeks to do, let me quote “the clause transfers the responsibility for registering voters, compiling the Voters’ Roll and maintaining the Voters’ Roll and registers from the Zimbabwe Electoral Commission to the Registrar General.” So Chairman, this clause is very clear. It speaks to the responsibility of registering voters, which I strongly feel because of the issues of efficiency and effectiveness, which the Minister spoke about, I believe that the RG's office has that capacity. It has an updated civil register, particularly for those that turn 18. Automatically, they get uploaded onto the civil registry database. I would go on further to say the functions of compiling and maintaining the Voters’ Roll should go to ZEC. What should simply be done is that there should be some element of data sharing between the RG's office and ZEC and that in itself will enhance the efficiency and effectiveness which we are talking about. Chairman, this relationship between ZEC and the RG's office is not a new phenomenon. The

reason why I say so is that periodically, ZEC does clean up its Voters' Roll and they use the registers from the RG's office which contain the deceased people. So is this the same phenomenon now to say the registration for those that turn 18, whom we call first-time voters should be done by the Registrar General and then that data should be shared with ZEC. This is what Hon. Hwende and others are talking about.

Chairman, also there is an issue with regards to maintenance. Remember ZEC also has the function of polling station mapping, assigning individuals to specific polling stations. So, I believe that the RG's office does not have the capacity to perform that role and this is why I feel that the issue of the maintenance of the Voters' Roll and the custody of the Voters' Roll should be done by ZEC, while the duty of registering voters using the civil registry database should be done by the RG's office. Thank you.

THE TEMPORARY CHAIRPERSON: I implore you also, Hon. Members, to try and concentrate and not come round and round to the same point so that we can all speak if need be. So let us not be repetitive.

HON. KARIKOGA: Thank you Hon. Chairperson. You rightly stated earlier, the question before the House is the request by Hon. Mushoriwa to either delete or keep the clause. I think let us not concentrate on debate for now. Are we keeping the clause or are we not keeping the clause? This will only be decided by voting Hon. Chairperson. Let us move on and let us vote now.

THE TEMPORARY CHAIRPERSON: Order! Order! I said that I was going to allow the debate, but as I said, let us be straight to the point. The question before the Committee is by Hon. Mushoriwa to have this clause deleted. So, let us go there exactly. If you say something else or you want to propose anything else extra out of this, I will stop you.

HON. HAMAUSWA: Thank you Mr. Chair. My point is that I support the view that this clause be deleted. The reason is that while the Minister tried to explain the reasons to put the Voters' Roll under the RG's office, it would be difficult to match the Voters' Roll in the RG's office with a polling station-based voting system. So I appeal to the Hon. Minister to say this is one classic case where you can make a compromise, which also shows even this House that you are also

paying attention to the concerns which we are genuinely giving before this House. It is difficult because we do a polling station-based voting system. How is the RG's office going to be able to allocate you, Hon. Chair, to your respective polling station? That is my point. I leave the rest of the arguments to other Members.

THE TEMPORARY CHAIRPERSON: Thank you. As I said, let us always remember the question before the Committee is, do we delete this clause or do we keep it? Our debates must be inclined that way.

***HON. MADUMI:** Thank you very much Hon. Chair. I am saying that we are having problems with repeating, especially in other parts. They are the ones who are saying they do not want ZEC, but now they have confidence in it. So, in keeping on repeating, for the sake of time, Hon. Chair, I think we should vote against the deletion that has been proposed by Hon. Mushoriwa. Then we go on to the next stage.

HON. MADZIVANYIKA: Thank you Mr. Chair. Chairperson, I suggest that we delete this amendment on the basis that whenever something goes wrong with an election, we need to have one centre or

one institution to blame, rather than say that part of the blame is apportioned to seek and the other portion is given to the Registrar. We do not want that confusion. Let us have one institution which carries full responsibility and accountability for the administration of elections. I thank you.

***HON. MALINGANISO:** Thank you Hon. Chair. I am troubled that when we say the Registrar fails to register people because we are doing a polling station based, what do we mean? What is it that makes one be at a certain polling station because they have got an address? It is not possible that we delete a clause because of the confusion that we have about how one can get a polling station. I think that we continue with the clause. We cannot be sitting here and advocate for something that wastes money by looking for another or getting another system. I suggest that the Registrar does the Voters' Roll, then it is submitted to the ZEC and we would like to get another system that will post the roll to that system. It is expensive because what allocates one a polling station is the address that would have been supplied to the Registrar. Thank you.

THE TEMPORARY CHAIRPERSON: I will recognise you after that. The question before the Committee is by Hon. Mushoriwa, whether we delete this clause or not. In our debates, let us stick to just that. Yes, I support the deletion because of ABC or I do not support it because of ABC. As you know, according to Section 133 of the Standing Orders, I will read it. It says, “if the opinion of the Chair as to the decision of a question is challenged, he or she may direct that a division must take place”. You must realise that I have that prerogative. I am just going to allow two more submissions and that is it. After that, I will ask the Minister to respond.

HON. CHIGUMBU: Thank you Hon. Chair. My submission is that we are supposed to entirely delete this clause because it is not solving the problem that we intend to solve. For instance, some of the mischief that has been raised is that the reasons why we would want this intervention are that we have people who are dead but still appearing in our Voters’ Roll. We have some records missing in the Voters’ Roll.

That can easily be addressed, Hon. Chair, by technological intervention. It is like just what others have been saying. For instance,

we only need Hon. Minister, an event-based architecture that picks when the Registrar General registers that so and so would have died. It posts to ZEC's database such that it automatically deletes. However, there is not even a need for human intervention, number one.

Number two, it is important Hon. Minister, for us to advocate for the creation of a single source of truth from a civil registry perspective whereby other ministries that are failing to undertake certain functionalities can also rely on this intervention. It is not only ZEC that is facing this problem. Even when it comes to bank applications, it is difficult for people to connect to the civil registry. The best way for us to solve the problem, Hon. Chair, is to entirely delete this and then we focus on a system that allows the Registrar, the civil registry, to give APIs. I can define what is called APIs. These are application programming interfaces, where the applications can access the Registrar's dataset within the confined rules.

I think the Hon. Minister understands what I am talking about. We do not even need to remove the functionality from ZEC and give it to the Registrar Office. We just need a simple technological intervention in a way to respond to what Hon. Malinganiso said. It is

not even very expensive. That is the least expensive method that we can use when it comes to cost. It is very cost-effective. There will be less cost involved. Thank you Hon. Chair.

HON. MUROMBEDZI: Thank you so much Hon. Chair.

I am supporting Hon. Mushoriwa submission that the clause be deleted because voter registration is inseparable from polling station...

THE TEMPORARY CHAIRPERSON: Order! Hon.

Mutseyami. Please take your seat. Why are you standing?

***HON. MUTSEYAMI:** I thought you were going to call me.

THE TEMPORARY CHAIRPERSON: Hon. Murombedzi, please go ahead.

HON. MUROMBEDZI: Thank you so much Hon. Chair. I support the deletion because voter registration itself is inseparable from polling station management as well as ballot paper planning and election integrity. Hon. Chair, control of the Voters' Roll means control of who votes, where and how ballot papers are distributed, which comes under the functions of ZEC.

Then also, Hon. Chair, if we do not delete this, we will have a raw clarity issue where, when we have problems, we will not know

where to go, whether to go to the Registrar-General or to ZEC. I am supporting the deletion of this clause. I so submit.

THE MINISTER OF HOME AFFAIRS AND CULTURAL HERITAGE (HON. KAZEMBE): Thank you Hon. Chair.

I want to sincerely thank those who have debated, those who are in support of the deletion and those who are against it. Those who are in support of the deletion have allowed me to explain articulately what transpires in the registration and civil registry. I want to refer to one Hon. Member who referred to some international treaty that we are a party to. Then, she went on to talk about the treaty and she elaborated very well on that. She spoke about independence of elections, which is very critical and very clear and I subscribe to that.

Having said that, this clause Hon. Chair, does not seek to remove that independent conducting of elections from an independent commission, which is ZEC. It does not speak about that. We should be able to separate roles in this particular case. A referee talking about soccer, the World Cup going on, I think we are engaged in that and we are watching. A referee ensures that soccer is played in accordance with set rules but the referee does not set the rules, rules

are set elsewhere. A soccer referee ensures that the players are eligible to play but they do not register players; players are registered with a soccer association or body. In our country, it is the Zimbabwe Football Association (ZIFA) or the Premier Soccer League (PSL).

Hon. Chairman, ZRP enforces the law, even during elections but does not enact laws. They are there to ensure that people are abiding by the ZEC law. ZEC will ensure that elections are conducted in a free, transparent and fair manner. Those who are participating are eligible and are properly registered. We need to separate the powers. We need to have some checks and balances mechanisms.

The Registrar General, Hon. Chair, I am answering all the questions collectively because some were repetitive, so I will try to address them. There is mention of capacity and I am a bit perturbed. In fact, this clause was supposed to read, “we are not transferring the registration of voters to the RG”; we are transferring back to RG because it was there before, from independence all the way up to 2013 when some of us were intoxicated by hatred for the messenger and ignored the message. We got to a point where we disliked a particular

person and forgot about the office, and we ended up throwing the baby out with the bathwater.

Hon. Chair, talking of capacity and interoperability, I am glad one of the Hon. Members spoke articulately about ICT issues. We already have a system and as I am speaking right now, it is not a talk show. In the Ministry of Home Affairs, we deployed what is called the Zimbabwe Population Registry System, which can sing and dance for you. It can do all the things that we are talking about here. All you have to do is add the module if the Constitution allows us. This system records the birth when someone is born, as articulated by, I think it was Dr. Mutodi, it records the birth, it records when the time comes, when the person reaches the proper age to have an ID, it records that, it gives an ID, the system records the death.

Automatically, your life history is recorded and not only for one person, but I am also talking about capacity of more than 60 million in this country, the Registered General keeps those records.

So, what capacity do we need to keep a fraction of those? Who is eligible to vote if we can keep 60 million records, multiple records for one person, by the way?

Now, this system, if we add one module - I am talking about the Application Programming Interface (API) that my learned colleague was talking about from the other side - this system can automatically, at the age of 18 or whatever, register a person as a voter. In some countries, Hon. Speaker, this happens automatically. One country that comes to mind is Australia. In Australia, the moment you reach the age that allows you to vote, you automatically become a voter. It is a question of whether one wants to vote or not.

However, that happens because the data required resides in one database under the same roof. In fact, in Australia, they go further to say that if one does not vote, then it is a criminal offence. Therefore, for this system which we have already deployed, we do not need to look for resources. It is already there, resident, in the Ministry of Home Affairs, the RG's office.

Now, let me talk about the issue that was also raised about executive influence. My colleague who spoke about ICT would know

that the moment you have a properly designed ICT system, it cannot go for tea, be bribed or go to sleep. If it is designed properly, that system works. Talking about Executive influence, it is very interesting because I am not so sure if all Government systems or institutions are closed when we go for elections. Do we close all offices? They continue to perform ancillary work to support the electoral process. As articulated by Dr. Mutodi, we still use the identification card, *chitupa*, created by an office under the executive. How then do we separate that?

So, Hon. Chair, now talking about the ZPRS, by the way, it is a system that many African countries are coming to learn from and this is here in Zimbabwe, under the Ministry of Home Affairs. Well, I can even name them; we have a seminar in July where all other Registrars from the entire Africa coming here to learn from this country. So, in terms of capacity, Hon. Chair, I think we have too much capacity to say the very least.

There was an issue raised about the Voters' Roll being transferred to ZEC so that ZEC can allocate polling stations and whatever. I think that has been articulated; that polling stations are

based on that desk. However, I could use the knowledge we got from the Hon. Member who spoke about API. Through the API, other systems can connect to the database; as I am speaking, we do not have to create another one, it is already there, it is resident in the Ministry of Home Affairs, and ZEC can access that. I think most of the questions which are issues that were raised, Hon. Chair, had already been articulated by the Minister of Justice, Legal and Parliamentary Affairs. It was just a repetition. So, I will not labour this august House by repeating the same responses. I so submit.

HON. CHIGUMBU: Point of clarity, Hon. Speaker. There is some communication I want to have with the Hon. Minister. The Hon. Minister has assured this House that the system is already there, that is, housing all the civil registry data for this country, which is a plus for us. So, if the system is there, why does he want ZEC to have an API? Why does the Hon. Minister want the civil registry to have an API that communicates with ZEC's polling station allocation but he does not want ZEC to have an API that communicates with the civil registry database about those who would have died and been born at any given time?

The other thing I want the Hon. Minister to explain to us is that systems, even a computer system, will have their challenges. So, if we take this role back to the Registrar General's office, it means that when I have voting queries, I will have to go to the Registrar General's Office because that is where all the processes are being conducted. So why are you overburdening the RG's office when you are telling us that the data set is there? We need a law that allows ZEC's database and systems to communicate with RG's systems.

HON. HAMAUSWA: On a point of order! On the issue of address, it appears simple. It is a complicated system because addresses do change. If someone is registered, it does not mean that in the next election, they will remain at the same address. So, this is where the issue comes, and we need confidence in that. You cannot brush it aside as if we do not understand what is happening. If we consider those whose houses are being destroyed, who are being told to go back to their homes, it means they are changing addresses...

THE TEMPORARY CHAIRPERSON: Thank you Hon. Hamauswa. Hon Minister, may you please respond?

HON. KAZEMBE: I actually have forgotten the first question, because he was now confusing me. I was now forced to listen to two different questions. However, I will attempt to respond. Hon. Chair, I did not say I want information from RG to go to ZEC and not the other way around, I did not say that. I said we already have the Zimbabwe Population Registry System in-house deployed. That is the same system that is now producing e-passports. It is the same system, it is modulated and it has got modules rather. If we cannot register voters right now, the Constitution does not allow us but the capability is there, all you need to do is add that module to do that because the information that is required to register a voter is already resident in the Ministry of Home Affairs, in the Registrar's Office. I did not get the second question. If I have left any questions, Hon. Chair. I cannot remember now because they have confused me with the two of them.

HON. CHIGUMBU: Hon. Chair, he did not respond to my question. He said, let me quote him correctly what he said, 'He said when it comes to the polling station allocation which is the question that we are having here, how does the Registrar-General's Office get to know which polling station to allocate to a particular voter? The

Hon. Minister said, the Registrar-General's Office will use APIs to communicate with the Zimbabwe Electoral Commission's (ZEC's) system to know how to allocate polling stations.

Then my question was, if the Registrar-General can use APIs to communicate to ZEC, why can ZEC not use APIs to communicate to the Registrar-General's Office?

HON. KAZEMBE: Hon. Chair, the Hon. Member keeps repeating the same thing that I have alluded to. He is just moving in circles, turning around. I did not say the Registrar-General will allocate polling stations. ZEC can access that information on a need-to-use basis using the APIs but it must be resident in the Registrar's Office.

Secondly and most importantly, ZEC should not be the creator of the database of the Voters' Roll and then be the checker as well; they cannot create and then check. Examiners or those who mark examinations do not set the examination, write and mark it. Someone sets the examination and someone marks it. Cambridge sets an examination and someone marks it here. ZIMSEC sets an examination and someone conducts the examination process, which in

this case is the Zimbabwe Electoral Commission. They conduct the election. They check against a register that has been created elsewhere; separation of powers, checks and balances.

HON. CHIGUMBU: Hon. Chair, point of order! Point of order
Hon. Chair!

THE TEMPORARY CHAIRPERSON: Please take your seat; it is not a contest. – [HON. CHIGUMBU: *It is a point of order! It is a point of order!*] - He responded to you. – [HON. CHIGUMBU: *Yes, but it is a point of order!*] – Order, order Hon. Minister. Hon. Chigumbu, you must remember that I was actually indulging you. It was not out of the question posed by Hon. Mushoriwa and I indulged you to say, let the Hon. Minister explain further issues but now, what I can simply say is that this discussion does not close here. I will allow you to actually engage the Minister of Home Affairs and Cultural Heritage separately and pursue that further and also help to then better the system. – [HON. CHIGUMBU: *But it is a point of order Mr. Speaker, I want to correct a misrepresentation that he has made!*] – Order, order!

On Clause 1, New section inserted in Constitution be deleted as proposed by Hon. Mushoriwa.

Amendment to Clause 1 put and negatived.

Clause 1 put and agreed to.

On Clause 2:

HON. HWENDE: I am sure this one the Hon. Minister will agree with it.

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Hon. Chair, these are not constitutional amendments, they are dealt with within the Electoral Act.

THE TEMPORARY CHAIRPERSON: Thank you Hon. Minister. So, Hon. Hwende, do you want to formally withdraw that?

HON. HWENDE: No, no, no. I think there is a need for us to ensure that, now that Hon. Mushoriwa's amendment has been rejected, we need to ensure that the Voters' Roll, the Registrar-Generals' Office is constitutionally mandated to transmit it because now there is going to be that gap. So, the intention of this clause is to deal with that in light of the new reality now that the deletion has

been defeated so that we can then just be smart about the way we are amending the Constitution; maybe the Hon. Minister can take a look.

THE TEMPORARY CHAIRPERSON: That is why I am saying the Hon. Minister is going to take a look at it, but can you withdraw it so that we take it from there?

HON. Z. ZIYAMBI: Hon. Chair, I agree with that. When we clean up the Electoral Act, those are issues. In the Constitution, we simply make provisions of who does what, but you do not then go into the finer details; that is how constitutions are made. So those details, we are prepared to consider and debate them when we have consequential amendments to the Electoral Act pursuant to what we have done to the Constitution. So, it is not an issue that we can deal with now.

THE TEMPORARY CHAIRPERSON: Hon. Minister, would you mind approaching the desk?

Amendments to Clause 2 as suggested by Hon. Mushoriwa, put and negatived.

On Clause 3:

HON. MUSHORIWA: Chair, you will note that the Minister

has put an amendment deleting his clause and replacing with a new text, even though I am going to urge the House to delete the submission by the Hon. Minister on his new amendment. So, my thinking is, can the Minister start.....

THE TEMPORARY CHAIRPERSON: Order Hon.

Mushoriwa! We will first deal with your proposal and then after that, we will come to the Minister's proposal as well. So, right now, we are dealing with your proposal.

HON. MUSHORIWA: If that is how you want it, then it is fine Mr. Chair. Mr. Chair, my amendment is very simple. I propose that we delete the clause. The reason why we...

THE TEMPORARY CHAIRPERSON: Order Hon. Mushoriwa!

Please take your seat. Sorry Hon. Members, there is something that we did not do according to procedure. After finishing our debate on Clause 2, I should have put the question to the Committee here, on Clause 2, that it stays as it is in the Bill.

Clause 2 put and agreed to.

HON. MAMOMBE: On a point of order Hon. Chair!

THE TEMPORARY CHAIRPERSON: Yes, Hon.

Mamombe.

HON. MAMOMBE: Thank you Hon. Chair. We are now moving to Clause 3. If you check, the new clause is actually not the clause that was consulted when we went for consultation during public hearings. This clause was not there. The Hon. Minister has introduced a new clause, entirely something new on Clause 3. So, my point of order Mr. Chairman is that should we then continue to debate?

THE TEMPORARY CHAIRPERSON: Order Hon.

Mamombe!

HON. MAMOMBE: Have you heard my point?

THE TEMPORARY CHAIRPERSON: We have not gotten to that stage. There are two proposals here. There is one proposal made by Hon. Mushoriwa and then another one made by the Minister. So now, we are still dealing with Hon. Mushoriwa's. We rest it, we park it then we move to the Minister's proposal. That is when your intervention will be relevant but for now, we are still dealing with the proposal by Hon. Mushoriwa.

HON. MAMOMBE: It is a very technical issue Chairman because Hon. Mushoriwa had proposed a deletion of the current clause that the Minister put in this House but during the debate, the Minister then changed the entire clause. So, I am asking, which one are we now debating? That is the issue that I am raising, Hon. Chair.

THE TEMPORARY CHAIRPERSON: Still Hon. Mamombe, just hold on to it. When we come to the Minister's proposal, then you shall have your day.

HON. MAMOMBE: So, we will debate the new clause?

THE TEMPORARY CHAIRPERSON: Yes. Thank you.

HON. MUSHORIWA: Chairman, I want to say that my debate is going to be academic. The Hon. Minister is the mover of the motion and because he is the mover of this amendment Bill, what it does is, the Minister's appointment cancels the current amendment that I want to delete. So, if we are going to spend time saying we are deleting the current clause and then after that, the Minister comes with another amendment, then we are going nowhere. If you insist on that – [AN HON. MEMBER: *You will withdraw.*] – No, I am not going to

withdraw. What I am basically saying is that I even want the deletion of this clause and any other clause that you can then actually put.

The essence of my request for deletion is that we do not want a situation where Parliament, the National Assembly and the Senate, will sit as an electoral college to elect a President. We believe that the people of Zimbabwe should continue to elect their President. We believe that the powers that are vested in the Office of the President are so huge, you will see even in this proposal in CAB3, the President will have the power to appoint judges and the Prosecutor General. He has a lot of unlimited power. An office like that, Mr. Chair, needs to be elected by all the people of Zimbabwe so that they can have faith and confidence in that office.

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Hon. Chair Hon. Mushoriwa has not said anything that I have not responded to and he has not proffered any statistics or evidence to support what he is saying. I am unable to answer him because it becomes a repetition of what I said in my Second Reading speech, in my response that I

gave this afternoon. So, I believe that on this question, they can debate as they wish but my response is there on the table. I submit.

HON. JAMES: Thank you Hon. Speaker. I support the deletion of the clause, notwithstanding the original submission of ours that we believe the selection of a President in this country should be done by the general population as a whole in the general election. The amendment that we are reading now has a fundamental flaw in it. It does not take into account a by-election. What would happen if a President is selected as proposed in this new amendment and it is a narrow margin and then there are subsequent by-elections and the election of the President changes, a change that swings? It does not take that into account. So, it is flawed and I submit that the whole clause should be deleted. Thank you.

HON. GUMPO: Thank you Hon. Chair. The Constitution as it currently stands gives power to the citizens to vote for two separate constitutional offices. The Constitution provides that citizens of this country will vote for Parliamentarians. The Constitution of this country equally says that the citizens of this country can vote for the President.

These two offices Hon. Chair, the Parliament and the Office of the President, are voted for by the citizens for two separate and two distinct constitutional purposes. What this Bill or what this clause seeks to do is to merge the purposes for which these two offices are elected, taking away the right to vote for purpose. I do not want us to just look at the voting for the President as voting for an individual. It is voting for an office, which is reposed with constitutional purpose, which is clearly defined in the very Constitution. I want to make reference to the responses given by the Minister because he is concerned and sensitive to his responses. I will be sensitive to those responses too. To then say to a person or to then say to a voter who votes not just for the person but votes for a purpose reposed by the Constitution in an office, we are taking away from you that right and reposing that right as an extra purpose to another office which you vote for, which is the office of a parliamentarian, is a complete sabotage to the constitutional rights of the citizens of this country to vote for a person they desire such as President.

We must be clear on that Mr. Chairman. It is not correct to say because the parliamentarians are voted for by the citizens, they

possess this ultimate superpower from the same citizens to go and decide and define who must occupy the office and must execute the purposes reposed by the Constitution in the Office of the President. We believe that the legitimacy of the Office of the President must, as it is currently stated in the Constitution of 2013, remain within the people and the citizens of this country who are registered to vote. Legitimacy of the Office of the President must remain with the citizens. Why? I will emphasise on this point because that purpose is separate from that purpose which is reposed in the House of Assembly or Parliament as it stands. That would be my intervention on that and I respond directly to what the Minister has said. Parliament is of a different purpose. The President is of a different purpose. When people go out to vote, they exercise the right to define who must carry what purpose, not that Parliament must carry legitimacy for the election of the President. Thank you – [HON. MEMBERS: *Inaudible interjections.*] –

THE TEMPORARY CHAIRPERSON: Order! I stand guided here that the question put by Hon. Mushoriwa is for deletion. So,

there cannot be debate on that. We either put the question on whether or not to delete. We shall stand guided accordingly.

HON. GUMBO: Point of order Chair. That cannot be correct. The debate is meant to support the motion to delete. This is what is motivating that motion. Otherwise, we have no reason to debate any of the clauses. It will just be *vari kuda ndevapi vasiri kuda ndevapi*. That is a very absurd ruling you are making. It is an illogical ruling. You allow people to debate on the suggestion made to delete. Where are you getting that kind of advice?

THE TEMPORARY CHAIRPERSON: Order, order Hon. Gumbo. You are out of order. Please withdraw that – [HON. HLATYWAYO: *He is not out of order.*] –

HON. TOGAREPI: Chairman, it is very important to the proceedings in this House for an Hon. Member to use words like absurd and so forth, I think it is unparliamentary. I really move that he withdraws. It is wrong. It is belittling what we are doing in this House and it is not right – [AN HON. MEMBER: *There is nothing wrong with absurd.*] –

THE TEMPORARY CHAIRPERSON: Hon. Gumbo, I said you can you withdraw that word!

HON. GUMBO: Mr. Chairman, I hear you. The Government Chief Whip is sitting next to two very senior lawyers. They must educate him. Saying something is absurd is well within the context of legal jargon. Come on, let them tell him. Hon. Mabhiza is there and the Minister, there are lawyers. We use this even in the Constitutional Court, that something is in absurdity. It is not an insult. He must learn.

HON. G. K. HLATYWAYO: Point of order.

THE TEMPORARY CHAIRPERSON: Point of order on what?

HON. G. K. HLATYWAYO: Thank you Chair. A precedence has been set. When there is an amendment, we debate first, then we go to the processes of where you then divide the House. You cannot be dividing the House before we debate. I thought you had made an undertaking to say you are going to allow us to debate.

THE TEMPORARY CHAIRPERSON: Order! Take your seat. I said the proposal by Hon. Mushoriwa was to delete. Therefore,

if you are standing up, you are telling us that you are for the deletion and nothing else because nothing is going to change.

HON. G. K. HLATYWAYO: And motivating for it like we were doing with Clause 2.

THE TEMPORARY CHAIRPERSON: To what end did that get us to?

HON. G. K. HLATYWAYO: No, no, no. It is the process Chairperson.

THE TEMPORARY CHAIRPERSON: Hold on. We are done there.

HON. G. K. HLATYWAYO: No, I want to debate. I have got a debate.

Some Hon. Members having switched on their mics.

THE TEMPORARY CHAIRPERSON: Do not switch on your mics. It disturbs the whole flow. Hon. Hlatywayo, I want you to be aware of one fact here. This is not Second Reading Stage. This is Committee Stage. It is different. If you check your Standing Rules and Orders...

HON. G. K. HLATYWAYO: Precisely, it is Second Reading, we debate clause by clause. That is the Third Reading process that we have always conducted as Parliament. I do not see any reason why it should change now.

THE TEMPORARY CHAIRPERSON: My question is, what do you debate from someone who says – [HON. G. K. HLATYWAYO: *If you give me the opportunity to debate...*] – Hold on. I am talking. I will let you talk as well. If a member has proposed for a deletion of a clause, surely, what are we debating about?

HON. G. K. HLATYWAYO: I can answer. You have posed a question, I can now answer.

THE TEMPORARY CHAIRPERSON: Answer.

HON. G. K. HLATYWAYO: Okay. When there is a Member who has proposed a deletion, the Member motivates for the deletion and those that are aligned to the deletion will give their reasons why they are of the opinion that we need to delete that particular clause. This is what we did with Clause 2. I do not see the reason why you are now changing. This is what exactly what we did with Clause 2.

THE TEMPORARY CHAIRPERSON: Thank you. As I said, I stand guided. I am going to be very firm on this one. If it is for deletion, we shall not have a debate. That is the guidance that I have sought.

HON. G. K. HLATYWAYO: Mr. Chairman, I do not understand why you are changing the rules. We cannot be proceeding like this.

HON. MATANGIRA: Point of order Chairman.

THE TEMPORARY CHAIRPERSON: Please take your seat. What is your point of order Hon. Matangira?

HON. GUMBO: You are turning this process into a sham, Chairman. Allow debate...

THE TEMPORARY CHAIRPERSON: You cannot do that Hon. Gumbo – [HON. G. HLATYWAYO: *You are now doing exactly what was happening at my public hearings.*] –

***HON. MATANGIRA:** My point of order Chairman is, we see that there is a lot of disrespect in this august House. What does this really mean? We have to go through about 22 clauses. People just want to delay us till midnight when there will be owls and everything

– [HON. G. K. HLATYWAYO: *Inaudible interjections.*] – - [HON.

MEMBERS: *Inaudible interjections.*] – [HON. G. K.

HLATYWAYO: *But you did not allow us to debate on Clause 3,*

why? Is it because ...] -

THE TEMPORARY CHAIRPERSON: Order Hon.

Hlatywayo. – [HON. G. K. HLATYWAYO: *We want to debate*

Chairperson.] – We are not in a shebeen – [HON. G. K.

HLATYWAYO: *We are in the House and we want to debate.*

Shebeen rekuita sei?]- Hon. Minister, you had a proposed amendment

to Clause 3.

HON. MAMOMBE: Mr. Chairman, as I said before, when we went out there to consult citizens, on Clause 3, it was different altogether. Now, we are in this House, during the debate, the Minister has introduced a completely new clause that has not been consulted with the citizens. So, can we then go ahead with this new clause Mr. Chairman? That is my point. We need to go back to the citizens, consult them on this new particular clause Mr. Chairman. It is a completely new clause.

THE TEMPORARY CHAIRPERSON: Order, why are you jumping the gun. The Minister has not spoken yet. Allow him to speak then you will have a chance to debate it.

HON. MAMOMBE: The clause is improperly before this House. It is not supposed to go through the debate.

THE TEMPORARY CHAIRPERSON: You are out of order, please take your seat.

HON. MAMOMBE: No, I am not out of order. Chairman, are you aware ...

THE TEMPORARY CHAIRPERSON: No, allow the Minister to do this. We cannot be going back and forth. I said take your seat and allow the Minister to state his clause and then I will give you a chance to debate it.

HON. Z. ZIYAMBI: Honourable Chair, what the Hon. Member, if I am to respond to her, is that she is saying that whatever is put on the *Order Paper*, Hon. Members here have no authority to debate and amend and it is nowhere in our rules or the Constitution does not say that. The consultative process is to enrich Hon. Members' debate and act from an informed position. It does not stop any

amendments from being moved. That is the reason why you are seeing Hon. Mushoriwa is bringing in a delete where over 95% of people said yes. So, I do not know where she is getting that because she is not quoting any authority in the Standing Rules and Orders or quoting any authority from the Constitution. That is very dangerous but if she believes that the process is wrong, some other lawyers believed it when we did the Amendment (No. 2) Bill and they ended up dropping their case because they realised that there was no case to take to the Constitutional Court. I challenge anyone who is challenging this process to go to court because you will lose dismally. Let me proceed Honourable Chair.

Honourable Chair, I am proposing to maintain Clause 3 as it is a typo that happened when we sent the Bill to the printers on sub-Clause 5, so that it just reads, 'the Zimbabwe Electoral Commission shall preside over the election and the procedure and remove any designated judge'. That is what I am proposing. I so submit Hon. Chair.

HON. MUSHORIWA: Chairman, when you introduced, you said that the Hon. Minister is actually, because we have got the

proposed amendment on the *Order Paper* and when you started, you said you wanted to give the Minister the chance to move his amendment. So, he has to withdraw this amendment and then come up with another amendment that he is now trying to propose. If he says that there is actual confusion and he knows that I am right.

THE TEMPORARY CHAIRPERSON: Did you listen to what he said when he said it?

HON. MUSHORIWA: Yes, I did.

THE TEMPORARY CHAIRPERSON: He actually said that at the beginning. He said he was dropping all those amendments and wants to keep this one on.

HON. MUSHORIWA: Chairperson, did he bring it to the House?

THE TEMPORARY SPEAKER: Right, thank you.

HON. G. K. HLATYWAYO: Hon. Chairperson, you know, I am not comfortable with this clause. The reason why I am not comfortable with the proposals on Clause 3 is because one of the key galvanising national grievances during the War of Liberation was the right to vote and the question of one man, one vote. Electing a

President is an act of sovereignty and restricting the Electoral College to Parliament in the context of Zimbabwe, is taking away the sovereignty of the people. The people of Zimbabwe must therefore ...

HON. Z. ZIYAMBI: Hon. Chair, the rules of this House do not allow for repetition. This has been addressed and responded to and this is debate that is futile because we have already disposed this and already indicated that what the Hon. Member is debating is not even a Grade 1 child will accept that one man, one vote has been taken. I do not know why she is hallucinating. So, for us to continue repeating something that is not correct is not right – [HON. G. K.

HLATYWAYO: *Inaudible interjection.*] – [HON. MEMBERS: *Inaudible interjections.*]-

THE TEMPORARY CHAIRPERSON: Order, order Hon. Members. Hon. Members, let us avoid going in circles and circles. I beseech you, let us not.

HON. GUMBO: Yes, Hon. Chair. I think the Minister is mistaken on something and he might want to clarify this to the House. The issue being raised by Hon. Hlatywayo marries very well into the

argument of two offices, two purposes. So, the issue of sovereignty of the vote as it relates to citizens voting for the President is not confined only to the question of universal suffrage. It is also confined to the question of, right now, citizens vote for two separate offices which hold two separate purposes. Once you remove the right to vote for the purpose of the office of the President, you have affected the sovereignty of the vote for the majority of citizens. He must answer to that, except not just to say one man, one vote. It is a broader constitutional principle that he has to respond to. So, that is where the debate leads to. She must be allowed to debate and the Minister responds holistically to that constitutional query. The problem is, you will be hoodwinked. These are not Zhou's issues only...

***HON. TSVANGIRAI:** On a point of order! The language which is being used in this House is not good because we have got many women in this august House who are seeing what we are doing. The Hon. Minister said she is hallucinating. That is unparliamentary and may he withdraw that statement and refrain from using unparliamentary language.

***THE TEMPORARY CHAIRPERSON:** Hon. Tsvangirai, we spoke about this issue when Hon. Gumbo used the word absurd. Hallucinating is not something bad; it is something that happens.

HON. MAVHUDZI: On a point of privilege...

THE TEMPORARY CHAIRPERSON: I have made a ruling and you cannot challenge that.

THE TEMPORARY CHAIRPERSON: Read your Standing Rules and Orders Hon. Member.....

HON. MAVHUDZI: It is a point of privilege. I am not challenging your ruling.

THE TEMPORARY CHAIRPERSON: What is your point of privilege?

***HON. MAVHUDZI:** Hon. Chair, you should treat us and give judgment fairly. You cannot say that when the point of order is mentioned, you may refer to another situation. Mr. Speaker...

***THE TEMPORARY CHAIRPERSON:** If you go to school of law, they will tell you about precedence and how it works...

***HON. MAVHUDZI:** You are not the first one to study law. A lot of people have studied law. May you just give fair judgements.

THE TEMPORARY CHAIRPERSON: Hon. Members, you are all going to debate. Let us give Hon. Hlatywayo time to debate....

HON. TSVANGIRAI: I have a point of order....

THE TEMPORARY CHAIRPERSON: Point of order on what?

***HON. TSVANGIRAI:** You spoke about precedence. So, are you setting the precedent here in Parliament that women are hallucinating?

THE TEMPORARY CHAIRPERSON: Hon. Tsvangirai....

***HON. TSVANGIRAI:** The Hon. Minister should withdraw that....

***THE TEMPORARY CHAIRPERSON:** We are now putting it on record that you, Hon. Tsvangirai, are saying that women are hallucinating here in Parliament. Do not say that to women. It is not good. Hon. Hlatywayo, may you please go ahead.

HON. G. K. HLATYWAYO: Thank you Chairperson. Like I was saying, I am opposed to this clause, for the reasons that I have outlined in regard to the sovereignty of the people but also, I am opposed because in motivating for this clause, there was a reference

which was made to South Africa. I will continue to talk about this because I think the Minister did not get it quite clearly. What I debated in the Second Reading debate was that in South Africa, contrary to what is being proposed, there is a wholly proportional representation system where the Members of Parliament are elected based on proportional representation and the President is elected also on the basis of proportional representation.

In Zimbabwe, we are proposing a mixed system where the parliamentarians are voted on the basis of first-past-the-post and the President is voted on the basis of proportional representation. That is what is being proposed. That is what I am saying is not okay because it is meant to favour certain political actors. It is meant for individuals and not meant for the country. If South Africa had the mentality that the Hon. Minister and the Executive are exhibiting, they were going to ditch the proportional representation and go for the first-past-the-post so that they enhance their chances of getting into power, which is exactly what is being proposed before this House.

Let us come up with systems that work for the country and not work for political parties. We cannot have political parties coming to

the House and try to push a certain Bill for the purposes of power retention. That is not okay. That is my argument. I so submit.

HON. MADZIVANYIKA: On a point of privilege...

THE TEMPORARY CHAIRPERSON: Please, do not switch your microphones on...

***HON. HAMAUSWA:** Hon. Chair, when this Bill was brought in, it was said that it was going to do governance, political and electoral reform. The way we are handling the Bill now does not clearly indicate that we have got the minds of making sure that everyone is happy and we have got the rule of law. It becomes a problem to those who are viewing us, that is the Bill focusing on the rule of people who are watching the procedures. Why are we doing this?

***THE TEMPORARY CHAIRPERSON:** I hear you, you are saying one thing over and over. You are repeating yourself.

***HON. HAMAUSWA:** It is because you continue to oppress us. We want to air our views through debates.

***THE TEMPORARY CHAIRPERSON:** Order, order, order!
Hon. Hamauswa, I want it to be clear that in this House, we do not

oppress anyone. We are giving every one an opportunity to debate but when we are debating, we must follow our Standing Rules and Orders. Everyone is standing up and debating. Do not portray that the Parliament of Zimbabwe is oppressing people – [HON. MEMBERS: *Inaudible interjections.*] – Hon. Members are going to debate clause by clause. People will see that you are the one who is oppressing the system. You are the one who is also oppressing this august House.

***HON. NYABANI:** Hon. Chair, we have left our homes to come here and work. We cannot be delayed or disturbed by a person who was allowed to debate yesterday and failed. If it is giving us a problem, let us divide the House and vote. We are the majority. We cannot be delayed by the minority...

THE TEMPORARY CHAIRPERSON: Order! Order!! Hon. Nyabani.

***HON. NYABANI:** We are the majority. We cannot be delayed by the minority. Divide the House. The majority can be seen. – [HON. MEMBERS: *Let us divide the House.*] –

THE TEMPORARY CHAIRPERSON: *Hatisati tasvika pachinhano chekudaro.* Hon. Togarepi, you wanted to debate?

HON. MADZIVANYIKA: Let us just divide the House so that we can finish this work.

THE TEMPORARY CHAIRPERSON: Hon. Madzivanyika, what did you want to say?

HON. MADZIVANYIKA: My suggestion is, it is difficult for us to find each other here. We have motivated ourselves on several occasions. Let us divide the House for record purposes.

THE TEMPORARY CHAIRPERSON: Thank you very much for your suggestion. The reason why we divide the House is when we have disagreed on the Ayes or the Noes. I will simply go ahead and put a question. Hon. Makumire, did you want to say something?

HON. MAKUMIRE: *Tatichikumbira kuti patiri kudivider House, dai matibetsera tikwanise kuzviita* secretly. We want secret ballot. – [HON. MEMBERS: *inaudible interjection.*] –

THE TEMPORARY CHAIRPERSON: I put the question that the amendment be now made. – [HON. MEMBERS: *Let us divide the House.*] – Order, order. – [HON. MEMBERS: *Inaudible interjections.*] – I wanted us to remain in the House so that we all

participate but now you are getting to a point whereby you end up starting to charm each other, which is not necessary.

HON. MADZIVANYIKA: Point of order. Let us divide the House.

THE TEMPORARY CHAIRPERSON: I only divide the House when there is.....

HON. CHIGUMBU: Point of order.

THE TEMPORARY CHAIRPERSON: I am going to chase you out of the House now. I do not want to do that but it can happen. Let us not abuse each other. Hon. Members, what is very clear here is that some of us are now abusing the rules of this House. Definitely, I will refuse to allow that. We cannot do that because your point of order must be begged by this thing, it is according to which rule?

HON. CHIGUMBU: 133.

THE TEMPORARY CHAIRPERSON: What does it say?

HON. CHIGUMBU: You must tell me.

HON. KARIKOGA: Hon. Chair, please do not allow them to waste our time. Hon. Nyabani has highlighted that *tabuda muno na* 1 a.m. These people were sleeping and now they are taking us for

granted because we spent the previous night here. We cannot allow them to waste our time any longer.

HON. CHIGUMBU: Point of order.

THE TEMPORARY CHAIRPERSON: According to which section?

HON. CHIGUMBU: It says, Hon. Chair, if the opinion of the Chair as to the decision of the question is challenged, he or she may direct that a division must take place. We are challenging the decision to go forward. We want the House to be divided. So may you divide the House? We are challenging you Hon. Chair.

THE TEMPORARY CHAIRPERSON: Order Hon. Chigumbu. You are now abusing the rules of the House. Section 133 (1), “if the opinion of the Chair as to the decision of the question is challenged, he or she may direct that a division must take place”. Then, (2), “if however, the Chair is of the opinion that a division is unnecessarily claimed or is an abuse of the rules or misuse of the forms of the House, he or she must decline to direct that a division must take place and must immediately declare the resolution of the House or Committee, as the case may be”.

Amendment to Clause 3 put and agreed to.

Clause 3, as amended, put and agreed to.

- [AN HON. MEMBER: *Mr. Chair, I would like it reported that I voted for the deletion of this clause.*] – [HON. MEMBERS: *Inaudible interjections.*] –

On Clause 4:

HON. MUSHORIWA: Mr. Chairman, before I do my submission, Parliament has laws of precedence and the laws of precedence, if you look at 133 (1) and (2), in as much as it gives you power, the precedence says that when a division is asked, you allow the division. If there is a subsequent division, then that is when you can apply. At the moment, you do not have a mechanism to make a judgement.

THE TEMPORARY CHAIRPERSON: We are now on Clause 4. We have passed that. We cannot go back again and change.

HON. MUSHORIWA: Are we still doing Parliamentary

work? **THE TEMPORARY CHAIRPERSON:** Yes, we are.

I am following this to the latter.

HON. MUSHORIWA: No, you are not.

THE TEMPORARY CHAIRPERSON: I am following this to the latter. You are out of order, Hon. Mushoriwa. No, you are out of order. No, never. You are out of order.

HON. MUSHORIWA: In which way?

THE TEMPORARY CHAIRPERSON: I am already on Clause 4 and I have recognised you as the proposer of the amendment in Clause 4. Let us move on.

HON. MUSHORIWA: I move that the clause be deleted. I said the clause needs to be deleted. -[HON. CHIKOMBO: *Hon. Ziyambi you need to intervene. This is now a bunga bunga.*] –

HON. GUMBO: Thank you Mr. Chairperson. Clause 4 of the Constitution Amendment (No. 3) Bill.

THE TEMPORARY CHAIRPERSON: Hon. Hamauswa, please take your seat.

HON. HAMAUSWA: *Havandisire munhu pana apa, havaise munhu.*

THE TEMPORARY CHAIRPERSON: Hon. Hamauswa, this is not a circus.

HON. HAMAUSWA: I might seem as if I am doing circus but I know my rights. They made an arrangement that a person with a contrary vote to mine come and sit here and just be quiet, that is not okay. - [HON. MEMBERS: *Inaudible interjections.*] –

HON. GUMBO: Thank you Hon. Chair. Clause 4 of the Amendment Bill introduces two fundamental changes. Firstly, it speaks to the extension of the term of office of the President. It replaces five years with seven years. Secondly, the Bill introduces what we call in constitutional drafting an overriding Clause. That overriding Clause is what, by reading, says notwithstanding Section 328 (7) of the Constitution. We must be very alert to what the purpose of this Clause is. Overriding clauses in constitutional drafting are meant under any circumstance, to create what we call an exception.

Now, we have a clause which is creating an exception for purposes of benefiting just one constitutional dispensation. Section 328 (7) carries with it another notwithstanding demand and it places as a safeguard, that any amendment which affects the time of office that the current office holder has to stay in office, that amendment must not benefit them.

It is a safeguard, Hon. Chair, against self-serving amendments such as the ones we see here. Now, I have this very interesting question, which the framers of this Bill must be able to answer to this House and to the people of Zimbabwe. The inclusion of the notwithstanding clause in the Bill creates a provision of the Constitution which shall operate once and that is it.

You have a clause and a provision that has been inserted by this amendment into the Constitution after it is operationalised; that clause remains and shall remain dormant in the Constitution forever. Why introduce that notwithstanding clause if the purpose is not to defeat the operation of Section 328 (7)? So, what we have here Madam Chair, is a constitutional amendment proposal which seeks to take away the very power of the Constitution to protect itself from those who enjoy political majorities in this country.

The framers of Section 328 (7) knew that such a mischief might arise and we are told today by the Hon. Minister and the proponents of this Bill, that this Amendment Bill does not seek to deal with issues of term limits and so forth. If for sure that justification and that reasoning is correct, why did we incorporate a notwithstanding clause

in the very same Bill which seeks to take away the operation of Section 328 (7)? It is a very straightforward question which the framers of the Bill have not been able to respond to, or answer to.

In modern constitutional scholarship, there is what we call unconstitutional constitutional amendments. Such an unconstitutional constitutional amendment is an amendment which seeks to take away the very safeguard created by the Constitution against...

HON. MUDUMI: Point of order!

THE TEMPORARY CHAIRPERSON (HON. MAUNGANIDZE): What is your point of order?

***HON. MUDUMI:** What he is explaining, we already passed that stage; let us go to the next stage. He had time to debate; he debated and he finished. We are now on another stage; we are now on the Committee Stage.

THE TEMPORARY CHAIRPERSON: Hon. Gumbo, may you speak on the clause in question.

HON. GUMBO: Hon. Chair, if you are to go to Clause 4, it clearly indicates that there is an insertion into our current Constitution. An insertion of a clause, which shall operate once and it

becomes inoperative and yet it will remain embedded in text in our Constitution. What we are questioning today is the motive behind the insertion of that overriding clause.

If the intention is not to defeat the safeguards of incumbent benefits, what other intention does it hold in the Bill? One cannot say I am arguing outside the clause because that insertion is right there in text in the Amendment Bill. Therefore, we argue that such safeguards are for this House and the people of this country to protect. Such safeguards have been made to ensure that incumbents and the argument that this is not a term limit, this is not a term extension, is defeated by the very drafters of this Bill.

If you go to Section 328 (1), it is very clear, as to what and the definition of what a term limit provision means and it simply reads that this is a provision of this Constitution which limits the length of time...

THE TEMPORARY CHAIRPERSON: Order, order, Hon. Gumbo, your time is up – [HON. MEMBERS: *Inaudible interjections.*] –

Order! Hon. G. K. Hlatywayo, Hon. Mutodi, you may proceed.

HON. GUMBO: Madam Chair, what time, in terms of what? –

[HON. MEMBERS: *Inaudible interjections.*] –

THE TEMPORARY CHAIRPERSON: Order, order. We are at the Committee Stage and it is only five minutes for you to debate.

You have actually exhausted the ten minutes we gave you,

Honourable – [HON. MEMBERS: *Inaudible interjections.*] –

HON. DR. MUTODI: Thank you Madam Speaker. I think Hon. Adv. Gumbo may just want to mislead the House. What he is referring to are general clauses in the Constitution, but those general clauses, according to legal principle, cannot override special clauses that are specifically stated in the Constitution. The specific clause that he says cannot be overridden. That is not possible. It is possible, if we want to change the Constitution to meet what we state are the current aspirations of the people of Zimbabwe, we cannot be stopped by general clauses. Thank you Madam Speaker – [HON. MEMBERS: *Inaudible interjections.*] –

THE TEMPORARY CHAIRPERSON: Order, order! May we allow the Attorney General to respond? – [HON. MEMBERS:

Inaudible interjections.] – Order! Hon. Makumire, Hon. Mhetu and

Hon. Eng. Mhangwa, may you take your seats. May we allow the Hon

– [HON. MEMBERS: *Inaudible interjections.*] – Point of order.

Order! Hon. Makumire, we know you have created enough content

for today. Please do not disturb the process – [HON. MEMBERS:

Inaudible interjections.] –

HON. MAKUMIRE: I do not mind whatever insults you can make, Madam Chair.

THE TEMPORARY CHAIRPERSON: Order! Hon. Makumire, may you take your seat.

HON. MAKUMIRE: Point of order. Allow me to make my point of order. Only two Members have debated on this clause – [HON. MEMBERS: *Inaudible interjections.*] –

THE TEMPORARY CHAIRPERSON: Hon. Makumire, may you take your seat, we are not yet close to the debate. May you take your seat – [HON. MEMBERS: *Inaudible interjections.*] –

***HON. ENG. MHANGWA:** Only two people debated and you are asking him to respond. What is he going to respond to? – [HON. MEMBERS: *Inaudible interjections.*] –

THE TEMPORARY CHAIRPERSON: Order!

THE ATTORNEY GENERAL: Madam Speaker Ma'am, let me first establish my local standard. I speak in terms of Section 114 (5), paragraph (b) of the Constitution, which allows the Attorney General to sit and speak in the National Assembly and in the Senate – [HON. MEMBERS: *Hear, hear.*] -

Madam Speaker, Ma'am, I rise because there is an issue with the drafting behind the notwithstanding clause. Yes, I just want to clarify that the drafting approach adopted in Clauses 4 and 9 anticipated this possibility that Section 952 (b) could be argued to fall within Section 3281.

As the drafters inserted this **non obstante clause** in Clauses 42 (a) and 92 (a), which in relation to Section 95 (ii) (b), provides that, notwithstanding Section 3287 (2) (b), it shall apply to the continuation in Office of the President. The drafting technique is not novel, Madam Chair. It is the same approach adopted in the Constitution Amendment (No. 2) and subsequently considered by the Constitutional Court.

You may want to hear, Madam Chair, that the court held in the Mpungu case, that the notwithstanding clause does not amend, it does

not modify, nor does it supersede Section 3287. It actually confirms that the provision in question does not amend a term limit provision and therefore, applies to the continuation in office of the affected office holder. I may go on if allowed to do so, but the point is, the drafting approach is perfectly in order and does not violate it. I so submit.

HON. ENG. MHANGWA: Thank you Madam Chair. I stand in support of the deletion of this clause, not from a legal perspective. I am on the clause. Allow me – [HON. MEMBERS: *Inaudible interjections.*] –

THE TEMPORARY CHAIRPERSON: Hon. Eng. Mhangwa, we have passed that stage. Where was the proposal that had proposed by Hon. Mushoriwa? We have passed the stage already.

HON. ENG. MHANGWA: I am still on Clause 4. Clause 4 Madam Chair, as the Leader of Government Business was responding in the previous stage, indeed, you used a lot of bounded rationality. A lot of impressions were given, but I want to give two quick statistics. Where Zimbabwe has roads equivalent to almost 100 000 km,

Zimbabwe has 97 000 km and it took us eight years to do 600 km from Harare to Beitbridge and it is still not complete.

I want to assume that instead of saying we did eight years on it, instead of assuming we did 8 kilometres on it...

THE TEMPORARY CHAIRPERSON: Order, Hon. Eng. Mhangwa. You were supposed to talk about that when we were having the general debate. Now, we are at the Committee Stage. May you please speak to what Clause 4 is saying?

HON. ENG. MHANGWA: I am very aware of the clause that I am debating and allow me to come up with my angle on this clause.

THE TEMPORARY CHAIRPERSON: We cannot allow everyone to go back to the general debate, Hon. Eng. Mhangwa.

HON. ENG. MHANGWA: It is specific to Clause 4 and my logic is an engineering logic based on the basis on which you are saying we have so much progress that warrants us to continue with this direct trajectory.

HON. Z. ZIYAMBI: Hon. Chair, when Hon. Gumbo was debating, he was speaking to the clause. In the Committee Stage, we do not open debate to give those examples. Speak to what you want

deleted and justify in the manner that Hon. Gumbo was doing. What you are debating is completely okay if we are at the Second Reading Stage.

HON. ENG. MHANGWA: I am already justifying Hon. Minister.

HON. Z. ZIYAMBI: No, no, no, that is not allowed.

HON. ENG. MHANGWA: I am Hon. Eng. Mhangwa and I will debate as an engineer, not as Hon. Gumbo – [HON. MEMBERS: *Inaudible interjections.*] – Allow me to justify this clause from my end.

THE TEMPORARY CHAIRPERSON: Hon. Mhangwa, I need to remind you that you cannot argue with the Chair. Once you do that, I am going to rule you out of order and you are out of order right now. You have to sit down. Hon. Eng. Mhangwa, I am not permitting you to proceed.

HON. ENG. MHANGWA: Why are you denying me the right? I am the Chair.

THE TEMPORARY CHAIRPERSON: You cannot argue with the Chair – [HON. MEMBERS: *Inaudible interjections.*] –

HON. ENG. MHANGWA: That is not a good enough excuse, Madam Chair.

THE TEMPORARY CHAIRPERSON: Hon. Eng. Mhangwa, may you take your seat.

***HON. MHETU:** Thank you Madam Chair. My contribution is not that much. I am requesting a deletion of Clause 4 because more than 80% of African countries follow the five-year Presidential term. Less than 10% is the one that follows the seven-year term.

THE TEMPORARY CHAIRPERSON: Order!

HON. MHETU: May you listen to me Hon. Chair.

THE TEMPORARY CHAIRPERSON: You are out of order. We cannot keep going back. You are out of order, Hon. Mhetu – [HON. MEMBERS: *Inaudible interjections.*] – Order, order. May we have order in the House? I want to put it on record that we have passed that stage at which Hon. Mushoriwa proposed the amendment. Hon. Mhetu, take your seat – [HON. MEMBERS: *Inaudible interjections.*] –

HON. MADZIVANYIKA: Point of order.

THE TEMPORARY CHAIRPERSON: I hope you do not want to take us back. We have passed that stage already.

HON. MADZIVANYIKA: The Attorney General quoted the case of Marx Mupungu *vs* the Minister of Justice when she was alluding to the fact that the notwithstanding provision in this amendment has no problem and it is constitutional. On the same token, I quoted the Marx Mupungu case, citing that Section 95 (2) is a term-limit provision. I was told that it is an *Obiter dictum*, it is not Russell Dessaint. The cell Attorney General, now using the same *Obiter dictum* to confirm that the notwithstanding section is constitutional, how does that go and how does that marry each other? I want a response. Thank you.

THE ATTORNEY GENERAL: Thank you Madam Chair. It is not correct to say I quoted an *Orbiter*. Even the rationale behind the notwithstanding clause. If you look at Section 95 (2) (a), the reasoning behind Section 95 (2) (a) and you compare it with the reasoning in 186 (4), the same applies to Clause 9 (2) (a). Therefore, if Section 186 (4) does not amount to an amendment of Section 328 as it does, neither do Clauses 4 (2) (a) and 9 (2) (a) follow the same

route if we are to use that argument. The Constitutional Court has already traversed this terrain and Bill simply follows the binding precedent; it should be allowed. I submit

Hon. Madzivanyika having stood up to debate

THE TEMPORARY CHAIRPERSON: Hon. Madzivanyika, there was no objection.

HON. MADZIVANYIKA: Madam Chair, there is further debate. We need the clause, please allow us. The Attorney General is here and we want clarity from her so that we can go together and understand each other. I am holding the judgment of Marx Mupungu's case and I have the order, which is Russell Dessaint as the core lawyers. I am not a lawyer by profession, but they said Russell Dessaint is the one who matters, on this order given on the Marx Mupungu judgement, there is nothing like what she is talking about and surely, it must be consistent. If we reject to say Section 75 (2) is of the *Obiter dictum*, we must also reject on the same principle, because in the same order, on the Russel Dessaint, there is nothing like that.

THE ATTORNEY GENERAL: I assume the Hon. Member is also a lawyer and able to interpret legal provisions. I have already explained and in my conclusion, I can only conclude that the clauses comply with Section 328 of the Constitution. The procedure in Section 328 (5), is constitutionally sufficient for Clauses 4, 9 and 10.

The insertion of the non-obstinate Clauses 4 and 9 is constructed on the identical template, which is existing in Section 186 (4), which already is part of our Constitution and therefore, does not amount to an amendment of Section 328. Accordingly, I want to submit that there is nothing wrong with the notwithstanding clauses as being averted by the Hon. Member. Thank you.

HON. Z. ZIYAMBI: Hon Chair, maybe to put it in layman's language, this drafting technique is already in the Constitution. The argument that Hon. Gumbo was putting forward was rejected by the court when we had an amendment that was exactly like this. I urge the Hon. Member to hold your horse and go to the Constitutional Court if you so feel that this amendment offends Section 328. I submit and let us proceed.

On Clause 5:

HON. MUSHORIWA: There is an objection, you asked for an objection and we have objected. Why are you rushing? We are on Clause 4; we have not passed it. Let us divide the House on this clause. [HON. MEMBERS: *Inaudible interjections.*]

On Clause 5:

HON. MUSHORIWA: Madam Chair, can I say something? Check the *Hansard* because we do not want to have a problem tomorrow. You said is there any objection and I said the objection. You did not even put that clause to the House. You were supposed to say, those who agree to Clause 4, if you jump those things....

THE TEMPORARY CHAIRPERSON: I had passed already.

HON. MUSHORIWA: How did you pass?

THE TEMPORARY CHAIRPERSON: You were standing up when I said Clause 5.

HON. MUSHORIWA: Madam Chair, I think Mr. Daniel should help you there. You did not put Clause 4 to the House.

HON. CHIGUMBU: On a point of privilege Hon. Chair! You are putting this whole House to disrepute. As Parliament, we should not override procedures. You did not put Clause 4.

HON. TOGAREPI: Hon. Chair, I move that just for the harmony of the House, let us go back to Clause 4.

HON. C. MOYO: I second.

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): I just need clarity before Hon. Mushoriwa proceeds. He has already indicated that he does not want this. I am not sure what else he wants to say because his position has been clear. He put on the *Order Paper* and we voted to reject that. If he is going to speak, he is going to speak to amend sections or issues, rather than a general debate. I plead with you, for him to do that.

HON. MUSHORIWA: Hon. Chair, if you look at 5 (b), notwithstanding Section 328 (7) (2) (b), shall apply to the continuation in the Office of the President. This is where I am actually coming in. Unlike the Minister, the position, yes, I would really want to see this...

HON. Z. ZIYAMBI: Hon. Chair, I think you need to rule on this. When Hon. Mhangwa was arguing on this, I explained and said it is already in the Constitution but what I said is that we are not going

to respond to this. He is at liberty to take it to the Constitutional Court if he so feels that it is not supposed to be in the Constitution, even though it is already there. So, you must rule on this, that this debate, who is going to respond to what he is debating?

THE TEMPORARY CHAIRPERSON: Hon. Mushoriwa, this has already been said, so you cannot proceed.

HON. MUSHORIWA: What does that mean Madam Chair because if you tell that the MP for Dzivarasekwa should not continue, what are you saying to the people of Dzivarasekwa?

The Temporary Chairperson having put Clause 4.

HON. MUSHORIWA: Divide the House – [HON.

MEMBERS: *Divide the House.*] –

The Temporary Chairperson having asked Hon. Mushoriwa to debate on Clause 5.

HON. MUSHORIWA: Madam Chair, I am actually finding it difficult for us to continue because when I ask you to divide the House – because it appears as if you just want to bully us into silence...

THE TEMPORARY SPEAKER: Order Hon. Mushoriwa! I want to refer you to the Standing Rules, Clause 133 (2). It clearly says, “if however, the Chair is of the opinion that a division is unnecessarily claimed or there is an abuse of the rules or a misuse of the forms of the House, he/she must decline to direct that a division must take place and must immediately declare the resolution of the House or the Committee, as the case may be” In this case, I feel that it is unnecessary. Let us move on.

The Temporary Chairperson having again asked Hon.

Mushoriwa to debate on Clause 5.

HON. MUSHORIWA: Madam Chair, you are reading subsection (2) without reading subsection (1). How do you make that determination, without even at one...

THE TEMPORARY CHAIRPERSON: Hon. Mushoriwa, the decision is final.

HON. MUSHORIWA: If your decision is final, basically, that means we should not debate. Divide the House. Why should we continue?

HON. CHIKOMBO: On a point of order! Madam Chair, I am guided by Rule 138, which has the preemptory provision that the Chair must direct another division to take place. This takes precedence because it has a preemptory order provision. It says, “in case of confusion or error occurring concerning the numbers reported, which can otherwise be corrected, the Chair must direct another division.” There is confusion in this House for you to cure the confusion; be guided by this provision...

THE TEMPORARY CHAIRPERSON: Order, order! Listen first, Honourable, the same section is talking of confusion; it does not apply, there is no confusion here.

HON. MUSHORIWA: Madam Chair, personally, I think that we are not doing the proper thing. I am thinking that all the amendments that I have actually proposed, I may actually be forced to withdraw all of them because we are not doing anything. I need to put it on record that I am being forced to do that because the Chair has taken a different way of chairing.

THE TEMPORARY CHAIRPERSON: Hon. Mushoriwa, your request has been noted. May you please formally withdraw the amendments or you can put them in writing.

HON. MUSHORIWA: Madam Chair, I am not so sure why you are saying I put them in writing. I have already pointed out the reasons that, given the trajectory we are moving in where I believe that you no longer want us to debate, it is no use for me to continuously bring the amendments, you see Madam Chair, as MPs, we are paid to debate. That is what the people out there want us to do but when you put some hiccups...

THE TEMPORARY CHAIRPERSON: Hon. Mushoriwa, I have asked you to formally withdraw and not to debate.

HON. MUSHORIWA: No, that is not what I am actually...

HON. TOGAREPI: On a point of order Hon. Chair, the Hon. Member is saying he has been paid to do what he is doing. That is what he has been paid to do.

HON. MUSHORIWA: Hon. Chair, can the Hon. Chief Whip withdraw that statement? Members of Parliament are paid to debate. We come here to debate.

THE TEMPORARY CHAIRPERSON: Order, order!

HON. MUSHORIWA: No, no, no, he has to withdraw. He has to withdraw what he is saying?

HON. TOGAREPI: Order. Madam Chair, I am not paid to debate. I come here to legislate, to represent but I am not paid specifically to debate even...

HON. CHIKOMBO: On a point of order! Madam Chair, the Government Chief Whip is deliberately misconstruing payments by Hon. Mushoriwa. He is simply saying, by being here we expend taxpayers' money and that process is payment. He is not saying...

THE TEMPORARY CHAIRPERSON: Order, order, you are out of order. Hon. Mushoriwa, I have noted that you have withdrawn and we are proceeding.

HON. MUSHORIWA: Madam Chair, why is it that when the Leader of the House, Government Chief, does the opposite, the exact thing that you silence this side, you do not apply the same rules? I know that these are your seniors but...

THE TEMPORARY CHAIRPERSON: Order, Hon. Mushoriwa, I have noted that you have withdrawn.

Clause 4 put and agreed to.

Clauses 5 to 7 put and agreed to.

On Clause 8:

HON. GUMBO: Madam Chair, this clause makes a proposition of amending the Constitution by deleting the word ‘eighty’ and substituting it with the word ‘ninety’ and by implication, giving power to the President to appoint 10 additional Senators to the Senate. Madam Chair, the challenge that we have with this clause is not merely about a contestation of the argument on expertise that has been advanced by the proponents of the Bill, but it goes to the very constitutional architecture of separation of powers which this Constitution clearly envisages.

Senate exists as a second Chamber of Parliament. It is a legislative body of the State and the very character of separation of powers is such that Parliament exercises not only a legislative role but also a role of oversight over the Executive, which is led by the President. So, by appointing an additional 10 Senators, the President is effectively gaining an unfair advantage over the very same body

which must exercise oversight over his policies as leading his Government.

So, Madam Chair, we must be cautious that an amendment that we make to the Constitution must not amend fundamental basic principles of constitutionalism, the basic structure of the Constitution and accept that separation of powers must be adhered to. The President already has seven Ministers that he appoints who are non-constituents. Already, the President has extended his tentacles into the arm of Government which exercises oversight: seven Ministers. An additional 10 is an unnecessary overreach of the Executive in the function of the legislature.

Madam Chair, because of that, we must as a House, in the interest of the greater good of our country and in the interest of the future of this country, resist this amendment and delete this amendment from the Bill. I so move.

HON. GUMEDE: Thank you Hon. Chair. I move that Clause 8 be amended by deleting the words ten appointed by the President and substituting them with five persons of recognised professional competence nominated by the President and approved by Parliament.

I think this is a compromise that we can come up with for the following reasons, Madam Chair. First of all, I think that the nominees should be subject to Parliamentary approval and they have to be selected through a transparent public process. I think that is my contribution for this one. Thank you.

HON. MUSHORIWA: Madam Chair, I think first and foremost, the question of increasing our Senate by ten persons appointed by the President is an indictment even on us Parliamentarians and also even the Senators. We are told here that it is because they possess some qualifications that may be needed to enhance the debate in the Senate. Madam Chair, when the Hon. Minister was responding, he told us that it is because we have got a hybrid system of elections in this country, where it has already been defined. PR is actually based on the votes that a particular party gets in a province and then they are shared along that way, including even the Senate. Now, to then have ten additional Senators who are appointed by one person, naturally, it does not matter whether it is me who is the President in that particular moment; I will obviously appoint people who are aligned to my political thinking. It will be

wrong Madam Chair, to ask one to do that. I am going to ask the Hon. Minister to kindly help this House and help Zimbabwe by deleting this clause.

HON. TOGAREPI: Madam Chair, I think that as a country, we know very well that when we go to elections, it is not always that we get the skills that we want in various areas and structures of Government. So, sometimes we get those who are popular but maybe not capable in certain areas. If we can give the President that leeway of bringing in these skilled people, it will then help bring in skills that will enhance even the work of Parliament and even when appointments will then be done by the Executive, it will help us. So, I really support that we give the President this right to appoint. While I have heard the Hon. Member who was talking about the consultation, I would not say approval. Maybe if we want, but I do not think we want to get into the Executive issues. Why should we get involved? The President is a member of the legislature, if you did not know.

***HON. MUTSEYAMI:** Thank you Madam Chair. My issue is on appointing people to be Senators. Firstly, is it not that the law that is there currently gives the President the prerogative to appoint seven

experts to be Senators? Now we want to add ten more. Before we go for elections and being voted in, the political party that will win will already have 17 people in place. My thinking is that seventeen people who are going to be appointed is a huge number. Let us reduce the number to seven. Then the political parties that go for elections should say that for one to be a Senator, we need the following qualifications on their CVs. For those who cannot satisfy the CV requirements, they can come and contest to be an MP. Here, they can use a popular vote because of their ability to speak, sing or convince people to vote. In the Senate, where PR MPs are nominated, we can then use CVs. Seventeen people to be nominated while they are at home is too much. Let us not give power to one person to nominate seventeen people. While they are saying ten, they are not coming out in the open that there are seven being nominated by the same one person already. Now you want to increase ten more on the seven to bring the total to seventeen, which we changed long back. Mugabe nominated 20 and we are now on 17. You may look down upon me and I am saying the wrong thing but looking at what is best for our country, Zimbabwe, 17 people to be nominated by one person is too

big a number. Let us just have seven like we used to have long back.

Thank you.

***HON. MAPIKI:** Thank you Madam Chair. The issue that we are discussing is not about elections but we are discussing issues of development. I agree to the President nominating ten more Senators to bring the total to seventeen so that we progress in terms of development. We want that to help us as Zimbabweans and move forward. Three years as words of prophecy, I would say there will be no elections but we will be moving forward with development only. I thank you.

HON. Z. ZIYAMBI: Hon. Chair, I listened carefully to Hon. Gumede's contribution. I agree with after consultation with Parliament but I want the number ten to be there. So, I think her proposal makes sense and I propose that Clause 8 (e) be amended to read that "ten appointed by the President chosen for their professional skills and other competencies after consultation with Parliament." What I just want to add is Hon. Gumede's proposal, which is a very good, but sometimes the rules say you also need to approach the Chair if you have amendments. This is just for our Hon. Members to take

note. What I want to say also is the election of Senators and the list is, we have an election for Senators in our party, and we have a selection criterion which we refrain from using academic qualifications. We use those that are popular, and we come up with a list. I recall, Hon. Chair, there was a time during the previous Parliament. I do not remember whether it is the 5th or the 6th. I think you recall when we did not have sufficient numbers to constitute the Parliamentary Legal Committee. Hon. Justice Makarau at that time was appointed to be a Member of Parliament and sit in the Parliamentary Legal Committee. On this clause, we are trying to ensure that, once the elections have been done and the President has looked at the curriculum vitae, he should be able to enrich debate in the Senate as well as in other committees within Parliament, so such people should be appointed. They are not necessarily being appointed to be ministers, like the seven that were spoken about. I turn to gravitate and support what Hon. Gumede said, serving to say that I respectfully submit that number 10 should be left as it is. I am proposing that amendment. Thank you.

***HON. KARENYI:** Thank you Madam Chair. My contribution is on the issue of additional Senators. My thoughts are these: we already have seven Senators who are appointed by the President. The 10 that we want to add, which are experts not in the seven that are already there...

HON. TOGAREPI: I want to get clarification because the President is not appointing seven Senators. I am not aware of that provision.

***HON. KARENYI:** Thank you Madam Chair. On the seven that the President appoints, because of the expertise that we want from the 10 for the betterment of our country, is using their expertise. My thoughts are that, from the seven that we already have, since we are economically suffering, is there any reason to add another burden on the Government and taxpayers, so that we increase by another 10? Was it not prudent that, from the seven, they can be removed if they are not doing well or we can rotate? Those who are not performing can be replaced because they are not voted for; they are appointed. The issue is, we should not burden the Government. Thank you.

HON. BAJILA: I have heard the Minister`s argument but I need some form of clarity. The earlier clauses extend the election of the President to include the Senate, but you have some Senators who would not be in place at the time the President is to be elected. This, therefore, means that the Senate will not be fully constituted at the time it elects the President. It would be some Senators, not the Senate as a whole. So, how do we intend to deal with that because the Senate needs to be fully constituted for it to conduct its work? In this case, some of the work of the Senate gets to be done before it is constituted because some of the Senators then get to be appointed by the President later. I thank you.

HON. P. ZHOU: Thank you Madam Chair. I want to agree on the appointment of 10 Senators because, from the public hearings, the people understood what we were saying. They said they want 10 Senators. I did not hear any arguments on that. So, it was supported by more than 94%. The voice of the people is the voice of God. Let us respect the wishes of the people.

HON. MOLOKELA-TSIYE: Thank you so much Hon. Chair. I have a suggestion that I think is a solution. Instead of vesting the

authority in the office of the President to appoint the 10 extra Senators, we have a true, tried and tested method in this country. My alternative is simple. Before the elections, each province is going to be allocated one extra Senator. The provinces are 10, so each province is going to be allocated a fully prescribed Senator who will be a Senator with special skills because we do that for PR, women's quota, we do that for PR for the youths. We can say, before the elections, we will have an extra Senator for each province and that Senator will be a Senator with special skills. That is how we will create an extra 10 Senators who have special skills from each and every one of the 10 provinces. Then, the President will appoint from those special skills who will come through the political party list. That way, we divest authority from a single person, we take it to the political party, we take it to the voters; we take it to the electorate and we take it to the party members. I am proposing that before the elections, each of the 10 provinces has one extra Senator who will be fully prescribed as a special skills Senator. I so submit. Thank you.

-[The Temporary Chairperson having recognised Hon. James to speak] –[HON. T. ZHOU: Murungu gara pasi]-

HON. CHIKOMBO: Thank you Madam Chair. My point of order arises from the averments made by Hon. T. Zhou. Those amendments border on racial slurs which are not good for Parliament. It is unparliamentary and we urge Hon. Zhou to withdraw.

THE TEMPORARY CHAIRPERSON: Thank you. Hon. Zhou, when we are in Parliament, we are Hon. Members of Parliament. Please stand guided.

HON. P. ZHOU: Madam Chair, with all due respect, *paanofamba anonzi murungu*. Thank you Madam Chair. I withdraw.

HON. JAMES: Thank you Madam Chair. The proposal is for 10 appointed Senators because of their competence. If that is the case, can I propose further to Hon. Molokela that the 10 Senators are non-voting Senators in the Senate because they are there for their special skills?

THE TEMPORARY CHAIRPERSON: Order, Hon. James. I think you are repeating. You have said that you want to support what Hon. Molokela has just said.

HON. JAMES: In addition, Madam Chair, that the 10 Senators be non-voting Senators because they will be appointed for their special skills.

HON. ENG. MHANGWA: Thank you Madam Chair. If the logic by Hon. Molokela stands, instead of it being the seventh Senator, why not have five unpopular votes and the sixth one that is already there comes with skills? If there is anything that we need to add other than this, which represents the diaspora, this is my proposal.

HON. G. K. HLATYWAYO: Thank you Madam Chair. I listened carefully to the Hon. Minister when he was explaining and motivating why we need to have these 10 Senators. He spoke about his own internal party processes from his political party. I wanted to say that it is important for us to maintain what we had on the basis that we cannot take the problems that we have as political parties to then become national issues.

I think that the Hon. Minister - I am sure he is the Secretary for Legal Affairs, if I am correct, for his political party, he must simply ensure that they come up with an internal remedy and stop

nationalising political party issues to bring them to the House. I so submit.

HON. Z. ZIYAMBI: Thank you, Hon. Chair. The amendments as I proposed, which I fully subscribed to, I put them and I move that the House adopts those amendments.

HON. MULOKELA-TSIYE: On a point of privilege Madam Chair. The Hon. Minister, I put an alternative proposal; he did not even respond to it, where I proposed that instead of the President appointing 10, each province must have an extra Senator to create that 10 of special skills. He did not respond to the proposal.

HON. Z. ZIYAMBI: I rejected it and moved that what I proposed is what I am putting forward.

HON. BAJILA: Madam Chair, I had asked for some clarity earlier on. Maybe the Minister was on that side. It is in good faith, Hon. Minister. My question is, in terms of earlier clauses, we are now moving to the size of Senate and expanding it by 10, which means that as long as it has not reached that number, it is not yet fully composed. However, this is the Senate that earlier clauses have said must elect the President. It will not yet be full, because some Senators

will then get to be appointed by the President at some time later, but will not be part of this. So, this Senate is going to dispose of some of its duties when it is not yet fully constituted. How do we intend to meander past that?

HON. Z. ZIYAMBI: Thank you Honourable Chair. The two Houses act based on a quorum. I believe that it will be perfectly constituted to elect the President who will then proceed to do what we intend to do. I submit.

HON. JAMES: On a point of clarity. Thank you Madam Chair. The Hon. Minister has not commented on the proposal to make the 10 Senators non-voting Senators.

HON. Z. ZIYAMBI: Hon. Chair, I have already moved that we proceed with the amendment to include after consultation with the National Assembly. In fact, maybe to answer him, the Senate will not vote on this, but the National Assembly. Since the votes that are coming, allow the Senate to be properly constituted, are derived from votes that were aggregate votes for members of this National Assembly.

So, once the National Assembly is properly constituted, I want to correct what I said earlier on, just to maybe support his view, is that this House, which gave the Senate the votes, votes for the President, and this is the House that will also be consulted by the President to have the 10 Senators. We cannot say these are non-voting because these are not executive appointments to ministries. These are Members of Parliament to execute duties within Parliament, the same as what a proportional representation of MPs and youth quota does.

They are full Members of Parliament with full voting rights, bringing in whatever their expectations that the President is excellent would have identified as unnecessary for the proper legislative function of both Houses. I submit.

THE TEMPORARY CHAIRPERSON: Order! The Hon. Minister has clarified all issues. The Hon. Minister has already elaborated on all important issues.

HON. MAMOMBE: Thank you Madam Speaker, for allowing me to move to a point of clarification. Hon. Minister, we have heard what you have said, but the 10 Senators are what Hon. Bajila has highlighted, that they will not be present during the voting process for

the President. Now, for instance, what happens when the President dies? Do these Senators still vote because already they have not been involved during the process of voting for the President?

Then now we have a situation where maybe the President dies. What then happens to these 10 Senators? This is what we want to understand because the arithmetic is not balancing here. It is just an example of what happens when the President dies. Do they still vote since they have not been involved initially?

HON. MUSHORIWA: Before he stands up, I also want to say something. I wanted the Hon. Minister to explain the sequence of this Bill, where it talks of Parliament and the proposal that we have put talks of the National Assembly. I am also sure the rationale to say that, because the votes that matter come from the National Assembly, that splitting aspect will probably create a problem. It is either you have to say Parliament or we remove it in total, rather than then split Parliament to the National Assembly but then when you go to the earlier clauses, it is Parliament, National Assembly and Senate. So, the splitting aspect, I think needs clarification.

HON. MOLOKELA-TSIYE: Point of clarification, I have been asking for the last five minutes. There is something obvious that the Hon. Minister is missing, so I wanted to raise it with him. Hon. Minister, the original proposal has been changed while you were debating, but we are also insisting that we continue to approve. This is because there has got to be a clear rewording of the Clause. That is what I wanted you to do, especially with regard to the timing of the appointment of the ten new Senators.

From what you have said, we have concluded that these will come after the President is appointed or elected because it is the President who appoints them. So, in the wording, there have got to be some changes from the original. We want to hear the new wording. That is what we want to hear because these 10 new Senators will be appointed by the President. So, it has to be clear in the new wording. That is what we want to hear from you.

HON. Z. ZIYAMBI: Hon. Chair, we are going in circles. I indicated that ten are appointed by the President and chosen for their professional skills and competencies after consultation with the National Assembly. So, the President must be elected first. When he

is elected, then he will choose the ten Senators right to the Speaker and then for the consultation process. Once they are elected, then they are Senators with full voting rights. Even if the President dies, they are Senators until another President is elected. This is because they belong to his party and he has the power to recall. That is still proper because those are people that have been chosen by the same institution and there is no problem there. I submit.

HON. CHIGUMBU: Madam Chair, I have a point of clarity that I want him to clarify...- [HON. MEMBERS: *Inaudible interjections.*]-

THE TEMPORARY CHAIRPERSON: Order!

HON. CHIGUMBU: We want clarification on something that he said.

THE TEMPORARY CHAIRPERSON: May you be brief?

***HON. CHIGUMBU:** The Hon. Minister is saying that the President has the mandate of recalling these Senators because he is the one who has appointed them. Before that, he said those Senators will be appointed in consultation with Parliament. Parliament has different parts. For the President to have the power to recall these

Senators, where does he get the power from? This is because he is choosing these Senators in consultation with Parliament. So, we want that to be clearly clarified.

***HON. Z. ZIYAMBI:** Hon. Chair, this one has not been exposed to leadership. He is bothering himself with trivialities. Once a President has been elected, it means there is some form of majority in those Houses. That is the answer that I can give. - [HON.

MEMBERS: *Inaudible interjections.*]-

Amendment to Clause 8 put and agreed to.

Clause 8, as amended, put and agreed to.

Clauses 9 and 10 put and agreed to.

On Clause 11:

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Hon.

Chair, I think I have some amendments. I want to remove the word

“electoral” there. I think the amendments appear as they are in the

Order Paper. The whole basis Hon. Chair, I respectfully request the

Minister of Energy and Power Development, who is our expert in this

area, to clearly explain the rationale of the amendments that we put forward there. So, I am requesting him to explain.

THE MINISTER OF ENERGY AND POWER

DEVELOPMENT (HON. J. MOYO): Thank you Madam Chair of the Committee. This amendment to delete the word “electoral” sits very well. However, this Delimitation Commission is not just looking at electoral delimitation. In terms of our Constitution, the Zimbabwe Electoral Commission (ZEC) is being substituted by a professionally appointed commission with disciplines that are correct for delimitation in order to come up with a developmental state whose governance is well delimited. By removing the word “electoral”, it sits very well because when you are changing provinces, districts and local authority boundaries and when you are looking at words for elections as well as for constituencies, we must have a Delimitation Commission which the President will appoint from time to time when it is necessary to go and look at what is happening.

Since the 90s, there have been many disputes taking place. I am sure these Hon. Members are coming from areas, which are disputed by communities who do not want to belong to this area where they

were put and they have good reasons but we had no chance to correct them. I can cite so many of them. There are disputes between districts such as Lupane, for instance, *versus* Hwange. The dispute that is arising there, some people from Chief Dingani's area were put in Lupane and you have disputes between those in Lupane and those in Hwange and this Delimitation Commission will look at this and correct it so that communities remain in one area and are not confused when they want to access services from the Government.

Secondly, you can look at many others that need to be corrected. It says this commission will now work when you are doing delimitation of boundaries of districts, boundaries of provinces and the Act of Parliament that is referred to in the Constitution; those Acts of Parliament are already there but they must consult this new commission which can professionally assist in the delimitation of provinces and districts. I dare say this country, when we were just looking at communal areas alone, each chief knew the area by description described by cartographers and with pegs. So, when there was a dispute between chiefs, you could go and analyse it from a Statutory Instrument that would have been given.

Now that we have emplaced chieftainships in the commercial farming area because of the land revolution that took place in this country, the delimitation of the boundaries has not been done and we expect that this commission which has professionals again, that is why you have governance people in that commission, that is why you have demographic people in that commission, that is why you have cartographers in that commission. We believe that we can now do proper delimitation in all the commercial farming areas and emplace our chieftainships so that they do not argue against each other.

Delimitation for elections is done after a census but a census must put people in their rightful geographical locations of chieftainships, of wards, so that when that delimitation takes place, they know exactly where to move people from, so that you do not divide people from each chief and they put them in several wards. That is why we support the delimitation of wards...

THE TEMPORARY CHAIRPERSON: May you allow the Hon. Minister Moyo to finish.

HON. GUMBO: He is going off rail, allow me to make my point and then he can clarify. – [HON. MEMBERS: *Inaudible interjections.*]-

THE TEMPORARY CHAIRPERSON: Hon. Gumbo, may you allow the Hon. Minister Moyo to finish. You can seek clarity when he is done.

HON. GUMBO: Please, allow me to seek clarity.

THE TEMPORARY CHAIRPERSON: Hon. Minister Moyo, you may proceed.

HON. J. MOYO: Thank you Madam Chair and I was going to conclude by saying all this where you now need to do delimitation of wards, where you now need to do delimitation of constituencies, which takes into account that, in fact, the Delimitation Commission will have put people. Will have drawn the boundaries from chieftainships to wards to constituencies to districts and to provinces. That is how you will administer this country in a manner that justifies apportionment of resources. I thank you.

HON. GUMBO: Thank you Madam Chair. With respect, our process must follow a drafting discipline. The Delimitation

Commission which the Hon. Minister speaks to, if you listened carefully, he is going all out speaking about commercial farms, speaking about chieftainships, speaking about all these things. If you go to Chapter 7 of the Constitution, this particular clause seeks to amend Chapter 7 of the Constitution. Chapter 7 of the Constitution speaks to elections; that is all and then it details issues of timing of elections. Then Part 3 is the one that speaks of delimitation of electoral boundaries now. Electoral boundaries are not the same as district boundaries or farm boundaries or chieftainship boundaries. They are clearly defined in terms of how they are constituted. The Constitution is clear that there must be 210 constituencies which form the basis of this delimitation. So, the amendment that the Minister brings in, he says they want to bring in a Zimbabwe Delimitation Commission and the justification advanced by Hon Minister Moyo is that this commission shall be a commission of general delimitation powers and objectives, which does not align with Chapter 7, Part 3 of the Constitution, Chapter 7 in general, because how do you have a commission coming in with mandates that do not align with Chapter 7?

That is why I spoke about what is called drafting discipline. The Hon. Minister and Hon. Mabhiza, I know about this, so you are talking about elections in the same chapter where we are talking about chiefs and commercial farms. As much as we hear the wisdom that is trying to reach out to...

***HON. S. TSHUMA:** Point of order! Thank you Madam Chair. We want Hon. Gumbo to listen very carefully to where the Minister is going or the way the Minister was explaining. He is in the right direction because this whole Bill is concerned about cutting costs. – [HON. MEMBERS: *Inaudible interjections.*]-

THE TEMPORARY CHAIRPERSON: Order!

HON. G. K. HLATYWAYO: Do you respond when a person is not yet finished?

THE TEMPORARY CHAIRPERSON: Order! May we give the Hon. Minister to clarify. Hon. Hlatywayo, please address the Chair.

HON. Z. ZIYAMBI: He is right, but he has not fully understood what we are trying to do. That is what I want to explain so that he can then ventilate his ideas further. He is correct that Section

161 speaks about the limitation of electoral boundaries. We are not removing that. All we are saying is that the function should be done by a commission called the Zimbabwe Delimitation Commission. That is what we are saying. Hence, if you go and see what we are doing here, we are amending where it says the Zimbabwe Electoral Commission (ZEC), we erroneously said Zimbabwe Electoral Delimitation Commission. We are now saying this is a Zimbabwe Delimitation Commission that will do this function of electoral delimitation. It is not limited to that; an Act of Parliament would then be made to give effect to this Zimbabwe Delimitation Commission coming into effect.

We are simply removing where it makes reference to the Zimbabwe Electoral Commission and indicating that it is the Zimbabwe Delimitation Commission, but doing exactly what is there in the Constitution. Now, you can continue.

HON. GUMBO: I follow the Minister of Justice, Legal and Parliamentary Affairs, in that respect but you see, he allowed Hon. Minister Moyo to come in. Hon. Minister Moyo made a few suggestions that the delimitation of these electoral boundaries would

follow a particular pattern. He started referring to the chieftainships; we need to know where you stay, which ward, districts and so forth. Those cease to become part and parcel of the electoral boundary delimitation process. So, this is where the argument is.

If the Minister is simply saying Section 159 (a), where the role is imposed on the Zimbabwe Electoral Commission, we are now reposing that role in the Zimbabwe Delimitation Commission. They end there, not to then prescribe further functions of this commission of districts, chiefs and so forth. It then falls outside the boundary of those 210 constituencies that must be formed through the delimitation process, so that is the argument.

The Hon. Minister Moyo came and started talking about local authorities and so forth, those are already regulated in terms of existing laws. If that function is going to go to the Delimitation Commission, it does not form part of the amendment to this particular section. It can then form part of amendments to existing legislation or be part of the legislation you say is going to be put into effect. That is the point I want to make.

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (HON. Z. YIYAMBI): I agree.

However, this is a new Commission that is being formed. So, once it is formed, it indicates the constitution of this Commission. If you go to Amendment 12, it removes the function from ZEC and gives the function to the Delimitation Commission. I will allow Hon. Moyo to answer why he was explaining all those issues, because we believe we need one Commission that deals with boundaries, even of provinces and chieftainships that you alluded to. This is a new creation, Hon. Chair, in the Constitution, in the insertion in Clause 11.

Then, we go on to delete where reference is made to the Zimbabwe Electoral Commission doing delimitation. You will recall, Hon. Members who were in the previous Parliament, that the danger we had was that the Zimbabwe Electoral Commission, doing the delimitation and would bring their findings of what they would have done here but their findings were final, even if we debated. If we argued and rejected what they would have proposed, it is the same referee you were arguing with that you are going to find on election day waiting for you and we agreed across the board. If you check in

the *Hansard*, when the last delimitation was done, I will take an example, your own constituency, Hatcliffe. You have Hatcliffe and part of Borrowdale, people with totally different interests. Sometimes you struggle to marry the interests of the two groups. We were saying the Constitution actually implores the Delimitation Commission to have regard to the community of interest. As Parliament, we felt that we needed to move away from giving ZEC the power to walk with us from delimitation to voting until you are an elected member.

I will allow the Hon. July Moyo to explain the other issues. I implore you, Hon. Members, this is a very progressive amendment. In fact, I believe it is one of the best here because there was a *lacuna* regarding the boundaries of provinces, and who was going to do it. Now, we are going to give proper legal effect and establish a body of professionals, even doing our own constituency's delimitation and leave the Zimbabwe Electoral Commission to do what they know best - conduct elections.

With your permission, Hon. Chair, may Hon. Minister Moyo explain further and then you can have your intervention.

THE MINISTER OF ENERGY AND POWER

DEVELOPMENT (HON. J. MOYO): Thank you Madam Chair.

The reason we go beyond just electoral boundaries is that in the current Constitution, remember the Delimitation Commission which is taking the work that used to be done by ZEC, in the Urban Councils Act [Chapter 29:15], it says, whenever the President considers it desirable, he may, subject to this Act, by proclamation in the *Gazette*, after any local authority concerned has been consulted, establish a municipality or a town as the case may be, shall fix an area of municipality or town - that is a delimitation, shall assign a name to that municipality or town, 'may', after consultation with ZEC. So, we are saying ZEC was already given these powers in the Acts of local authorities, the Provincial and Administration Act, but consulting ZEC, this new Commission to us when it is being consulted, it is composed of professional people. They will give professional advice so that we can delimit all these areas that we are talking about. Hence, I wanted to go beyond the electoral.

I have not challenged, as the Minister of Justice, Legal and Parliamentary Affairs has said, the powers that will occur in the

electoral boundaries of wards or constituencies but I am going further, because ZEC was already given powers in other Acts. These powers will remain and this professional organisation, I think will do a better job than what is happening right now. Thank you Madam Chair.

HON. MAMOMBE: Thank you Madam Chair. I understand what the Hon. Minister July Moyo has explained, that the Delimitation Commission will go beyond just the electoral boundaries. Definitely, it is going to be involved in the electoral process, because you are going to delimit the constituencies. Now, the fundamental question, Madam Chair, is to say who is going to be appointing this Commission.

According to Clause 11, presented by the Hon. Minister of Justice, Legal and Parliamentary Affairs, the Delimitation Commission will be appointed by the President, which again influences the electoral processes with the Executive. So, I think for me, the proposal would be to say, if you want the Delimitation Commission to stay, to remain in this amendment, then can we propose that this Commission becomes independent, so that at least we have confidence that this is an independent Commission and can

be added to the 12 independent commissions. I thank you Madam Chair.

HON. BAJILA: Thank you so much Madam Chair. My first issue which I find problematic, is the conclusion by both Minister Moyo and Minister Z. Ziyambi, that the Electoral Commission cannot employ professional experts in delimitation. The framing of the argument is such that professionals can only be engaged if a different Commission exists. However, my argument is that professionals in delimitation can be employed by ZEC itself and do this job without the need to establish a separate Commission.

Secondly, the Minister of Home Affairs and Cultural Heritage, when he was here, referred to the fact that there are some things we are sending back to where they were before. We once had a Delimitation Commission in Zimbabwe, which was not called the Zimbabwe Delimitation Commission, which was not called the Zimbabwe Electoral Delimitation Commission but was called the Delimitation Commission. The late Justice Sandura chaired the last one.

What it did in terms of doing the delimitation in the country is synonymous with some of the things that some Hon. Members have complained about here. I come from Matabeleland South Province and I interfaced with the Delimitation Commission's product which Justice Sandura chaired. The entire Masuku chieftaincy of Gwanda North and parts of the Mathema chieftaincy of the same Gwanda North were thrown into Umzingwane Constituency. Another ward in Umzingwane Constituency was thrown into Matobo Constituency; parts of Bulilima were thrown into Mangwe and so forth and so forth. This was a commission called a Delimitation Commission. This commission was supposed to have all the experts and all this staff.

All we are doing now is simply moving this problematic issue to another institution that gave us problems before. I want to understand from the two ministers what the Government's problem is with ensuring that ZEC, as it currently exists, employs professionals capable of conducting boundary delimitation. It cannot be that the delimitation can only be done properly if there is a separate commission.

My last point Madam Chair, is here. Section 161 (1) of the Constitution remains unattended to Section 161 (1) states that we shall conduct our delimitation every 10 years. When that section says so, you say, 'Our elections shall be held in seven years, but delimitation is happening every 10 years.' What this means, Madam Chair, is as follows: -

This means that since our last delimitation exercise in 2023, the next one will be in 2033. The next one is in 2043, but for elections, that means we will have the next election in 2030, the next in 2037, and the next in 2043. At the end of the day, we will have two election cycles held under one boundary and one held under a different boundary. It gets more complicated than that, Madam Chair.

Parliament is currently establishing what are called Parliamentary Constituency Offices. At the same time, you are having this delimitation and the danger in this is, if you look at the 2023 delimitation report, you have one constituency which was removed from Matabeleland South Province and transferred to Harare Province; Matabeleland South moved from 13 constituencies to 12;

Harare moved from 29 constituencies to 30 and you already have these offices established and you have all these boundaries that you keep changing in all these programmes.

THE TEMPORARY CHAIRPERSON: Order, order, Hon. Bajila. May you wind up; your time is up.

HON. BAJILA: How, then do we seek to resolve these kinds of inconsistencies, Madam Chair? Thank you so much.

HON. TOGAREPI: Madam Chair, I want to talk about just one area where one Hon. Member proposed that it could be a Chapter 12 independent commission. This one is just administrative. It has nothing to do with democracy. It ensures that borders and delimitations are done correctly.

In my view, for us to reside the Delimitation Commission in ZEC when we have many other areas of administering our country that need delimitation, it means we will then be forced to come up with another commission to do those things. Why not have a separate entity that can serve ZEC and other areas, like local government and so forth? It can save the Government a lot in areas where delimitation

is needed. – [HON. MAMOMBE: *Sorry, on a point of order! On a point of order!*] –

THE TEMPORARY CHAIRPERSON: Hon. Mamombe, you had your chance. – [HON. MAMOMBE: *Which question is he responding to?*] - May you allow Hon. Chief Whip to finish, Hon. Mamombe? – [HON. MAMOMBE: *Okay.*] - Thank you Hon. Government Chief Whip.

HON. TOGAREPI: I think I had already exhausted my argument. I support the idea of an independent Delimitation Commission that can work in other areas where we need delimitation. It will save ZEC when ZEC wants it. It can save local government in any other place or chiefs when they want to understand their boundaries; the commission can work.

HON. MUSHORIWA: Thank you so much. There are two issues: the first is the commission's independence. The independence of this commission needs to be guaranteed. If you say this commission now will have powers to do electoral boundaries, it also has powers to do chieftainship; it has powers to do local authorities. That tells you this commission will be so powerful to an extent that

you cannot just put it as a simple administrative commission. It cannot work.

The second issue Hon. Chair, if you look at the composition proposed in this Bill, it says there will be five. One will be a lawyer qualified to be a Supreme Court judge. One will be a lawyer; another will have an administrative background; another will have either demography or cartography and one will be from a board responsible for elections.

Now, the composition itself does not speak to what Hon. Ziyambi or even Hon. Moyo have actually been speaking to. You would rather have a situation where you have a standalone person qualified in demography, one person qualified in cartography, then one person even from the Chiefs' Council, because if you are going to have a commission as huge as the Hon. Minister is trying to put, then it will create a huge problem. So, in short, two lawyers, one admin, one from the Electoral Board and one either cartography or demography. It does not make sense; you need one with demography and one with cartography, then you can add others, including local government expertise and additional leadership, because you have

talked about chieftainship and all those things. – [*HON. ZIYAMBI:
I think I missed that bit. Can you repeat?] -

I was saying Hon. Minister, the composition: you have five. You have two lawyers, one admin, then you say either demography or cartography, then you say one from elections. So, I was saying one has to be demography, one has to be cartography. Then I was proposing that you need to make sure that you can keep your two lawyers but can you then add to ensure that you have got one with local authority or local governance expertise, then the other person that I think also needs to be seconded, will be from the Chiefs' Council because it will deal with the traditional issues and I think they also need to help. If you do that, you can have a better commission.

HON. J. G. MOYO: Thank you Hon. Members for the suggestions. Definitely, we need to strengthen this commission and I must say Hon. Bajila's comments have been making us reflect. In the old system, you had to have a census and it had to be at least three years old before delimitation. So, if you say the census of 1982, delimitation was in 1985. Census of 1992, delimitation was in 1995 and the rolling was exactly like that. Then, this Parliament passed a

Constitutional Amendment Bill which brought in the 2008 harmonised elections. When we went to those harmonised elections, the 2012 census was met with this Constitution we are amending today of 2013, which then said, you are not going to have delimitation for 10 years. That puts it to 2023 when the census came in 2022. That is why again, we cannot blame anyone, to have a delimitation with the census having been done in 2022, which was a problem.

So, what you are analysing is correct and I think the Minister of Justice, Legal and Parliamentary Affairs will propose. It makes sense for us to recalibrate so that when we have that delimitation, it must be given sufficient time after a census has been held. That is a proposal that I think is correct.

The composition, again the Hon. Member is correct. To combine a demographer or a cartographer, I think we will miss the professionalism that we need. We need a demographer who is separate because that person is key. I know for sure that in all our censuses, the dispute was settled by demographers analysing what was happening. I can confirm that in 1995, when Justice Sandura was head of that delimitation, that was the major problem. So, we need a

demographer but at the same time, we need a cartographer who can talk to the Surveyor General and be able to do the pegging needed so that we can follow up when there are disputes. Again, the Minister of Justice, Legal and Parliamentary Affairs can address that. So, the composition is crucial for this process to move forward. I submit, Madam Chair.

HON. Z. ZIYAMBI: Hon. Chair. I think Hon. Bajila and Hon. Mushoriwa's amendments make a lot of sense because of the change in the electoral cycle and I agree with them that once every 10 years will no longer make sense. So, I propose that we have an amendment to indicate that in the Constitution.

We will make an amendment on the clause. In fact, we will do this when we get to the amendment of Section 161, to cure what he has been talking about so that we change the cycle of delimitation to once every 14 years. It will only make sense to do that.

Hon. Mushoriwa - I think on these, Hon. Chair, I am now proposing in line with what Hon. Mushoriwa said, which is progressive, to amend Clause 11 to indicate that on Clause 11 (b) and say five other members who are appointed, (1) would then be, 'at

least one must be qualified in demography’ and then (2), we leave it as it is and (3) then becomes, ‘at least one must be qualified in cartography’ and we indicate that, ‘and they have been so qualified for at least seven years’ on all of them. I am going to give you the amendments.

Then (4), we leave as it is, and then we put (5) where we say, ‘a representative from the Chiefs’ Council to cover what he was saying. We then have subclause (3) that will indicate that an Act of Parliament shall provide for the functions of the Zimbabwe Delimitation Commission because we did not put all of them there. So that Act of Parliament will comprehensively do that.

So, in line with the contributions from Hon. Bajila and Hon. Mushoriwa, I think they are very progressive. We had an oversight on those issues, which I believe are critical and I thank them for the amendments that they have proposed. I am going to bring them to you. I submit Hon. Chair.

Amendments to Clause 11 put and agreed to.

Clause 11, as amended, put and agreed to.

On Clause 12:

HON. HWENDE: Thank you very much Madam Chair. I move that Section 161 of the Constitution be amended by inserting after subsection (2) (a), “the Zimbabwe Electoral Delimitation Commission shall consult all political parties and civil society organisations before finalising any delimitation report.”

I think on Clause 12, the main issue that we want to cure by this appeal to the Minister, is to consider the participation of political parties in the delimitation business, given the experience of the last delimitation, we had a lot of problems, including my Hon. brother, the Government Chief, he is not in right now, his constituency was taken. He is a political player and he was sited in here pushing business when delimitation is taking away his constituency – [AN HON. MEMBER: *Inaudible interjection.*] – If you are on medication, you can go and have *sadza*. *Sadza* is now ready.

THE TEMPORARY CHAIRPERSON: Order Hon. Hwende. We want progress.

HON. HWENDE: She is disturbing me and you are not protecting me. This is a very important matter that I am raising.

THE TEMPORARY CHAIRPERSON: I was about to ask them to lower their voices.

HON. HWENDE: If we leave the process of delimitation without involvement of the stakeholders who are political parties, it is problematic. Hon. Minister, if you see the way the last delimitation was carried out, I will state it here that it has made it difficult for any other political party other than ZANU-PF, to win any election because 96 seats were gerrymandered in such a way that it is impossible to win. The role for political parties is that the main stakeholders must be considered. This is an issue that has been raised by several election observers that this process of delimitation is not transparent and fair. My appeal is that the Minister must consider a role for political party consultation by whatever body is going to do delimitation so that when we go to elections, everyone is happy and satisfied.

I want to commend you for bringing Hon. July Moyo. We do not have any problems with someone who knows his work. He is an expert in this issue. I am sure the issues that I am raising, he is going to speak to them when he responds. For one making sure that we satisfy and answer to issues that observers we have invited to this

country to observe our processes have raised, I am appealing to the Minister to consider consultations of political parties by the Delimitation Commission. That is the basis of my proposal. Thank you very much Madam Chair.

HON. Z. ZIYAMBI: The participation of political parties is there. If the Hon. Member believes that there is need for refinement, then he can propose how we should refine it but the participation is already there in the Constitution. I think it is provided for. I thank you.

HON. HWENDE: I thank the Minister for that concession. I am proposing that Section 161 of the Constitution is amended by inserting, after 2 (a), which states that the Zimbabwe Electoral Delimitation Commission shall consult all political parties in the civic society organisations before finalising the delimitation report. Thank you.

HON. Z. ZIYAMBI: Chair, this clause, his proposal is extremely problematic because it says all political parties and civil society; we will not end the delimitation. I think the way it we can find ways when we do the actual Act to cure what you are speaking

about without necessarily putting it in the Constitution. If we put it in the Constitution like that, the Hon. Attorney General will be in trouble with court applications. I will just form my own civic society organisation and go to court that I was never consulted. The amount of litigation will be enormous. I think we need to, when we do the Delimitation Act that will give effect and functions to this Commission, we can then interrogate and say, how do we want to put it in an Act. The way it is now in the Constitution, I think it is very proper. I submit.

HON. HWENDE: Madam Chair, what if I amend it to instead of saying all political parties, we then limit it to political parties that are already represented in Parliament. Then we remove the civic society because I also acknowledge where you are coming from, so that we just limit it to consultations on political parties that are represented already in Parliament.

HON. HAMAUSWA: Thank you Chair. I wanted to ask the Hon. Minister how a certain kind of lacuna that we faced in urban areas will be addressed by this Delimitation Commission. In urban areas, the last Delimitation Commission, their work resulted in too

many problems whereby for instance, a constituency like Warren Park, you would find that it affected people who are being serviced by one district office but belong to two different constituencies. In terms of whom they propose the expertise that is required, I did not see the aspect of town planning unless if it is covered by the demographer and the cartographer.

That problem is affecting even the operations of a constituency, where you would find, for instance, recreational facilities are in one constituency but they are servicing another constituency that does not belong to those recreational facilities. There are far-reaching changes that have affected the way we operate. I do not know how that problem is going to be addressed in terms of the expertise that has been suggested or in any other manner that this proposed Delimitation Commission is going to be working. Thank you.

THE MINISTER OF ENERGY AND POWER

DEVELOPMENT (HON. J. MOYO): I think the reason why the proposal of the Delimitation Commission does not mention departments of Government is because to do its work properly, this constituted body has the power to work, for instance, with the

Surveyor General who is very crucial. It has the power to work with the Department of Spatial Planning. It has the power to work with those in the councils who deal with the localised areas that are administrative, say, in an urban area where you have a district that runs, for example, Mufakose, all those consultations will be done.

As you know, all Government ministries can answer to a Delimitation Commission in order to give technical input that will make the delimitation do its work. Spatial planning is definitely very important as you do the boundaries of Harare and as you do the boundaries inside Harare so that people who are serviced by the Mbare District Office can continue to be serviced without them being put in another area because when you want to give services, it is complicated. In the rural areas, it is the same. People will be consulted so that we take care of the service delivery. That is why the Leader of Government Business has said, this is really a transformative proposal where we have our eye on servicing our people properly in localised areas that are well delimited and in making sure that those people have some privileges and they know each other and they can attest that we belong to this area or we belong to this community. That is

what the Constitution says about delimitation. I thank you Madam Chair.

Amendment by Hon. Hwende on Clause 12, put and negatived.

**THE MINISTER OF JUSTICE, LEGAL AND
PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI):** Hon.

Chair, I propose that we have a recess, we go for dinner and we come after an hour – [HON. MEMBERS: *Tatodzoka Hon. Minister.*] –

Okay, let us proceed.

**THE MINISTER OF JUSTICE, LEGAL AND
PARLIAMENTARY AFFAIRS (HON. ZIYAMBI):** Hon. Chair, I move the amendments standing in my name as they fully appear in today's *Order Paper* where I am proposing the deletion of 'Zimbabwe Electoral' so that it reads 'Zimbabwe Delimitation Commission'. I submit.

Amendments by the Minister on Clause 12, put and agreed to.

Clause 12, as amended, put and agreed to.

On Clause 13:

HON. HWENDE: Hon. Chair, I am not sure whether we are making progress and whether we must continue with our proposals

because of all the proposals that we are making, there is not even a single one that the Minister has agreed to – [HON. MEMBERS: *Inaudible interjections.*] - No, I want to be honest because I thought we...

HON. MUDUMI: Hon. Hwende is not being honest in this House because just now the Hon. Minister acknowledged the contribution from Hon. Bajila and Hon. Mushoriwa. So, if he is saying there is nothing, he is not being truthful to himself and to the House as well. I thank you.

HON. HWENDE: Next time you must only allow proper points of order, not people who are hijacking...

THE TEMPORARY CHAIRPERSON: Order Hon. Hwende. May you proceed with your amendments.

***HON. HWENDE:** Hon. Minister, the matter under discussion here to do with the Constitution, obviously are things that we have that will differ but things that international observers who were invited have recommended to say you guys, you always have disputed elections, why not fix this A, B, C, D. Then, we bring them here and you do not even consider even one. You know, it is problematic. We

want to build this country. We want to have elections that are not disputed. We have all suffered from disputed elections. So, my appeal before I read my submission Hon. Minister is, please, these are not my own proposals but these are proposals that everyone, political parties and international observers have also recognised that if we consider these things, maybe our elections will be undisputed. So that is my appeal but I will go and motivate my amendments.

I am proposing that section 161 of the Constitution is further amended by adding 2 (b). The Delimitation Commission shall publish all electoral boundaries, maps and polling station coordinates in an open, machine-readable format. What happened last time, they issued a report that was humongous that it could fill a truck and dumped it on opposition parties a few days before the electoral processes started. We have no capacity to analyse the maps and make use of the data.

It is a box-ticking exercise but if you give us and the Constitution mandates that Commission to give us machine-readable maps, we can go on a machine, analyse and see where we have problems and where we should campaign. Otherwise, we will go for elections and find that election boundaries have been changed and

boundaries are in the farms. We do not even know where we are. This is my appeal that the Constitution itself must mandate the Delimitation Commission to issue machine-readable and formatted maps to opposition parties and other players that will be participating in the election. That is my amendment that I am moving Hon. Chair.

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Thank you Hon. Chair. While I agree with the submission, that is an administrative issue that should not be part of a Constitution. That sits very well in the Act when we do it and in my submission, I said I am disposed to considering that strongly, what he is saying but putting it in a constitution is not ideal.

HON. HWENDE: Alright, can you commit, Hon. Minister, since you pulled out a *Hansard* from the Ninth Parliament on issues that are raised, that issues that you are admitting today, when you bring the Act, you are committing in front of Zimbabweans, that things that you have considered in the *Hansard*, you will also consider when you bring the Act.

THON. Z. ZIYAMBI: Hon. Chair, I strongly consider those issues because I think they are legitimate issues and in the drafting instructions that I will give the Attorney General, I will indicate that we need something like that. I hope that the child that they will then give to me with their justification will be exactly what he wants. I will be guided by the drafters on how to draft it. I submit Hon. Chair.

HON. MAMOMBE: On a point of order! The Hon. Minister has not responded to my proposal. Yes, maybe I had gone out, but he did not respond to my proposal of making sure that the Delimitation Commission must be independent and included in the Chapter 12 institutions.

THE TEMPORARY CHAIRPERSON: On which clause Hon. Mamombe?

HON. MAMOMBE: He knows, he did not respond.

THE TEMPORARY CHAIRPERSON: Which clause? We are now on Clause 13.

HON. MAMOMBE: No, I am saying the Minister did not respond. We are on Clause 11.

THE TEMPORARY CHAIRPERSON: We are now on Clause 13 unfortunately.

HON. MAMOMBE: Yes, but then the response...

THE TEMPORARY CHAIRPERSON: We cannot go back.

HON. MAMOMBE: Alright, we can now put it on Clause 13, fine. Clause 13 still suffices because it is still talking about the Delimitation Commission.

THE TEMPORARY CHAIRPERSON: You will ask when I ask the Minister to put his amendments.

HON. MAMOMBE: I am sorry, please come again.

THE TEMPORARY CHAIRPERSON: We are dealing with Hon. Hwende right now. Then we are going to move on to the Hon. Minister.....

HON. HWENDE: Let me withdraw based on the undertaking that the Minister has made. I want to withdraw this so that you do not put us through this process. So, I am withdrawing my amendment on the understanding of the commitment that the Minister has made.

HON. Z. ZIYAMBI: I put the amendments in my name on Clause 13 as they fully appear on the *Order Paper*, just a legal

scrubbing issue to delete Zimbabwe Electoral and substitute with Zimbabwe Delimitation Commission:

The Bill is amended on page 4, Clause 13 in line 36 by the deletion of “Zimbabwe Electoral”.

Amendments to Clause 13 put and agreed to.

Clause 13, as amended, put and agreed to.

On New Clause 13, now Clause 15;

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Hon.

Chair, I am proposing the insertion of a new Clause after 13. This is basically to clean up issues to do with our judiciary. We have a judge president and the proposal is that we must also have the President of the Supreme Court and other judges of the Supreme Court. The amendment, as it fully appears there on the *Order Paper*:

(a) in subsection (1), by the repeal of paragraph (b) and the substitution of the following paragraph—

“(b) the President of the Supreme Court and the other judges of the Supreme Court;”.

(b) by the repeal of subsection (2) and the substitution of the following subsections: “

(2) The Chief Justice is head of the judiciary and is in charge of the Constitutional Court.

(2a) The Judge President of the Supreme Court is in charge of that court.” I submit.

Amendments to New Clause 13, now Clause 15 put and agreed to.

New Clause 13, now Clause 15, as amended, put and agreed to.

Clause 14, now Clause 16 put and agreed to.

On new Clause 15, now Clause 17;

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): I propose amendments as they fully appear on the *Order Paper*:

Section 168 (“Supreme Court”) of the Constitution is amended -(a) by the repeal of subsection (1) and the substitution of the following—

“(1) The Supreme Court is a superior court of record and consists of - (a) the Judge President of the Supreme Court; (b) no

fewer than two other judges of the Supreme Court; (c) and any additional judges appointed under subsection (2)”.

(b) in subsection (2), by the insertion after “the Chief Justice” of “, after consultation with the President of the Supreme Court,”.

It fully appeared there just to capture what we have already agreed to in the earlier clause. I submit to Hon. Chair.

Amendments to new Clause 15, now Clause 17 put and agreed to.

New Clause 15, now Clause 17, as amended, put and agreed to.

On Clause 15 now Clause 18:

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): I propose amendments as they fully appear on today's *Order Paper*:

That Clause 15 be deleted on pages 4 and 5 of the Bill,

delete Clause 15 and then substitute with the

following—

“Amendment of section 180 of Constitution

Section 180 (Appointment of Judges) of the Constitution is amended—

(a) in subsection (1) by the insertion after “the Deputy Chief Justice”,
of “the Judge President of the Supreme Court,”;

(b) by the repeal of subsection (2) and the substitution of the
following—

“(2) The Chief Justice, the Deputy Chief Justice, the Judge President
of the Supreme Court, the Judge President of the High Court
and all other judges shall be appointed by the President after
consultation with the Judicial Service Commission.

(c) by the repeal of subsections (3), (4), (4) (a) and (5). I

submit, Hon. Chair.

Amendments to Clause 15, now Clause 18, put and agreed to.

Clause 15, now Clause 18, as amended, put and agreed to.

On new Clause 19:

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): I propose

the amendments standing in my name as they fully appear on the

Order Paper. Hon. Chair, this is a new subsection, Section 181 with

the heading ‘acting judicial appointments of the Constitution is

amended in (a) (2) by incision of a new paragraph (a) before the current paragraph as follows.

(a) Judge President of the Supreme Court

(b) In subsection 3, by the incision of the words or any other qualified to be appointed as a judge of the court concerned after a former judge. In other words, we want not only former judges to be appointed as acting judges but those that are relevantly qualified to be appointed also as acting judges like what the system in South Africa where experienced lawyers can also be appointed for a specific period to act as judges of the court. I submit.

New Clause 19 put and agreed to.

On Clause 16, now Clause 20:

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): This is an amendment that we sincerely no longer want to proceed with for the following reasons. I propose an amendment that I put uphold and then in accordance but I no longer want that amendment. I want it as it is in the Bill. So, I am not proposing any amendment to this. Let me explain why I am doing so, so that Hon. Members when they debate,

they will fully appreciate what the Constitution says. The Constitution, in Chapter 11 which speaks about the security services says in Section 207, the security services of Zimbabwe consist of the defence forces, the police service, the intelligence service, the prisons and correctional service and any other security service established by Act of Parliament.

It goes on to say the security services are subject to the authority of this Constitution. I repeat Madam Chair, subject to the authority of this Constitution, the President and the Cabinet and are subject to Parliamentary oversight. It says on 208, conduct of members of security services. Members of the security services must act in accordance with this Constitution and the law. Hon. Chair, this is all that I am doing with the amendment that we are laying before you. To make sure that the text of every security sector speaks to what the Constitution says. There was a drafting error where it said uphold when all the security services are supposed to act in accordance with the Constitution as fully indicated in Section 208. That is the reason why we are changing Section 212 to read exactly like what it says in

208. I submit Hon. Chair. I am not proposing any amendments. I want it to be upheld as it is in the Bill.

THE ATTORNEY GENERAL: I rise to buttress what the Hon. Minister has submitted. In drafting statutes and in revising statutes, we remove textual ambiguity. So, this is typical example of textual ambiguity which we saw fit to remove. The phrase ‘upholding the Constitution’ is unnecessary and it is part of the legal scrubbing that we remove it. So, ordinarily that would have been the job of the legal advisor but it is also good that it came before this august House for consideration. I submit.

***HON. HWENDE:** My appeal is, *daitangosiya zvakadaro zvinhu izvi. Zviri sensitive sezviri mu*Constitution. Issues to do with the soldiers, the army, we should leave it like that but if there happens to be any problem, we will then revert to it.

HON. Z. ZIYAMBI: It is our duty to ensure that we clean up the statutes, we look at areas where there are ambiguities. The Hon. Member should then tell us how we reconcile Section 208 which speaks about all the security sector in section 212. Moreover, let me explain this. This Constitution does not allow when there is no war for

the military to act without the authority of the police. They are required by this Constitution. If the police need them, they go and fall under the command of the police force. So, there are several inconsistencies. When they are deployed to assist, they fall under the civilian authority. When they are required to go and do other duties, if they are assisting the police, then they have to be under the command of the police. So, the Hon. Member must then debate why he thinks things must be left because he thinks otherwise. We are not bound by his thinking but by what must be done.

THE TEMPORARY CHAIRPERSON: Hon. Hwende, the Hon. Minister has responded to what you had asked. The Hon. Minister, together with the Attorney General, was very clear that the law is not supposed to be ambiguous, it is supposed to be understood by anyone.

HON. HWENDE: He has invited me to suggest; he has invited me.

THE TEMPORARY CHAIRPERSON: You may proceed.

***HON. HWENDE:** Hon. Minister, if you do not have any problem, stand guided. I thought that, as we are just discussing and

debating in here, we have to do it well. So, if there is no problem, I stand guided, so I withdraw.

HON. MADZIVANYIKA: Madam Chair, I have two issues. The first one, I want the Hon. Minister to explain the difference between upholding and acting accordingly. I think that it is very important for him to explain the distinction. Secondly, I heard the Hon. Minister say that the army can only intervene when it is called by the police to do so.

Was that the case in November 2017? I thank you.

HON. GUMEDE: Thank you Hon. Chairperson. There is a difference between the term acting in accordance with the Constitution and being expressly required to uphold the Constitution. The current term which exists right now, imposes a positive constitutional duty according to my interpretation. The one that is imposed appears to emphasize compliance. So, where there is uncertainty, I believe Parliament should prefer stronger constitutional language rather than a weaker language. So, I would actually advocate for the current clause to remain as it is. The current sentence should remain as it is. I thank you.

HON. MUSHORIWA: Madam Chair, I have three issues that I wanted to raise. The first thing, the current reading of 212, to me, sounds better. Remember, we brought this text notwithstanding the ambiguity, which the Minister and Attorney General refer to. Deliberately in 2013, we inserted 212 as it is. We wanted our Defence Force to uphold the Constitution. What does uphold mean? It means to defend, protect and preserve. Madam Chair, the Hon. Minister, only a few days ago, submitted on the *Order Paper*, which I am actually asking the Hon. Minister to reconsider and make sure that we bring it back, he proposed to uphold and act in accordance with the Constitution. We are going to be agreeable, Hon. Minister with such an amendment. However, I think the backtracking that we are doing now does not serve us. Hon. Chair, this may appear to be a small thing, but we want to make sure that our Defence Force is accountable to the civilian leadership, be it Parliament or the President. That is what we want. We also need to ensure that our Defence Force actively and also understand that they are supposed to uphold the Constitution, rather than to have a situation where we create other avenues, where

the Defence Force would then say look, we are no longer asking to uphold, we are now just asking to act in accordance.

The interpretation again may actually create a problem. So, my request, Hon. Minister, let us go back to your proposed amendment. Your proposed amendment would make sense and is progressive. In any event Hon. Chair, what mischief are we trying to cure? I think that is the fundamental. There should actually be a problem that is currently existing that we want to cure. It cannot be a question of ambiguity. We amended this Constitution in 2013 and we have been living with it ever since. I thank you.

HON. DR. MUTODI: Thank you Madam Chair. I think my colleagues would want to appreciate one very important thing, that when you are changing from a directly elected President, a President who is directly elected by the people, it means that you are giving more powers to Parliament than if you are taking those powers from the Executive. You want to know how. If a President has been directly elected, - [HON. MEMBERS: *Inaudible interjections.*] - Yes, yes, I want to come to the guardianship issue. Do not cross my path. The issue that I am trying to articulate is that as you change from a

Presidential system to a Parliamentary Executive System, it means Parliament now has got powers to remove the President. The President is now accountable to Parliament daily. So, if that happens, if the Constitution still says to the military, uphold the Constitution, there shall come a time when Parliament and the President will disagree. If Parliament and the Executive disagree, who does the military uphold? As the President is the Commander-in-Chief of the Defence Forces, they cannot in that regard fight against the President who is their Commander-in-Chief. Yet Parliament is trying to remove the President for incompetence or for another reason. So, when you are changing to a Parliamentary Executive System, you have to change that phraseology from upholding the Constitution to act in accordance with the Constitution to avoid conflict of interest. So, this clause specifically is supposed to remove the guardianship role, the guardianship loophole. It is not only Zimbabwe that is doing this.

If you go to Canada, they have shifted from upholding to acting in accordance with the Constitution. You go to the UK; it is the same thing. So, once we agree that we are changing from a directly elected President to a President elected by Parliament, it means we are giving

Parliament supremacy over the executive and that phraseology has to change automatically. Thank you very much.

HON. HAMAUSWA: Madam Chair, I want to raise about three things. Hon. Minister, when he was responding to the debate, he actually said that context is everything. I think there is a context in which the Hon. Minister brought this amendment, which I believe must be parked for now. In that context, I am sure it needs more of some kind of negotiation than the way we are currently doing because the Minister referred to other liberation movements, like in Angola and now that they are in transition. So, when you are doing that, like even what Hon. Mutodi said, that there is a transition, it has to be smooth. If it creates some problems, I understand Hon. Minister, that you have done much work in Parliament, you have decided to park some amendments, even including the amendment of the elections that you referred to. There is no harm Hon. Minister, you have nothing to worry. You have highlighted the section you have read, that there is civilian leadership of the military. You also said the military is accountable or the Defence Forces are accountable to Cabinet. They are also accountable to Parliament because we have a

Committee on Defence and Home Affairs. Then, there is also the power that we use as Parliament, which is the power of the purse against the power of the sword. Therefore, because we have that power of the purse, we control the budget.

Therefore, from now, because there is a context which we may not want to go too much into detail but because of that, if there is no mischief, I appeal to you Hon. Minister, with your wisdom, to pack this clause and leave it as it is as you said that a Constitution is a living document, we will have more time to refine these as the people agreed because what is more important is consensus building where even from one side and even from your side, everyone is saying, yes, I see why Hon. Minister was saying there was ambiguity.

So, the ambiguity that you have highlighted today, there is a need to communicate that to the other people who have fears and we cannot ignore those fears that the people will have. So, this is my submission...

THE TEMPORARY CHAIRPERSON: Order! Hon.

Hamauswa, may you wind up.

HON. HAMAUSWA: I am just saying we still have the constitutional safeguards to make sure that the Defence Forces actually operate within the law, as I have highlighted and I appeal to the Hon. Minister to park this amendment and leave the Constitution as it is for now. It is good for us and I believe that my appeal should be considered. Thank you.

HON. GUMBO: My debate would be that, the words that uphold the Constitution have been given constitutional meaning in our jurisprudence. They are no longer just words, where the interpretation is unclear. Following the 2017 Operation Restore Legacy, the High Court was required to pronounce itself on whether or not the military's intervention was in fulfilment or not of a constitutional obligation.

The court of the land clearly determined that Operation Restore Legacy was executed in accordance with the Constitution and an interpretation was then given what it means to uphold the Constitution.

The court recognised that the military, in terms of the Constitution, have a right and obligation to play the role of guardian of the said Constitution, preventing or protecting, rather, the citizens

and the Constitution from usurpation of power by unelected individuals, which were the criminals around the President. That the military, whenever there was a threat to constitutionalism, when there is a threat to sovereignty, they must come in as guardians.

So, there is jurisprudence on the interpretation of the said way. However, today Government wants to change that meaning, which has been judicially interpreted. We need a reason. What mischief is Government seeking to attend to? What has changed in terms of the meaning that the courts of the land have given to the obligation of upholding the Constitution? As the army must not just act in accordance, they must be a guardian and comparatively, it is not something that will be unique to Zimbabwe.

There are institutions, which are reposed with a superior function of exercising safeguarding powers over our Constitution. As long as there is no clarity on the mischief which is thought to be addressed, let us respect what the courts have acknowledged and interpreted of this section and let us maintain Section 212 and 3. Thank you.

HON. DR. MUTODI: Point of order!

THE TEMPORARY CHAIRPERSON: Yes, what is your point of order?

HON. DR. MUTODI: The Hon. Advocate is trying to give a blind eye to the material effects that he knows are there in the Constitution. He knows that the guardianship of the Constitution is left to the Constitutional Court, under Section 167 of the Constitution. It is not the barracks, which must safeguard the supremacy of the Constitution; it is the Constitutional Court.

What we say is that when we are transitioning from a presidential system to a parliamentary executive system, we need to separate and to remove any form of interference from the barracks on the civilian authority. This clause makes sure that the military keeps in its lane of maintaining territorial integrity and sovereignty from external threats. Then, if you want the military – [HON. MEMBERS: *Inaudible interjections.*] -

THE TEMPORARY CHAIRPERSON: Let us allow the Hon. Minister to respond.

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): We

debated up to midnight yesterday. I am following the debate. Yes, I tend to agree with Hon. Mushoriwa but I just want Hon. Gumbo to give me comparisons of constitutions that have this kind of section in them. I think it is very good when we do comparative analysis, so you can give me and then we can use that, because he said it is not unique what we have there.

However, I believe that there is no way you can uphold something that you are not acting in accordance with. That is why I said what Hon. Mushoriwa said makes sense that I can as well retain it as it is in the amendment that I proposed, so that we are all clear because we are here to improve our law, not to say why are we doing this. When we see something and we believe that there is need for improvement, we can do that. Perhaps Hon. Gumbo can give me comparisons so that we can proceed.

HON. GUMBO: Hon. Chair, you know, when the Hon. Minister stood up, I was happy because I thought he would comment on the first part of the jurisprudence that has been set in as far as interpreting the meaning of Section 212. Yes, we can go comparative but our courts, the highest courts of our land have pronounced

themselves on this very issue and the meaning of 212, upholding the Constitution and the significance thereof of that clause. Why are we running away from it?

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Maybe he can guide me. I do not remember this issue going to the Constitutional Court. Just responding, he said the highest court, so I am not aware. I wondered; I think it is not a debate that is enriching, that is the problem.

I acknowledged the debate by Hon. Mushoriwa. It is not about scoring points, but he said other comparative jurisdictions and I said you show me and he says the High Court. It becomes disappointing. I quoted his own words to say other jurisdictions and I wondered if we can copy those other jurisdictions; then we can copy those jurisdictions, but he is now saying the Zimbabwean High Court, which is the highest court. I then remain confused.

HON. TOGAREPI: Thank you Madam Chair. I think that we can still find a common ground and send the same message that there

is an Hon. Member who is distracting the Minister – [HON.

MEMBERS: *Inaudible interjections.*] –

THE TEMPORARY CHAIRPERSON: Order, Hon.

Members on my left. Hon. Togarepi, proceed.

HON. TOGAREPI: Madam Chair, if I look at Section 207 and with the upholding that we would want to change. I propose to the Minister that we can carry both and include the upholding and also in accordance with the Constitution.

Why am I saying that after reading 207 (2), the security services are subject to the authority of the Constitution, the President and the Cabinet and are subject to Parliamentary oversight. I think he will have included both and we have not affected the whole thing, because in my view, if my interpretation is correct, it is the person who is subject to what he upholds. I think if the Minister accepts, we can use both of the statements.

HON. HWENDE: I want to thank the Hon. Government Chief Whip for that intervention. Only the Minister and the Attorney General were not listening to the submission that was made by the Hon. Gumbo, because you are the lawyers, so if we are satisfied as

the bush lawyers, but you failed to grasp what the Hon. Gumbo said. He was very clear. After 2017... – [HON. MEMBERS: *Inaudible interjections.*] –

THE TEMPORARY CHAIRPERSON: Order, Hon. Hwende. Order! Hon. G. K. Hlatywayo – [HON. MEMBERS: *Inaudible interjections.*] –

***HON. G. K. HLATYWAYO:** Allow the Hon. Members to debate.

THE TEMPORARY CHAIRPERSON: Order! Hon. G. K. Hlatywayo. Hon. Hwende, please do not repeat what has been said.

HON. HWENDE: Alright, my point is clear, this is a matter where there is no harm in us as Parliament leaving it as it is whilst the Minister further consults because this matter was before the courts.

An interpretation on upholding was already given and we want to take away that right from the Constitution – [HON. MEMBERS: *Inaudible interjections.*] –

THE TEMPORARY CHIRPERSON: Order!

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): I just want

to be educated on the court case that we heard from Hon. Gumbo on your behalf. No, I just want to be educated so that I can respond. Hon. Gumbo can also educate me because he was interjected when he was still talking. I had two points that I wanted from Hon. Gumbo.

Firstly, comparative jurisdictions that have these laws.

Secondly, the court case that is... – [HON. MEMBERS: *Inaudible interjections.*] –

THE TEMPORARY CHAIRPERSON: Hon. Hwende, please take your seat.

HON. GUMBO: But you have not recognised him.

THE TEMPORARY CHAIRPERSON: The Minister is speaking; may you take your seat.

HON. HWENDE: But I have not finished. Let me finish my point. I have not finished.

THE TEMPORARY CHAIRPERSON: You talk after the Minister.

HON. HWENDE: Why? Why?

THE TEMPORARY CHAIRPERSON: Hon. Hwende, may you take your seat. You speak after the Minister. It is the Minister's

amendment; let him speak – [HON. MEMBERS: *Inaudible interjections.*]- Hon. Hwende, I have also asked you to take your seat.

HON. HWENDE: Why?

THE TEMPORARY CHAIRPERSON: Let the Minister clarify, then you proceed. I have not stopped you from debating, but I just want the Minister to clarify – [HON. MEMBERS: *Inaudible interjections.*]-

HON. HWENDE: He will clarify after I have finished. I have not finished speaking.

THE TEMPORARY CHAIRPERSON: Hon. Hwende, are you now arguing with me?

HON. HWENDE: Yes, I am arguing.

THE TEMPORARY CHAIRPERSON: I will not allow you to argue with the Minister.

HON. HWENDE: This is wrong. We operate based on rules.

THE TEMPORARY CHAIRPERSON: Hon. G. K Hlatywayo, I will ask you to leave the House – [HON. MEMBERS: *Inaudible interjections.*]-

THE TEMPORARY CHAIRPERSON: Order! – [HON.

MEMBERS: *Inaudible interjections.*] –

***HON. MAKUMIRE:** Hon. Chairperson, can you go and eat because I can see that you are hungry.

THE TEMPORARY CHAIRPERSON: Hon. Makumire, you are out of order. What if I am fasting? You do not force me to go and eat?

HON. HWENDE: Thank you very much Hon. Chair. After the submission from Hon. Gumbo, let us drop this clause; then we stick to what is in the Constitution for now whilst we give him time to go and look into the submissions by Hon. Gumbo, what the courts have said and what the Members are talking about here.

If there is no problem, we are appealing to you from a friendly perspective, because we work together. If there is no problem, let us just leave it like that for now and we will proceed with other businesses. We cannot continue upholding the Constitution and then we can reveal it later, but if you refuse, we will leave it – [HON.

MEMBERS: *Inaudible interjections.*] –

***HON. HAMAUSWA:** On a point of order Madam Chair.

When I made my submission, I did not hear the Minister responding. I was expecting the Minister to respond. Are there any limitations in the Constitution that give this Parliament the power to review how the army works, including other defence forces and also using the power that we have for the budget? There is a Portfolio Committee for Defence. The Minister did not respond whether that is not enough or if there are any shortages or limitations there. – [HON. MEMBERS: *Inaudible interjections*]-

***HON. CHIGUMBU:** Madam Chair, I want to say I am enjoying how the Hon. Minister is responding to the issue of the army. He is responding very well. If that is what he was doing on all the clauses, he is soft and not harsh. The issue to do with the army was responded to very well.

***HON. ZVAIPA:** Thank you Chair. I want to say to the minister, if there is no problem, let us keep upholding it because if we remove it, it would seem as if there is something not clear. So, let us be and we live peacefully.

HON. MOLOKELA-TSIYE: Thank you Madam Chair. I

know that Hon. Gumbo had requested the Hon. Minister to shed more light on the alleged mischief that has occasioned this proposed change and up to now, they have not yet done that. I would suggest that, from the precedent set in 2017 and the subsequent change of leadership in this country, that is the mischief that is being addressed. It is a preventive strike to avoid a repetition of what happened in November 2017, which, in my view, is an exercise in futility.

The Hon. Minister must be informed that the National Army, with or without changing this specific part of the Constitution, will still reserve its right to intervene in the best interest of the people of Zimbabwe. Ultimately, it is accountable to the people of Zimbabwe to the extent that the Hon. Minister may be advised to maintain the original text and not take the compromise offer from our Hon. Chief Whip, who in his wisdom, has already proposed an alternative that joins the two options and we move to the next clause. If we adopt what the Hon. Chief Whip has said, I think it is fair enough. Let us move to the next clause. Thank you.

HON. KAPOIKILU: The worst that can happen to our country if we just leave that term ‘uphold’, what is the worst that can happen to us?

***HON. MAKUMIRE:** Thank you Hon. Chair. I was thinking that we should not go around on this clause. What I am saying is that if the army...

***THE TEMPORARY CHAIRPERSON:** Hon. Makumire, you have nothing to say because you are not saying anything...

HON. MAKUMIRE: Hon. Matangira is switching off the mic.

HON. MUWODZERI: Madam Chair, you must protect us in this House.

Business was suspended at a Quarter past Ten o'clock p.m. and resumed at a Quarter to Eleven o'clock p.m.

On Clause 16, now Clause 20:

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): I am proposing that we delete and substitute this Clause 20 with the following, that the Bill is amended on page 5 of the Bill between lines 4 and 7, by the deletion of Clause 20 and the substitution of the

following, so that it reads 20, repeal and substitution of Section 212 of Constitution, so that it will read Section 212, functions of the defence forces is repealed and substituted with the following:

Functions of the defence forces and then we start by saying, subject to Sections 207 and 208, the function of the defence forces is to protect Zimbabwe, its people, its national security, interests, its territorial integrity and to uphold the Constitution. - [HON.

MEMBERS: *Hear, hear.*] -

Before you ululate, the reason why we did this, you just clap because you hate the way they uphold. You do not even know why it is like that. So, let me explain so that Hon. Members will appreciate where we are coming from. You know, Chapter 11 is about security forces, and Section 207 lists them and what they are supposed to do. In Section 207(2), it says that the security forces are subject to the authority of this Constitution, the President and Cabinet, and are subject to parliamentary oversight. It is a stand-alone section that was not speaking to the other two. So, what I am proposing is that in doing the upholding function which we all do, we take an oath here in Parliament to uphold the Constitution, that must be done subject to

this section, which is the general section of the security sector and Section 208 on conduct of the security sector. I so move.

Amendments to Clause 16, now Clause 20 put and agreed to.

Clause 16, now Clause 20, as amended, put and agreed to.

On Clause 17, now Clause 21:

HON. HWENDE: Thank you very much Hon. Chair. I think in celebration of the victory towards the upholding, I now withdraw this clause that I suggested.

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Thank you Hon. Chair. I propose amendments standing in my name on page 17, as they fully appear on the *Order Paper*. It is just the deletion of (f) and (i) in substitution of and (f).

Amendment to Clause 17, now Clause 21 put and agreed to.

Clause 17, now Clause 21, as amended, put and agreed to.

On Clause 18, now Clause 22:

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Hon. Chair,

I think this is the amendment on the Gender. I am removing it as it fully appears in the *Order Paper*.

Amendment to Clause 18, now Clause 22 put and agreed to.

Clause 18, now Clause 22, as amended, put and agreed to.

On Clause 19, now Clause 22:

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Thank you Hon. Chair. This again falls off because we have considered leaving the Gender Commission there. So, I propose the amendment as they fully appear on the *Order Paper*. I thank you.

Amendments to Clause 19, now Clause 22 put and agreed to.

Clause 19, now Clause 22, as amended, put and agreed to.

Clause 20, now Clause 23 put and agreed to.

On Clause 21, now Clause 24:

HON. ZVOBGO: I refer to the Hon. Minister.

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Thank you very much, Hon. Chair. I propose that this clause be deleted from the Bill.

Amendments to Clause 21, now Clause 24 put and agreed to

Clause 21, now Clause 24, as amended, put and agreed to.

On Clause 22, now Clause 25.

HON. TSVANGIRAI: Thank you very much Hon.

Chairperson. I rise to propose an amendment standing in my name;

That the Bill be amended by the insertion of a new Clause 23 after Clause 22 as follows—

Clause 23 Amendment of section 277 of the Constitution section 277 (4) of the Constitution is amended by the deletion of the subsection and the substitution of the following—

(4) There shall be elected, by a system of proportional representation referred to in subsection

(5) at least thirty per centum of the total members of the local council elected on a ward basis as women and at least ten per centum of the total members of the local council elected on a ward basis as youths between the ages of eighteen and thirty-five years.

Hon. Chair, young people have long suffered under-representation in Government structures. As a result, they have often been excluded from decision-making processes that directly affect

their lives and the future of this country. If this Bill is truly about inclusive development, then we must allow young people to help define their own future. This amendment is the product of extensive consultation with young people across the country and is also a product of the youth caucus.

It reflects the aspirations of a generation that seeks meaningful participation in the governance and development of their communities. Hon. Chair, the amendment seeks to reserve at least 10% of local council authority seats for young people through a youth quota system. Its objective is to strengthen our democracy by ensuring that young people who constitute the majority of our population are adequately represented in local governance structures.

The proposal advances three important democratic principles. Firstly, participation gives young people a direct voice in decision-making processes, community development initiatives and the delivery of public services that affect their lives. Secondly, with the presence of young people in local authorities, accountability will help ensure that councils are more responsive to the needs, concerns and aspirations of youth.

Thirdly, inclusion, this amendment complements existing constitutional measures that promote the participation of women and other groups in governance. It broadens representation and strengthens the diversity of voices in our local Government institutions. Young people are not merely the leaders of tomorrow but are active contributors to national development today. Their energy, innovation and lived experiences are valuable assets that should be reflected in our governance structure.

This amendment therefore seeks to ensure that local authorities truly mirror the communities they serve. I urge our Hon. Members to support this progressive amendment as an investment in stronger, more inclusive and more democratic local governance. Hon. Chairperson, I rest my case. Thank you.

Hon. S. Sakupwanya having stood up for debate.

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Hon. Chair, this is an amendment that was agreed by the youths. It is 11 o'clock; everyone agrees. I consulted all of them. What I just want to say is that at 11 o'clock on the 17th, there was a baptism of Hon.

Tsvangirai to the extent that he retracted his words, that he opposes the Bill in its entirety. I am pleased that he agreed to be sent as an emissary of youths from across the divide. That is why I say to Hon. Sakupwanya, we will just be repeating ourselves, we agree with the proposal that he so moved. I thank you. I move that this be taken.

New Clause 23 put and agreed to.

On Clause 23, now Clause 25:

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Thank you Hon. Chair. This was an oversight. We forgot that the National Council and Provincial Assemblies of Chiefs elect Senators and in the Constitution it says five years. So, I am moving that amendment on page 17, that appears in my name as it so appears in the *Order Paper*, to change from five to seven. I submit to Hon. Chair.

Amendment to New Clause 23, now Clause 25 put and agreed to.

New Clause 23, now Clause 25, as amended, put and agreed to.

On Clause 24, now Clause 26:

HON. HWENDE: Thank you very much Hon. Chair. I move for the adoption of the amendment that is under my name that;

(1) Before every general election, the Voters' Roll shall be audited by an independent firm agreed upon by at least two-thirds of political parties represented in Parliament.

(2) The audited Voters' Roll shall be signed off by all contesting parties or their designated agents before election day.

Hon. Chair, I think at the heart of the dispute in elections in this country has been the issue of the Voters' Roll. If you follow all the election petitions, the issue of the Voters' Roll has been central to our problems. I am suggesting that for participating parties in an election to be satisfied that the Voters' Roll contains names of people who have registered and people who are eligible to vote, there being an independent audit of the Voters' Roll, like what is happening in other jurisdictions so that before we go for an election, every party is satisfied that the Voters' Roll is correct.

So, I move that we consider this amendment. This is also part of the amendment that has been contained in every observer mission

report, the EU, the SADC since we started having disputed elections.

Hon. Minister, I seek your indulgence on this one.

**THE MINISTER OF JUSTICE, LEGAL AND
PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI):** Thank you
Hon. Chair. This is not situated in the Constitution. I reject this. I do
not take it.

Amendments to Clause 24, now Clause 26, put and negatived.

Clause 24, now Clause 26 put and agreed to.

On New clause 25, now 26:

HON. HWENDE: I do not want to waste my time. The
Minister is not interested in these proposals. I think if the Minister can
restate it, then I will withdraw it because he is making a commitment
that he will consider them, because what we want is for him, at a
future date when he amends the requisite laws, to consider them.

Wicknell akatiiparira mabasa achipa munhu uyu mari.

Hamuchagarika muno. You think you are going to be given another
car. – [HON. MEMBERS: *Inaudible interjections.*]-

THE TEMPORARY CHAIRPERSON: Order Hon. Hwende!

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): These amendments belong to the subsidiary legislation when we are looking at it. After the passage of this Constitutional Bill, we will have to align a lot of legislation and bring the Electoral Act and other Acts to align with it. When we are doing that, we can give it due consideration, but not now. I submit Hon. Chair.

HON. HWENDE: Okay, thank you very much Hon. Chair. In consideration of what the Minister said, I now withdraw this and wait until he brings the requisite law to this House. Thank you.

THE TEMPORARY CHAIRPERSON: Hon. Hwende has withdrawn his amendment. I put new Clause 26, Hon. Bajila.

HON. BAJILA: Good evening Madam Chair. I move new Clause 26 as it appears on page 1718 of today's *Order Paper*. In brief, I seek the House in Committee to approve the amendment of Section 124 of the Constitution by inserting Section 124 (1) (d) to read as follows: Four members elected to first-past-the post by Zimbabweans based in the diaspora, demarcated into Europe and America's constituency, South Asia and the Gulf State constituency, the Sub-

Saharan African constituency and the Middle East and North Africa constituency.

Madam Chair, in writing this proposal, I was guided by my reading of comments from the Leader of Government Business who was quoted by the *Herald* on the 22nd of February 2026, saying that one of the issues that the Constitutional Amendment (No. 3) Bill (CAB3) is to make diaspora voting possible. Those who have access to the internet can look for the *Herald* of the 22nd of February, 2026 and appreciate the views that were pushed by the Leader of Government Business.

I bring this proposed amendment because part of the issues that we were grappling with in bringing diaspora voting in Zimbabwe were arguing that due to actions by other governments elsewhere, it might be difficult for some political actors in this country to be able to campaign for Zimbabweans based abroad. What this amendment has done is that it has said there will be no need for a presidential candidate to move around campaigning because the presidential candidate will now be produced from here in Parliament.

What it then means is that Members of Parliament can be elected in the diaspora. I specifically propose that we demarcate the diaspora into constituencies so that members of respective political parties can contest among each other in the diaspora and then come to represent the interests of Zimbabweans based abroad here – [HON. MATANGIRA: *Ana Matewu inga vakauya.*]- Madam Chair, I request your protection.

THE TEMPORARY CHAIRPERSON: Order Honourable Members on my right! May you allow Hon. Bajila to be heard in silence.

HON. BAJILA: The significance of my proposal is that the population of Zimbabweans based abroad continues to grow. The contribution of Zimbabweans based abroad is quite immense in terms of our development to this day. Political parties, particularly those that are represented here now have existence and active structures in the diaspora. I do not see any difficulty in us allowing our structures to campaign and get elected from their diaspora bases and coming here.

The Electoral Act, which the Leader of Government Business has referred to, will then have to come to deal with the issues of residency, legality of stay and so forth. In principle, this gives us an opportunity to allow Zimbabweans based abroad to cast a vote and not only be part of the economic life of this country but also be part of the political life of their beloved Zimbabwe. I thank you.

HON. Z. ZIYAMBI: Hon. Chair, the procedure is that if an Hon. Member proposes like what he did, I have to respond so that it will guide what you have to do. Indeed, I indicated that it would be possible if we passed this amendment for diasporans to vote in their constituencies or if possible, we can reintroduce postal votes that go to their constituents. That is what I said. It is practically impossible for us to do it in the manner that the Hon. Member is proposing. Therefore, I totally reject this amendment.

HON. MOLOKELA-TSIYE: Thank you Madam Chairperson, for the opportunity to debate this proposal by Hon. Bajila. I rise in full support of the proposal. The reason why I am in full support of this proposal is that, as a country, if you look at our development policy documents, if you look at our policy commitments, we are

recognising that a significant population of Zimbabwean citizens is now permanently residing outside the country.

As I speak to you, I can say to the authority that the Minister of Finance, Economic Development and Investment Promotion, Hon. Mthuli Ncube, has publicly stated that the diaspora community is now a key contributor to this country, contributing at least two billion American dollars annually in annual remittances. The diasporans are contributing not just remittances that are recognised by the Hon. Minister, but they are every day involved in our lives as Zimbabweans. Whether it is a funeral, whether it is education, whether it is a wedding, every day Zimbabweans outside the country are contributing to the development of this country.

Having said that, Madam Chair, Zimbabwe prides itself on learning from other countries. We will start by learning from our neighbours. If you go to Mozambique today, Botswana, Zambia, Namibia, all these countries that are subject members have a provision for the citizens of those countries to vote during elections. Their embassies and consulates facilitate the registration of voters and they vote. South Africans vote in London and their votes are

considered part of the national process of elections. Zimbabwe is a progressive country...

THE TEMPORARY CHAIRPERSON: Order, order! Proceed
Hon. Molokela.

HON. MOLOKELA-TSIYE: Thank you Madam Chair.
Zimbabweans are not living at the same levels. There are Zimbabweans who live in Zimbabwe. There are Zimbabweans who live outside Zimbabwe. We have more than four million adult Zimbabweans living in the diaspora and they are contributing positively to the development of this country. Our Government does recognise them. Our officials, especially our Ambassadors are engaging Zimbabweans living outside the country. Our Hon. Ministers are engaging them...

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): On a point of order! Hon. Chair, I indicated that this will not be accepted because I do not have directions from my principal to accept such a huge change. However, I commit to the diasporans; we can consider them. They can be registered in their constituencies and we can make

modalities for ensuring that they vote when we amend the Electoral Act.

So, we should not, at this hour, have a debate in futility. This debate is not helping anyone because it is not going to change anything. I implore the Member that it is not necessary to continue debating when the majority party has already indicated that the door is closed. We cannot do as proposed because it is not feasible. I submit

HON. MOLOKELA-TSIYE: Madam Chair...

THE TEMPORARY CHAIRPERSON: Hon. Molokela, I think you have driven your point home and at this point, it is really not necessary because the Minister has already rejected. So stand-guided.

HON. MOLOKELA-TSIYE: How do you end the presentation with a point...

THE TEMPORARY CHAIRPERSON: Your debate is unnecessary. I have ruled it out. The debate has been rejected already.

HON. MOLOKELA-TSIYE: Hon. Molokela, this applies to you also Hon. Gumede. Hon. Bajila has presented his amendment, his proposition and the Minister responded. Even if you contribute, even

if you put a debate, it is going to be rejected. So, at this point, it is an unnecessary debate Hon. Gumede.

THE TEMPORARY CHAIRPERSON: Hon. Members who want to debate this proposition, I want to put it on record that the Minister has rejected it, so there is no need for us to continue. He has already made it clear that he has rejected.

Hon. Molokela, may you wind up.

HON. MOLOKELA-TSIYE: Thank you so much Hon. Chair. Hon. Minister, thank you so much for your commitment. I will sit down now and look forward to the commitment to the Electoral Act Amendment Bill. Thank you so much.

HON. GUMEDE: I wanted to find out from the Hon. Minister the reasons he believes diaspora representation is impossible or impractical – [HON. MEMBERS: *Inaudible interjections.*] –

THE TEMPORARY CHAIRPERSON: The Hon. Minister has already responded Hon. Gumede.

HON. GUMEDE: I am saying I want to hear his views on why he says it is impractical because I disagree with...

HON. Z. ZIYAMBI: Hon. Chair, as I have stated, Hon. Gumedde, that I do not have instructions to accept that. It needs us to have a conversation on this issue but what I can indicate as feasible is for those in the diaspora to register, with mechanisms put in place to allow them to vote in their constituencies. I do not have a direction, nor do I have authority to make a ruling on it. Hence, I said I cannot. So, at this juncture, let us just leave it.

HON. KAPOIKILU: I am happy that the Hon. Minister said the doors are not closed. I am happy about those remarks. As he goes to engage the principals, may he have in mind that Section 67 of the Constitution of Zimbabwe guarantees every Zimbabwean citizen the right to vote. Citizens do not lose their citizenship rights simply because they reside outside of Zimbabwe. As he engages the principals, he was saying the remarks that Zimbabweans in the diaspora could...

THE TEMPORARY CHAIRPERSON: Order, Hon. Members on my right, may you allow him to be heard in silence? Yes, I am so happy about those remarks from the Minister for allowing us to engage further post this engagement. Madam Chair, Zimbabweans in

the diaspora contribute substantially through remittances, investments, skill transfer and humanitarian support.

(HON. Z. ZIYAMBI: Hon. Chair, on a point of order. What the Hon. Member is saying is exactly what the mover said and what Hon. Molokela said. I think we must not just repeat for the sake of being seen on camera. You are not adding any value. Hon. Molokela and Hon. Bajila have amply said it and I will take that message. What else do you want to say? You just want to repeat what has already been said; now it is twenty-four past eleven o'clock p.m. We must not do that.

Amendment to new Clause 26, put and negatived.

New Clause 26 put and agreed to.

HON. Z. ZIYAMBI: Just for the record Madam Chair, the amendments that we made did not follow the sequence of numbering in the Bill. For example, when we amended Section 277, the clause is at the tail end. Hon. Chair, I am proposing that our Counsel to Parliament, when they are doing this scrubbing, can re-number it in the correct order so that it is put on record that once it is numbered correctly, we do not have anyone who will question why the order has

changed, so that it appears neater and it will be transcribed into the Constitution in the correct order. I submit Madam Chair.

THE TEMPORARY CHAIRPERSON: It is well noted.

HON. Z. ZIYAMBI: Madam Chair, I want to thank you for the work that you did tonight. You were very good and you conducted the business of chairing us and I think you deserve to be applauded.

Thank you Madam Chair.

THE TEMPORARY CHAIRPERSON: Thank you Hon. Minister for the compliments. I shall now report the Bill with amendments.

House resumed.

Bill reported with amendments.

Bill referred to the Parliamentary Legal Committee

Consideration Stage: Thursday, 18th June, 2026.

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Thank you Madam Speaker. Madam Speaker, allow me to thank the Hon. Members of the National Assembly, for the past two weeks, they have given it their all. I think this session of the 10th Parliament will go

down in history as the session when debate was done by almost every other Member in this august House. – [HON. MEMBERS: *Hear, hear.*] - We want to congratulate you, the presiding officers for the manner that you steered debate and we want to thank all the Hon. Members. Sometimes we appear to differ but I think in the end, we found each other. Having said that Madam Speaker Ma'am, I move that the House do now adjourn.

On the motion of **THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI)**, *the House adjourned at Twenty-Nine Minutes to Twelve o'clock p.m.*