

PARLIAMENT OF ZIMBABWE

Wednesday, 24th June, 2026

The Senate met at Half-past Two o'clock p.m.

PRAYERS

(THE HON. PRESIDENT OF SENATE *in the Chair*)

SECOND READING

CONSTITUTION OF ZIMBABWE AMENDMENT (NO. 3) BILL,

[H. B. 1A, 2026]

First Order read: Constitution of Zimbabwe Amendment (No. 3) Bill, [H. B. 1A, 2026].

Question again proposed.

HON. SEN. BVUMO: Thank you Madam President of the Senate. A Constitution is not merely a legal document but a political soul of the nation, the institutional expression of its collective aspirations and the compass by which future generations navigate their destiny. It is from this perspective, Madam President, that I rise to support the Constitution, Amendment (No.3) Bill – [HON.

MEMBERS: *Hear, hear.*] -

Constitutional reform should never be viewed through the narrow lens of political expedience. It must instead be assessed through the broader prism of national interest, institutional stability and developmental imperatives. The fundamental question before us is not who benefits politically today but whether the proposed amendments strengthen the capacity of the state to deliver prosperity, stability and good governance for the people of Zimbabwe.

Madam President, throughout history, nations have prospered not merely because they possessed abundant natural resources but because they built stable and enduring institutions. Economic transformation, industrialisation, infrastructure development and social progress require continuity of policy and consistency of governance. Roads, dams, power stations, universities and industries are not constructed within the lifespan of political slogans. They are built through sustained commitment and institutional stability.

One of the realities concerning many African democracies is that elections often become highly paralysing events. Elections are frequently described as cutthroat competitions where throats are actually cut. Political tensions rise, communities become divided and

valuable national energy is diverted from development towards political confrontation. While these elections remain indispensable to democracies, a nation cannot permanently remain in campaign mode and simultaneously expect maximum development outcomes. The amendments before us, Madam President, seek to create conditions for greater stability and continuity in governance.

Stability should not be mistaken for the absence of democracy. On the contrary, stability provides the foundation upon which democracy, investment, economic growth and social progress can flourish. A healthy democracy requires both a capable Government and a credible opposition. These are not adversaries in permanent political war. Rather, they are complementary pillars of the constitutional order. One governs, the other scrutinises. One formulates policies, the other provides oversight. Together, they sustain democratic accountability and national stability. It must be acknowledged with candour and deep clarity that in recent years, opposition politics has often been characterised by fragmentation, internal contestation and at times strategic ambiguity regarding policy direction and long-term national alternatives.

While political diversity is a feature of democracy, excessive fragmentation can weaken the institutional capacity of the opposition to effectively discharge its constitutional responsibilities. However, Madam President, the strength of the opposition and the strength of Government are interconnected. A weak opposition does not strengthen democracy just as a weak Government does not strengthen the State.

Effective governance requires effective scrutiny, and effective scrutiny requires well-organised, coherent and institutionally mature political actors. Consequently, both the ruling party and the opposition require adequate political space and sufficient time to consolidate their structures, strengthen internal democratic processes, develop coherent policy positions and prepare themselves for meaningful engagement with the electorate. In many respects, Madam President, political institutions are like athletes preparing for a marathon rather than a sprint. They require sufficient room to train, to organise and build endurance. Constant cycles of political contestation can deprive both the Government and Opposition of the

necessary institutional gymnasium within which to sustain their organisational capacity and democratic effectiveness.

Madam President, for a nation pursuing Vision 2030, institutional stability is not a luxury. It is a necessity. Strong institutions produce predictable governance. Predictable governance inspires confidence and confidence attracts investment, innovation, and economic growth. Constitutions are living instruments. They must evolve in response to changing national circumstances preserving the fundamental values of constitutional democracy.

The true measure of constitutional reform is whether it strengthens the State, enhances governance and advances the welfare of the people. Having carefully considered the provisions of the Constitutional Amendment (No. 3) Bill, I am satisfied that it seeks to promote stability, strengthen institutions and create a conducive environment for sustained national development. Accordingly, I support the Bill. I thank you.

***HON. SEN. CHIEF MAKONI:** Thank you Madam President for allowing me to air my views, being my first debate in the Senate House. I and the people from Makoni in Manicaland who sent me

here, are supporting CAB3. They said if these were DNA tests, we could have been saying, here in Makoni, Manicaland, it is 99.9%.

They also said they are likening this amendment to a child who was born in 2013. Our Constitution was introduced in 2013 and we said a girl child has been born. As the girl child grows, her hair will be plaited, some will put on braces to beautify her and some will polish her nails. That is what they are saying, they want their Constitution. If we say that whenever we want to amend, we go for a referendum, we could have had three referendums by now.

They are saying a referendum is the same as elections. So, from 2013 up to now, we could have had five elections. We gave the Parliamentarians this duty and as senators so they oversee and amend the Bill as we do when we are beautifying a girl child. I would like to thank Hon. Minister Ziyambi who is doing a good job. We are happy with CAB3. Thank you.

HON. SEN. ZHOU: Thank you very much Madam President for allowing me to contribute to this very important motion. I also want to thank the Minister of Justice, Legal and Parliamentary Affairs, Hon Z. Ziyambi for working hard to bring this Bill to this

House, especially for walking the extra mile in explaining in detail and in simplified language yesterday for the to really understand the Bill.

I also want to thank Hon. Sen. Mavenyengwa, the Chairperson of the Human Rights Committee, for presenting the joint report that also further expounded on the provisions of the Constitutional Amendment (No. 3) Bill of 2026. In my view, I think the process was open and transparent and was subjected to all standards for checks and balances and I also give it 99.99%. I also want to say that I want to appreciate ZANU-PF for also transcribing the CAB3 document into Braille so that those who use Braille like myself, were also able to read for themselves the contents of all the amendments that were contained therein. So, *kudos* to ZANU-PF.

Madam President, I will not go through all the clauses of CAB3 as I have already indicated that persons with disabilities whom I represent support all the provisions in the entire Bill. I will just talk about two issues. One is on the issue of the electoral cycle and to say that I support that the electoral cycle should be from five years to seven years. I think to me, seven is a lucky number in the sense that

you get seven days in a week and you also have the issue of a dream in ancient Egypt, of seven years of good harvest and seven years of famine. I see Zimbabwe going to greater heights with this lucky number and going even beyond our Vision 2030 to Vision 2063, the Zimbabwe that we want within the African continent. I think this is really a very good provision.

I would also want to talk about the other provision on the election of the Head of State by Parliament. When I went through the Bill, as I said, I had the opportunity to read for myself, I saw that it is like when you buy a new vehicle, the dealer will tell you that maybe after 1 000 kilometers you must come back so that I can repair the vehicle for you. I think since 2013, the vehicle has been running and we now want to take it to the garage for service so that it remains in good condition. I am simply saying the Bill was done within the spirit and letter of the 2013 Constitution and it is going to strengthen all the arms of State. In my view, with Parliament electing the Head of State, I think that it strengthens its mandate as an institution. The President is also another institution, with the Judiciary being the third arm of the

State. When I look at this provision, this really gives Parliament a very good mandate and oversight. I want to support this.

I also wanted to say one word or two on the issue of Clause 8, on the appointment of 10 Senators. I support this concept because it brings inclusivity to the governance systems. As people with disabilities, we believe that since we constitute about 15% - all the Members of Parliament who have been debating were saying they have been sent by their people, it also includes the 15% of those who have disabilities. We think that we will also be able to participate in the 10, and if possible, get one or two seats.

We have seen in recent days the President appointing the Human Rights Commission, and we also benefited from a person with a disability as a Commissioner. We are confident that we will not be left behind by this provision and in any case, it is not the President who is appointing; in this case, it is the institution, it is the President's Office. It is going to go through processes. Other people may think that it is a person who is going to simply pick 10 Senators as he or she pleases. There will be a process that the institution will go through so that at least there are ten Senators appointed, which will bring various

competencies and attributes to the work of Parliament, including enhancing the Committee on Standing Rules and Orders, and also maybe having people that can preside over the Senate Thematic Committees using their professional and technical skills. I want to thank you Madam President, and to say that I support CAB-3 with all its clauses. I thank you.

HON. SEN. MDHLURI: Thank you Madam President, for allowing me to also add my voice to this important debate. I must admit it is also difficult to debate after Hon. Sen. Zhou has debated. He tends to cover everything that there is to talk about. However, let me attempt to say most of what I wanted to debate on has already been covered by previous speakers. I will just go *gagaga* on two or three provisions that I will be talking about. Madam President, I rise today as an opposition Senator representing the people of Manicaland to contribute positively to the debate on the Constitution of Zimbabwe Amendment (No. 3) Bill, commonly known as CAB3.

A cellphone having been ringing.

THE HON. PRESIDENT OF SENATE: Order! There is someone with a cellphone who is calling on speaker. We do not allow

those calls in the House. We want to concentrate on what we are doing. Can you please proceed, Hon. Sen. Mdhluri.

HON. SEN. MDHLURI: Thank you Madam President.

Constitutional amendments are often viewed through the lens of political competition. However, as legislators, we must rise above partisan considerations and examine whether proposed changes advance national stability, development, effective governance and the interests of ordinary citizens. Our responsibility is not merely to oppose out of opposition, but to support what we believe can strengthen our nation and improve the lives of our people. I come from Manicaland, a province that has experienced both the blessings of abundant natural resources and the challenges of underdevelopment, I have seen firsthand how policy discontinuity and frequent political transitions can slow development projects and delay the fulfillment of people's aspirations. It is from this perspective that I support key provisions contained in CAB3.

Allow me to speak to the issue of lengthening the Presidential term from five to seven years. This is one of the most significant proposals in this Bill. It seeks the extension of the Presidential term

from five years to seven. I support this provision because meaningful national development requires sufficient time for planning, implementation, monitoring and the completion of major projects. Five years often prove inadequate for the Government to fully implement transformative programmes before attention shifts once again to electoral processes. In provinces such as Manicaland, we have witnessed major infrastructure projects, road rehabilitation programmes, irrigation schemes, dam construction initiatives and industrial development projects whose implementation extends beyond five years electoral cycle.

Governments often spend the first year settling into office and the final year preparing for elections, leaving only a narrow window for actual implementation. A 7-year term would allow greater policy consistency and long-term planning. It will enable the Government to focus more on development and less on perpetual electioneering. Elections are essential in many democracies, but they are also expensive undertakings. Resources devoted to frequent elections could instead be channeled towards hospitals, schools, roads, water infrastructure and youth empowerment programmes. As a

representative of the people, we must ask ourselves, what matters most to our citizens? Is it frequent political contests or tangible improvements in their livelihoods? The people of Manicaland want roads that connect communities, functioning hospitals, reliable electricity, modern schools and employment opportunities for their children.

A long term of office can provide the stability necessary to achieve these objectives. Furthermore, international experience demonstrates that many successful nations have adopted longer political cycles to facilitate continuity in governance and development planning. Stability and predictability are often prerequisites for economic growth and investor confidence. Allow me to speak to the issue of the President by Parliament.

Another important provision under CAB3 is the proposal that the President be elected by Parliament. This proposal deserves careful consideration because it has the potential to strengthen accountability and national cohesion. Parliament is composed of representatives elected by citizens from every corner of Zimbabwe. Members of Parliament and Senators collectively reflect on the political diversity,

regional interests and aspirations of the nation. When Parliament elects a President, it creates a system in which the Head of State derives legitimacy from representatives chosen by the people themselves. This can encourage consensus building, dialogue and inclusive governance. Madam President, direct Presidential elections often become highly polarising contests that divide communities along political lines. We have witnessed periods where political tensions have strained social relations and distracted the nation from developmental priorities. The election of the President by Parliament could reduce these tensions by encouraging political actors to negotiate, cooperate, and build broad-based support across party and regional lines. Such a system would also enhance accountability.

A President elected by Parliament remains closely connected to the institution representing the people and may be more responsive to Parliament's oversight and scrutiny. As legislators, we are entrusted by citizens to make critical national decisions on their behalf. Electing a President through Parliament will be an extension of that representative mandate.

Also, I would want to speak to the issue of the appointment of 10 Senators by the President. Madam President, I also support the proposal allowing the President to appoint 10 Senators. The Senate is intended to be a house of wisdom, experience, reflection and national balance. Not all individuals who possess valuable expertise can successfully contest elections. Some of the country's finest minds in law, economics, medicine, education, agriculture, science, disability advocates and public administration may never participate directly in electoral politics. Presidential appointments provide an opportunity to bring such expertise into the legislative process.

As a Senator from Manicaland, I appreciate the importance of ensuring that Parliament benefits from specialised knowledge. Our nation faces complex challenges that require informed policy responses. Appointed Senators can enrich debates, strengthen legislation and contribute perspectives that might otherwise be absent.

Furthermore, those appointments can promote inclusion by ensuring representation of groups that may be underrepresented in elective politics, including women, persons with disabilities, academics and professionals. The key objective should not be the

method of entry into Parliament alone, but the quality of contribution made towards nation-building.

In conclusion, history will judge us not by the political positions we occupy today, but by whether the decisions we make contribute to national progress. As an opposition Senator, I believe it is possible to maintain one's political convictions while supporting reforms that have the potential to strengthen governance and accelerate development. For these reasons, I support the provision of CAB3. With those few remarks, I thank you so much.

HON. SEN. ZINDI: Thank you Madam President, for giving me this opportunity to contribute to this very important Bill. Before I speak or delve into the matter, let me first and foremost acknowledge and appreciate the work that has been done by Hon. Ziyambi. You know, usually when allowed to speak, when almost everyone else has spoken, everything would have been taken away from you. So, I am not going to speak a lot because I had a prepared speech that looked at almost everything that has been said.

I would not want to waste your time, except perhaps I will just speak a few words, particularly on gender, not to debate, but in

appreciation of the understanding demonstrated by Hon. Ziyambi to have listened to the pleas and all those who were saying the Gender Commission should stay. The aspect that I just want to share with Hon. Senators is that it is the historical part of our nation, looking at gender equality born right from this struggle and that aspect which then brought us to bring it into our Constitution, having realised that there has to be equality between men and women.

During the struggle, there was no role that was specifically assigned to men based on gender or to women based on gender. We were of the same gender. That was how it was during the struggle and that equality is what led us as a nation, which had just been born in 1980, to say from that time, that in terms of equality, the issue of men and women should be enshrined in our Constitution. I am very much appreciative of Hon. Ziyambi for listening to that. As a result, the Bill was amended for the Gender Commission to stay. Having said that, I am in support of the Bill. I thank you.

HON. SEN. MLOTSHWA: Thank you Madam President for giving me this opportunity. I rise today to debate the Constitution of Zimbabwe Amendment (No. 3) Bill, 2026. I do so fully aware that

this debate cannot and should not be reduced to a simple question of "yes" or "no." The Bill is bigger than that. It is bigger than the political parties represented in this House. It is bigger than the Government of the day.

It is bigger than the Opposition. It is bigger than the individuals who occupy public office today. This Bill will outlive all of us. Long after we have left these chambers and long after today's political contests have faded into history, the constitutional choices we make today will continue to shape the Republic of Zimbabwe. That is why constitutional amendments demand a higher standard of scrutiny than ordinary legislation. When we debate ordinary Bills, we debate policy. When we debate constitutional amendments, we debate power itself. We debate who exercises power, how power is acquired, how power is restrained and transferred. Most importantly, we debate how power is prevented from becoming greater than the Constitution itself. Parliament's duty is not to make the work of the Executive easier. We are here to hold the Executive accountable. We are not an extension of the Government but are representatives of the people. The Constitution is therefore not a document designed for the convenience

of those who govern. It is a document designed to protect those who are governed. That is why constitutional amendments must always be approached with caution, humility and an unwavering commitment to the national interest.

The Constitution is sacred because it is the supreme expression of the will of the people of Zimbabwe. It must never become a tool for the convenience of the powerful. It must remain a shield for the ordinary citizen. One of the most important provisions in our Constitution is Section 328. The framers of our Constitution understood that there may come a day when those in positions of authority would seek to alter constitutional terms of office.

That is why Section 328 (7) was included. It provides that where an amendment extends the length of time that a person may hold office, that extension must not benefit the incumbent office holder. That safeguard was deliberate. It was designed to ensure that constitutional amendments are made for the Republic and not for individuals. It was designed to protect constitutionalism itself. The principle behind that section is simple. No person should participate

in altering constitutional rules and then become the immediate beneficiary of those alterations.

The Constitution anticipated the temptation of power. It therefore created guardrails against that temptation. As legislators, we should be strengthening those guardrails, not weakening them. This is because once constitutional safeguards become negotiable, constitutional democracy itself becomes negotiable. The question before us is therefore not who occupies office today. The question is what precedent we establish for tomorrow. Every constitutional amendment creates a precedent. Future Governments will point to today's decisions when justifying future constitutional changes. That is why we must think beyond the present political moment. This Bill will outlive all of us.

The constitutional choices we make today will govern people who have not yet voted, who have not yet been born and who will one day inherit the Republic we leave behind. Supporters of aspects of this Bill have argued that reducing election cycles, reducing electoral contestation and extending terms will reduce public expenditure, reduce political toxicity and create sufficient time for Government

programmes and development projects to be completed. Those are serious arguments.

Every Zimbabwean desires peace, stability and development. If those are the reasons being advanced for altering constitutional arrangements, then Parliament has a duty to ask an equally serious question: Where are the savings going to? If elections are expensive and constitutional changes are being justified partly based on reducing those costs, then this House must be told exactly how much money will be saved. We must know how those figures were calculated, how much will be saved over the proposed period, which ministries will benefit, which projects will receive those resources and how Parliament will monitor the utilisation of those funds. The people of Zimbabwe have a right to know.

Madam President, the people do not experience constitutional amendments in theory. They experience Government through roads, clinics, schools, water systems and completed infrastructure projects. That is where constitutional promises must ultimately be measured. As we stand here today, many communities continue to face serious infrastructure challenges. In Matabeleland South, roads remain

unfinished. Citizens continue to travel on roads that should have been completed years ago. Even some of the Independence legacy projects that were announced with great national excitement remain incomplete.

The roads associated with those projects have not all been completed and the people continue to wait.

These roads are not statistics to some of us. They are the roads our people use every day. Those are the roads pregnant mothers travel on to reach clinics. Those are the roads farmers use to take their produce to market. Those are the roads schoolchildren use to reach education. That is why development cannot remain a slogan.

Therefore, if Government argues that constitutional changes will save money and create the conditions necessary for development, Parliament must insist that those savings be directed towards unfinished development projects.

The people cannot drive on constitutional amendments and cannot transport their livestock and produce on constitutional amendments. They require roads, infrastructure and completed projects. Most importantly, they require evidence that constitutional

changes are improving their lives. If election savings form part of the justification for this Bill, then Parliament should receive annual reports detailing the exact amount saved, where the resources were allocated, which projects benefited and what measurable outcomes were achieved. That is not opposition politics but accountability. That is parliamentary oversight.

If not, we risk amending the supreme law of the Republic based upon promises of savings that are never measured, reported and never felt by the people we represent. One of the greatest weaknesses in our political system is the winner-takes-all nature of our elections. Every election becomes a battle for total control. Every election produces winners who take everything and losers who are excluded from meaningful participation. The result is political polarisation and division. The result is a political culture where compromise becomes impossible.

I therefore submit that Zimbabwe should seriously consider moving towards a full proportional representation electoral system. A proportional representation system ensures that every vote counts.

It allows broader representation, accommodates diverse political opinions, reduces the politics of exclusion and lowers the stakes of elections because political participation is no longer an all-or-nothing exercise. If we are serious about reducing political toxicity, then electoral reform deserves greater attention than constitutional alterations relating to terms of office.

The answer to political tension is not concentration of power. The answer is broader participation in power. A full proportional representation system would ensure that Parliament reflects the diversity of views that exist within our nation. No citizen should feel that their vote has been wasted. No region should feel permanently excluded.

No political opinion should be rendered irrelevant simply because it did not win a particular constituency. That is how mature democracies build consensus. That is how nations strengthen legitimacy.

Still debating the issue of representation, I believe that this House must also reflect on the issue of the Senators appointed by the President. The Constitution currently permits the appointment of Senators. However, if appointments are to remain part of our

constitutional architecture, then those appointments should strengthen democratic representation rather than distort it. The spirit of proportional representation is that the composition of Parliament should, as far as possible, reflect the will expressed by voters. The results of the 2023 elections produced a Senate in which the ruling party secured 33 seats while the opposition secured 27 seats. Those numbers tell an important story. They demonstrate that millions of Zimbabweans voted for parties represented on both sides of this House.

The electorate did not create a Senate that belongs to one political party alone. The electorate created a Senate that reflects political diversity. Therefore, if appointed Senators are to remain, consideration should be given to ensuring that such appointments broadly reflect the political balance expressed by voters. In my respectful view, appointments should not overwhelmingly benefit one political side while excluding another.

If the electoral outcome represented both Government and Opposition, then any system of appointments should respect that reality. Doing so would strengthen confidence in Parliament,

strengthen inclusivity and strengthen national cohesion. Most importantly, it would reinforce the principle that every voter matters. If this Bill seeks to reduce political tensions and strengthen national unity, then representation must also be seen to be fair. Democracy is strongest when institutions belong to everyone. It is weakest when institutions are perceived to belong to one side. I, therefore, submit that consideration be given to allocating appointed Senate positions in a manner that broadly reflects the political balance expressed by the electorate in the 2023 election.

I also want to speak of independent institutions that must remain independent. No democracy survives because leaders are good. It survives because institutions are strong. Strong institutions protect citizens from abuse of power, governments from accusations of abuse and they also create legitimacy. I, therefore, approach with caution any proposal that may weaken the independence of constitutional bodies. Electoral institutions must enjoy public confidence; the delimitation process must enjoy public confidence and voter registration system must enjoy public confidence. The moment citizens begin to doubt the independence of institutions, democracy

suffers. Zimbabwe should be strengthening independent institutions and not weakening them. We should be increasing transparency and not reducing it. We should be building trust and not creating suspicion.

Madam President, one of the issues that has generated considerable debate in this Bill is the proposal relating to voter registration and the role of the Registrar General. I fully appreciate the argument advanced by those who believe that the Registrar General possesses administrative infrastructure throughout the country and may therefore, be capable of maintaining a comprehensive national register. Indeed, every Zimbabwean who reaches voting age should automatically be registered. As a matter of democratic principle, citizens should not be burdened with unnecessary administrative barriers when exercising a constitutional right. The right to vote is not a privilege. It is a constitutional right. On that principle, I have no difficulty with the objective of ensuring universal voter registration. My concern, however, is institutional accountability. Any institution entrusted with managing processes

connected to the right to vote must enjoy the confidence of all Zimbabweans.

As I conclude, the debate cannot be reduced to support or opposition, it cannot be reduced to personalities and cannot be reduced to political convenience. It must be reduced to one fundamental question – will this amendment leave Zimbabwe with a stronger constitutional democracy than the one we inherited? That is the test and not whether it benefits today's office holders. Let history record that when this Senate was called upon to consider constitutional change, it shows principle over convenience that it chooses constitutionalism over expediency, that we choose accountability over secrecy, we choose transparency over suspicion and we choose representation over exclusion and that we choose institutions over individuals, above all, that we choose Zimbabwe over politics. I so submit.

HON. SEN. TSOMONDO: Thank you Madam President. Before I proceed with my contributions, I wish to express my appreciation to the Minister of Justice, Legal and Parliamentary Affairs, Hon. Ziyambi, for bringing this Constitution of Zimbabwe

Amendment (No. 3) Bill before this Senate House. I commend the Minister for introducing this important piece of legislation, for providing Parliament with the opportunity to consider issues of national significance.

I rise to add my voice in full support of the Constitution of Zimbabwe Amendment (No. 3) Bill. In doing so, I wish to focus not merely on the political dimensions of this Bill but on the implications for constitutional development, governance, stability, economic transformation and the long-term aspirations of our nation.

Constitutions are designed to provide order, stability and a framework through which a nation can pursue collective aspirations. However, no Constitution can remain static in a dynamic society. As nations evolve, constitutional provisions are often reviewed and refined to ensure that they remain responsive to contemporary realities and development needs.

Constitution of Zimbabwe Amendment (No. 3) Bill must therefore be viewed with the broader context of nation building and to suit sustainable development. There is a tendency in political discourse to view leadership solely through the lens of electoral

cycles. Yet economic transformation operates on a much longer timeline. Investors, development partners and citizens often place greater confidence in the countries where policy direction remains predictable and where development programmes are protected from unnecessary disruption. Stability is therefore not merely a political virtue; it is an economic asset.

Madam President, under the Second Republic, Zimbabwe has witnessed an increased focus on infrastructure, the foundation of economic growth. The rehabilitation of roads, the construction of dams, the expansion of irrigation schemes, the modernisation of airports and investment in energy infrastructure are not isolated achievements. They form part of the broader strategy to unlock productivity, improve competitiveness and create opportunities for future generations. Such a transformation requires consistency of purpose and continuity of implementations. His Excellency, President Dr. E. D. Mnangagwa, assumed office at a time when Zimbabwe faced significant economic and development challenges.

The Second Republic responded by placing infrastructure developments, investments, attraction, agriculture, productivity and

public sector modernisation at the centre of national policy. While challenges remain, it is undeniable that substantial groundwork has been laid for future growth and prosperity. The philosophy of *Nyika inovakwa nevene vayo* has encouraged greater participation by citizens, local authorities, traditional leaders, businesses and communities in the national development agenda. This approach has reinforced the principle that development is a collective responsibility rather than the duty of government alone. Preserving momentum in this national vision is an important consideration before this Senate.

In conclusion, I fully support the Constitution of Zimbabwe Amendment (No. 3) Bill. This is not a moment for hesitation but for confidence and foresight. The proposed amendment will provide the continuity needed to consolidate the gains of the Second Republic and complete key national development programmes. I, therefore, urge this Senate to adopt the Bill in the interest of stability, effective governance and national progress. I thank you.

***HON. SEN. CHIEF CHARUMBIRA:** Thank you Madam President for affording me this opportunity. I believe I am among the last people, so as such, I would want to give my debate as one who

comes amongst the last. First and foremost, *ndinoda kutenda* Minister of Justice, Legal and Parliamentary Affairs. At least 50 percent of the time, he demonstrated the capacity of the highest order. I even sympathised with his late-night presentation. For two weeks or four weeks now, he has been leading this process, ensuring that Parliament considers and then makes its decisions. *Ngatimbovauchirirai* – [HON. MEMBERS: *Hear, hear.*] – Well done Minister of Justice. I stand here in my capacity, first as a Senator, secondly, a traditional leader, a chief and in my capacity as deputy to my President, Chief Khumalo seated across.

I carry a national mandate. *Handina* constituency, *handina* province. My Constituency runs from one corner to another corner of this country. Hon. Sen. Chief Khumalo and I, we speak for the nation, not for the province. I come from Masvingo but Hon. Sen Mavenyengwa from Masvingo has already presented. *Ini ndavakumiririra* Zimbabwe.

***THE HON. PRESIDENT OF SENATE:** Order, order. Hon. Charumbira, may you stick to one language.

HON. SEN. CHIEF CHARUMBIRA: As I speak from a national seat, I want to say as a Chief, first, we convened Provincial Assembly Meetings. Provincial assembly means all Chiefs in the eight provinces that are rural unanimously endorsed CAB-3. In our case, not even one hand in all the provinces opposed. It was 100% in all eight provinces. I carry that message this afternoon on behalf of traditional leaders. Madam President, *varidzi venyika, madzimambo vaka* endorser *zvizere*. That is very important.

As a Senator, I participated in the outreach or the public hearings, in the Mashonaland West with Senator Matibiri. It was in Mashonaland West, we went to the most of the remotest places. In all those meetings, again, it was overwhelming support for CAB3. Hon. Sen. Matibiri confirmed that. He spoke yesterday. As chiefs in Parliament, the 18 of us, also convened a caucus. All of us agreed that in this Chamber we are all going to support CAB3. You heard from the Chiefs yesterday and then today, they were supporting CAB3. We all agreed in our caucus *hatisheki-sheki*. One of the famous quotations since yesterday during this whole process, we had to enact this Bill. Chief Mutasa said, ' *kana 7 years dzakaipa, dzakarebesa*

panopera five years chingobuda uinde kumba owoneka.’ That is a quotable quote. I stand here for the endorsement of CAB3. Now, you will allow me to say, *nyaya yefive years to seven years’ time* Madam President, we are also talking from practical experience. Most countries in the world today have realised that *zvefive years hazvishandi*. It is too short.

You are aware that Rwanda is one of the most peaceful countries on the continent. They have genocide but it is the most peaceful and the cleanest country on the continent. It extended the term to seven years for the President. When former President of Ghana, John Kufuor, delivered his farewell speech to the Parliament of Ghana and you can google it to find that speech. After serving two terms, he said to Parliament, ‘you know what, I now feel that I am now fit to run this country after two terms.’ That was impossible for him but he said, in the first term, I was trying to find my ways. Second term, I started gaining a bit of traction. Now, that I am going out, I feel more confident knowing how to be President, what it means. *Apa vanhu vakuti chienda kumba wapedza but akuti now engine yapisa yadziya yakuda kuti ichimhanya mota.*

So, the usual four or five years everyone now agrees *kuti hadziiti* but most countries are unable to move to seven, six or eight because they are not as organised as ourselves. *Vanodawo* but *havana* such Parliament *iri* progressive. So, I just know that others will follow in the future. Let me go to the issue of Chiefs. If you allow me as a Chief and the origins of Bill, there was something about chiefs in politics and it remains relevant for me to refer to it. Although we celebrate this being removed, we need to comment. First of all, may I surprise you by saying you cannot separate chiefs from politics? It is not possible. History will tell you that. The first politicians are chiefs. When colonisers arrived, we fought them and there were no political parties. We resisted colonial rule. In all countries on the continent, whether we go to Namibia or Ghana, we have traditional leaders who were murdered, killed, executed because of their resistance to colonial rule. Any history book will tell you that. So we cannot separate chiefs from politics. It is not possible.

After all, *tisu varidzi venyika kana muchitamba* politics *tofana kuvapo* somewhere *tichikuudzai musarasika*. Let us protect our country. So, we cannot be kicked out completely. There is an issue

that we need to know about chiefs and politics, which is your takeaway home this afternoon. Whilst we participate in politics, what type of politics? We come in when the national interest is at stake or is in jeopardy. We descend from the palace to the political arena.

Nekuti toona kuti eeh nyika yorasika. That is why, during land reform, you heard us, we were the most active. Let us take our land without talking about First Chimurenga, Second Chimurenga, you find chiefs there, but not to be chairpersons of political parties or to be chairpersons of a province. I cannot compete with Hon. Sen. Mavenyengwa in Masvingo, no, that is not what we are looking for. We are simply looking for a well-run country, promoting the aspirations of our people.

We come in when there are sanctions and we say no to sanctions. So, such politics, yes, when you talk about homosexuality, we come in and say we do not want such a kind of tradition. So, ours are issues of national interest and there you find us. What we should not do is to contest for political office directly. *Tomva taenda ku CCC ndoda kuitawo* President *weCCC*, not for a chief. *Kana muchida kuenda kune imwe* political party, no, not for a chief. We do not do

that. Even in ZANU PF, *makamboona tichiita* contest *hu*President?
Ndehwavo vari uko. However, we work with them on issues of national interest.

Sorry, Mr. President, *ndosaka makawona takanetsana* ne MDC in 2000 - 2001 because some of them were saying no to land reform.

THE HON. DEPUTY PRESIDENT OF SENATE: Order, order! The Hon. Sen. Chief Charumbira, try to stick to one language so that the interpreters and stenographers will not be inundated with switching from one language to the other. Thank you.

HON. SEN. CHIEF CHARUMBIRA: Thank you, I will stick to English. You know, sometimes habits, sometimes you feel Shona expression is stronger, so you wind up with Shona, but we do not want to do that.

Mr. President, I am just emphasising the issue from the role of chiefs in politics or traditional leaders that we do not seek political office. We participate in politics, but we do not seek political office. We go there to make sure the country is well governed. That is why, if we were to rewrite Section 281 in the current Constitution ourselves, if we include chiefs in politics, we would say chiefs should

not participate in active politics; that is the correct language to use. They should not participate in politics. It is too strong and it is not realistic. What is realistic is to say they should not participate in active politics. Active politics means *takuda zvigaro muma* political parties, *iyoyo haisi yedu* but in Government, no problem. You are aware that the ANC party in South Africa, some of the first leaders of it, Chief Lutuli was the leader of that party, ANC. If you read the literature, it says the reason he decided to lead the party was to fight racism in South Africa.

THE HON. DEPUTY PRESIDENT OF SENATE: Order.

Hon. Sen. Chief! You got five minutes left.

HON. SEN. CHIEF CHARUMBIRA: Thank you Mr. President. Maybe lastly on politics, even in the UK, for example, a particular party that wins the election cannot form a government without first going to the Queen to seek permission to form a government. Then the Queen says, I permit you. I watched on television as David Cameron, the former Prime Minister, won elections. He went to the palace, came back and addressed a press conference and said, ‘following our victory, as a party, the Queen has

granted us permission to form a government'. *Saka tingati* Queen *vapinda mupolitics*? No.

Let me move and say, to strengthen this Bill, we are making these proposals which we have shared with the Minister, of course, that the Bill under Section 285 should be strengthened and be clear that the Provincial Assembly should be chaired by the Provincial Chairman of Chiefs of that province and that their term of office should run concurrently with that of the National Council of Chiefs. So, we are proposing that.

Under the Delimitation Commission, we are members, the Chiefs' Council will nominate one person. The only aspect that we want amended is where you say this chief should know delimitation. Being a chief and having knowledge in delimitation, I think it may not be easy. So let the person be just a chief.

Then, in the, RDCs which are rural councils, chiefs should not be ex-officio members. That is the demeaning *kuvaridzi vevhu vematunhu*. Please, the chief is the owner of that land that you call under RDC. He cannot be an ex-officio when others, the youth, women and others are full members. I think we should correct that. Of

course, we support the idea that in the councils, RDCs, there should also be people with disabilities.

Gender Commission; we are in total support as chiefs. We will support the women and we will support you as women so that you are everywhere.

Let me close and say I am humbled since yesterday in this Chamber, by the convergence of views. A bit of divergence is allowed and it is good and healthy for debate. No problem, but if you look at the overwhelming majority supporting CAB3, I want to say congratulations to the chiefs for your 100% support. We want brotherhood and sisterhood opposition led by Hon. Sen. Tshabangu here. You have done well, Hon. Sen. Tshabangu. – [HON.

MEMBERS: *Hear, hear.*] – He has done very well. Do not mind someone standing and saying I do not agree. It is healthy. It is part of the debate. It is not healthy for all in Parliament to agree; some disagree. So, congratulations, ZANU PF, congratulations. We want to do one thing. As we go to the Committee Stage and voting, we do not want acrimony. This is a mature Upper House. *Tikafanana ne* National Assembly, then what is the value of this House? There must

be a difference as there is less acrimony in this House. We are more experienced, wiser in this House. I thank you Mr. President. I am sorry for my movement into different languages, but thank you very much.

HON. SEN. ADV. PHULU: Thank you Mr. President, for this opportunity. I will pick up the debate where Hon. Sen. Chief Charumbira left it off. As we move towards the end of the debate, I would also like to applaud the manner in which Members of the Opposition have debated and the fact that our leadership, the Whips, the Leader of the Senate and the Leader of the Opposition, allowed every MP to debate according to their conscience.

We did not walk a rigid party line. I think that shows magnanimity and understanding on the part of the leader and yet, we think that at the end of the day our position is going to be one that tends to carry the debate and carry the Bill. Therefore, we managed to adeptly manoeuvre all those political vicissitudes.

Mr. President, as I rise to interrogate this Bill many of the issues have been attended to in the National Assembly. The consequence is that what is presented before us is a more polished and streamlined

version of the Bill, which was published initially in the Gazette and taken to the people for public consultation.

This demonstrates that the views of the people as well as those of the people's representatives have been taken on board by the Hon. Minister to a large extent and this is something that we applaud. Many sections have been removed and the people's views have been accommodated. I think this is a huge step forward.

This House, however, Mr. President, does not exist as a formality but must exercise its solemn duty to interrogate, still interrogate these important issues presented to the nation at this, what I would describe as a momentous time in our history. In his speech, the Hon. Minister did demonstrate how this is a momentous time in our history, showing the extent to which this clause is being debated.

Let me, from the onset, invite the Hon. Minister to consider a matter that relates to Clause 23, initially Clause 21, which repeals Part 6 of Chapter 12 of the Constitution, dealing with the National Peace and Reconciliation Commission (NPRC). I know we will get into detail with that in the Committee Stage.

I propose that there is a technical or consequential amendment which is needed to clean up in the Committee Stage to ensure that over and above repealing Part 6, there is a need to delete all references, therefore, to the National Peace and Reconciliation Commission in the rest of the text of the Constitution, for example, Section 232 (e). I think it is just a technical issue. Just to demonstrate that the Senate can also see things.

Secondly, the NPRC is an institution that served an important purpose. Yes, it has come to its sunset. It must be removed to clean up. We cannot continue to carry text referring to an institution that has seen its sunset and its lapse but it served an important purpose. At one time, we accepted that it served an important purpose. We cannot, therefore, Mr. President, just drop those sections without examining how we can hedge against creating a dangerous vacuum where this Commission stood as a vanguard. The most important function that the Commission has or had, in Section 252 (a), was to ensure post-conflict justice, healing and reconciliation. When you look at Vision 2030, the theme is reconciliation.

This Government's thrust is reconciliation. I do not think this Section or that function of that Commission is anemic to the ideals and objectives of this Government. We submit that this should be retained and there is no way as a serious nation that we can jettison such an important function, which fits into the vision that the Hon. Minister spoke to in terms of building and developing this nation.

I, therefore, will propose in Committee, that this function should simply be added to their functions in one line. Should there arise any necessity in the future, you will have an institution that can broadly deal with that. You can then legislate to beef it up if you want to add and subtract and to give it structure. We believe this proposal by the Senate will save you when history looks at you to say, did you think we could just throw away that kind of provision and not retain an iota from it, which is meaningful to our society? This is going to be my proposal. If this clause is accepted, this would really motivate and animate me to support this Bill, despite other inadequacies that have been pointed out by the expansive debate, whether in the National Assembly or in public discourse, because we would have won something. We would have gotten something meaningful.

Another quick cleaning-up issue which we will raise in Committee is Section 239 which we propose should be cleaned up to reflect that ZEC no longer conducts the election of the President but supervises it. However, I would like to hear what the Minister's views are on this matter but I am merely highlighting that it has exercised my mind. I am sure that he will have a response to it.

Clause 14 (a) and these are other quick ones, I will raise them. The reference to the President of the Supreme Court, when in other parts of the text, it is the Judge President of the Supreme Court. I think again, it is a cleaning-up issue. We will go into detail with it.

Let me horn in on the clause that also motivates and animates me, in particular, Clause 3, which is the contentious one, reintroduces the election of the President by transforming the Parliament into an electoral college. In so doing, I wish to address what I consider to be a central constitutional question before us. What kind of democracy do we seek to build in Zimbabwe? For many people, democracy begins and ends with voting. It is often assumed that the more direct the vote, the more democratic the outcome.

I am going to be criticised for this debate, for my views on this but as you criticise me, Zimbabweans, listen to what I am saying. I want to be criticised on the merits of what I am saying. It is often assumed that the more direct the vote, the more democratic the outcome. Yet constitutional design is not that simple Mr. President. The real question is whether our institutions promote inclusion or exclusion. I have a totally different way from you, of looking at this question. Consensus or domination, national cohesion or permanent division?

Clause 3 requires us to precisely confront this question. I will go a bit into our constitutional history Mr. President. We must approach this debate with historical honesty. Many Zimbabweans have come to assume that the direct election of an Executive President is the only democratic model available to us. That assumption is historically inaccurate. The Minister flagged it.

At Independence in 1980, Zimbabwe adopted a parliamentary system under the Lancaster House Constitution. Executive authority was vested in the Prime Minister. The President occupied a large ceremonial office and was elected indirectly, as was the Prime

Minister himself. The philosophy underlying that arrangement, that Parliament represents the diverse political voices of the nation, served as the forum through which national leadership emerged. The Executive President that many now regard as normal did not exist at Independence. It was introduced through the Constitutional Amendment Bill [H. B. 7, 1987], following a political settlement, the Unity Accord. Thereafter, Zimbabwe held its first direct Presidential election under the Executive President only in 1990.

Clause 3 is, therefore, not some radical constitutional experiment Mr. President. It revives a constitutional tradition that formed part of Zimbabwe's original constitutional design. I support Clause 3 because it addresses one of the greatest weaknesses in our current constitutional arrangement. We have always said so. It is just that in the Opposition, there are many voices and there are some voices that are ignored merely because they are not saying what the rest of everybody wants them to say. It is time these voices came to the fore and right now this is the opportunity.

The current system is built upon majoritarian assumptions. Whoever secures the largest number of votes governs. Whoever

belongs to the majority wins. Whoever does not belong to the majority loses but constitutional democracy was never intended to be a dictatorship of numbers. One of the greatest mistakes in our political discourse is the assumption that democracy and majoritarianism are identical. They are not. Majoritarianism is one method of making decisions. Democracy is something much richer. It concerns participation, representation, inclusion, accountability and the protection of minority votes.

Under the present system, smaller parties are routinely treated as though they do not matter. Their supporters are told their votes are wasted. Their ideas are dismissed because they lack numerical dominance and their participation is tolerated but rarely regarded as consequential. In every election cycle, citizens are effectively told that political relevance belongs only to the largest formations. This is not a healthy multi-party democracy. This is a constitutional culture that marginalises diversity of political opinions. Madam President, if you want to crucify me for these beliefs, crucify me but examine what I am saying and I challenge you to test the way I am weak and the way I am wrong.

Why Clause 3 strengthens multi-party democracy; it seeks to correct this imbalance that I speak of. It does so by ensuring that leadership emerges through engagement, persuasion and consensus-building among representatives elected by the people. Under this model, every Parliamentary seat matters. Every political formation matters. Every elected representative matters. Even political parties with the modest representation become relevant because their support may prove decisive in the formation of a governing consensus.

Candidates seeking the presidency must persuade everyone. I will cut my contribution because time is moving. Zimbabwe is a homogeneous society. I think I have already made the point on consensus. I want to skip everything about Clause 3 and go further. Madam President, if I may go a step further, I wish to respectfully submit that the constitutional conversation before...

THE HON. DEPUTY PRESIDENT OF SENATE: Order.

Hon. Phulu, I know you want to say quite a lot but it is three times now you have called me Madam President. I am not a madam. Please have mercy on me. – [*Laughter.*] –

HON. SEN. ADV. PHULU: Mr. President, I apologise for that. It is just that I am trying to skip large portions. Further, Mr. President, I may go a step further, I respectfully submit that the constitutional conversations before us ought not to end with Clause 3. I just want to add something. Indeed, if the concern that motivates this amendment is the creation of a more inclusive and representative participatory democracy, we must eventually confront the limitations of the first-past-the-post system itself. One day, we will get there. I am merely making a point that it is logical that we must go there.

I have talked about the missed opportunity on national healing and I will not go back to that but I hope we will cover that when we get to the committee, to mention in one line, to commend the decisions of the National Assembly on the Gender Commission Mr. President and on the independence of our traditional leaders.

On Clause 4, I wish to briefly say that Clause 4 which proposes extending the term of office from five to seven years is another one that should be looked at through the lens of development and constitutional experience rather than political rhetoric. Another Hon. Senator has already travelled that route but certainly I wanted to say

such a move cannot honestly be described as unprecedented or inherently undemocratic. Let us examine whether in this case, it is so.

I am coming to my conclusion Mr. President. The future of Zimbabwe cannot be built upon permanent political exclusion. It cannot be built upon constitutional arrangements that tell some citizens that their voices are too small to matter. It cannot be built on a winner-takes-all philosophy that transforms political competition into a struggle for domination. The future must be built on dialogue, consensus, accommodation, genuine multi-party democracy and this is what these clauses offer and hence this is what this Bill offers. It reminds us that democracy is not simply a rule of the majority. It is the inclusion of minorities and the counting of votes and the recognition, as I said, that everyone matters. For these reasons, Mr. President, I support this Bill, subject to a few reservations which I hope will be clarified in committee. I commend the retention of the Gender Commission, independence of our traditional leaders and urge this House to strengthen this Bill through the inclusion of a more robust framework for national hearing as we requested. Thank you Mr. President.

HON. SEN. TSHABANGU: Mr. President, Hon. Senators and fellow citizens, I know they are watching and listening. I rise today to debate the text before us, but the spirit of a moment that changed our nation forever. When Father Zimbabwe, the late Dr. Joshua Nkomo, signed the Unity Accord with the late President Robert Mugabe on 22nd December 1987, he told Zimbabweans something profound. Do not look at the content of the agreement, but at the spirit behind it. I rise today in that very spirit, because there is more to the nation-building than power, governance, than political score settling. There is more to this Parliament than winning today's argument.

The spirit of the Unity Accord was not about clauses. It was about healing. It was about choosing the future of Zimbabwe over the grievances of the past. It was about two leaders deciding the best interests of the people must rise above personal and partisan interests. If we apply that same spirit of the Constitutional Amendment (No.3) Bill, then we will see an opportunity to strengthen our institutions, to give effective governance and to ensure that governance serves every Zimbabwean, not just those in power today. Let us not be trapped by the latter or lose the spirit.

Let us be guided by what Joshua Nkomo called us, to put the country first, unity and the future. I therefore move that this House considers CAB3, not through the narrow lens of politics, but through a broad, generous lens of nationhood that Joshua Nkomo gave us. After elections, Parliament elects the President among MPs. This Bill has been tested in public, debated in communities and shaped by the people and now it is here. Our duty is not to copy, but it is for the national interest. To be frank, open and brave.

We supported the spirit of this Bill. We rejected empty politics. We engaged our counterparts ZANU-PF, warned of changes, lost others, and several bad clauses were dropped. That is political maturity and democracy growing. This amendment says that, after elections, the Parliament of Zimbabwe will elect the President among MPs. The term limits, qualifications and tenure remain locked. This is not foreign. South Africa, Botswana and Mauritius use the same template.

The SADC has more stable democracies. We cannot speak of the liberation without respect in this House, as many of its illustrious sons and daughters, including you Mr. President. Under your

presence, we must honour ZIPRA and ZANLA forces that brought us together as one great nation, Zimbabwe, which I value so deeply. I have no other home other than this country.

Our liberation war heroes did not die for a one-man presidency. They fought for *umtwan'omhlabati, Mwanawevhu*. Every child of the soil must have an equal stake. This clause honours that this moves us from ethnic census to national consensus. Parliament electing the President is the Mandela model. A minority son from the Xhosa chosen to lead a majority nation. Examples are not theory; they are facts. In South Africa, Mandela was a Xhosa, a minority and Parliament chose him. In Botswana, President Masisi is a Kalanga, a minority, but Parliament chose him. In Rwanda, post-genocide consensus ensured minority voices govern at the top.

I must emphasise that in Rwanda, there are no Tutsis, there are no Hutus and there are Rwandans. It is there in their template policy as a Government. Under this system, Zimbabwe can produce a Tonga, Kalanga, or Venda to become the President of the Republic of Zimbabwe. Not by numbers, but by merit and national agreement, and that is the unity and the struggle demanded.

On accountability, a President elected by Parliament answers daily to Parliament. MPs can remove a failing leader without waiting for 7 years. Our current Section 97, impeachment, is too rigid. A President who answers to Parliament daily is better than a President who only answers every 5 years. Botswana and Mauritius are examples and because of that, they constantly check the power balance.

Mr. President, it unites the fiscal prudence. Direct Presidential elections divide us by draining money. They turn votes into a census. A Parliamentary election forces parties to talk and build coalitions before gaining power. We have an estimated 40% of the election cost. That money must go to clinics, schools, bridges, roads, libraries and hospitals, as anchored by NDS 2.

On healing, I want to bring what Hon. Sen. Adv. Phulu pointed out with passion. This Bill does not seek to extend the NPRC term. I agree, but healing must be written into law by an Act of Parliament. Truth, justice, rebellion and compensation cannot wait. If we say *nyika inovakwa nevene vayo*, we must face our history. Parliament

must pass an Act of law in 12 months to continue the work of NPRC and deal decisively with *Gukurahundi* 1983 to 1987.

Mr. President of Senate Sir, this is at the core of my heart; grievances cannot expire. The people of Matabeleland to date, are still yearning and still in despair. This gives us the window, this is what motivates me to support this Bill, it is this clause. Yes, I have engaged the Minister and I have engaged members of ZANU-PF in the highest authority. We may not agree that this should be put in a Constitution for reasons that we may understand. We cannot afford this to fail to go through as an Act of Parliament. I want the Hon. Minister to commit himself that today, when he answers questions, he is going to put into the Act of Parliament so that we bring this to a closure, so that this gives the President of Zimbabwe his legacy. It must speak to his legacy that once upon a time, he created this path such that the people of Matabeleland can still believe that they belong to Zimbabwe.

As long as this is not done, we are foreigners in our own land. So, I speak not for myself, I speak not for the Parliament of Zimbabwe but when I speak, all those who are in diaspora will agree

and Zimbabweans who have got genuine sense of belonging, genuine sense of ownership that they are Zimbabweans should not forget that there was a genocide in 1983 to 1987, we are still lagging behind and we want to be like Rwanda, Mr. President. I hope those who are in a position of authority are listening and hearing. We are available for further engagements.

Mr. President of Senate Sir, binding devolution; 15% minimum of national revenue collected by the Government must be transferred to the provinces, districts every year, not as the Treasury may determine, not when there is money, 15% by law, formula by deadline. Provinces must plan their own budgets; Harare must not decide if Matabeleland builds a clinic or Mashonaland builds a road.

The people of each province know they are paying best, Devolution Act, Fund Act within 12 months. Parliament must pass a law that locks the formula - population plus poverty levels plus infrastructure gives no more political discretion. Timeframe: first transfer in the 2027 budget, full compliance by 2029.

By 2030, every province must show clinics built, boreholes drilled, roads tarred with money they controlled. Mr. President, seven years is too long for one city to rule 10 provinces. If the President gets an extra two years, then Bulawayo, Masvingo, Mutare get two extra powers.

Devolution is separatism, devolution is development, it is *umtwana womhlabathi*, the child of the soil controlling the soil. Without it, seven years becomes seven years of central control; with it, seven years becomes seven years of local results. Mr. President of Senate Sir, this is not our first chance to have a progressive Constitution and I call upon those who will speak of a referendum.

THE HON. DEPUTY PRESIDENT OF SENATE: Order Hon. Senator! You have got five minutes left.

HON. SEN. TSHABANGU: Mr. President of Senate Sir, with your indulgence, I want to finish my speech if this Senate allows me to do so. If they allow me to finish my speech because I want to finish my speech – [HON. SENATORS: *Inaudible interjections.*] – I request Mr. President to be given unlimited time and finish my speech.

THE HON. DEPUTY PRESIDENT OF SENATE: Okay.

HON. SEN. TSHABANGU: In February 2000, I want to remind those who are talking about the referendum that we said no to term limits and age limits, that no vote cost us the change in 2010. Let us not say no to progress in 2016. Mr. President, the draft of 2000 had term limits, age limits of 70 years. No President above 70 could rule if Zimbabwe had voted yes. Former President Robert Gabriel Mugabe would not have contested in 2010. He was 86, the same age limit would even have applied today to the current President. We lost generational change.

So, I am speaking to those who want a referendum. That referendum, you do not look at what the Bill provides. You will look and you will vote according to a populist approach. Look at where we are today because of the referendum that we lost in 2000. History cannot repeat itself. This is why we are here in support of this Bill and Executive accountability. The President, in 2000 Bill, if he was still in office, he could have been sued. It guaranteed us a devolution, but we

lost a devolution and that was what we are talking about today. Land compensation, no Caesar without payment.

Independent Commissions appointed by Parliament, the majority of them were supposed to be appointed by Parliament so that there is a check and balance but we lost that in 2000. You want us today and calling us today to wash away these gains that are in this CAB3, we say no to that.

I support the President's appointment of the Senators after consultation with political parties in Parliament. I do not agree that in Parliament, the President must appoint the Senators in consultation with Parliament. I want the President to appoint Members of the Senate in consultation with parties in Parliament, this is progressive. We already allowed the President to appoint the judges. The judges were appointed by the President in consultation with the Judicial Service Commission. Why are we reducing the President to that level now to say, President appoints the Senators in consultation with Parliament, yet he appoints all these judges himself without any consultation? So, there must be no Parliament Hon. Minister. He must consult the parties in Parliament. Mr. President Sir, seven years

without daily accountability is a recipe for abuse. That is why CAB3 must strengthen the institutions that we see. The Liberation struggle did not fight for a king. It fought for a servant. Botswana and Mauritius are stable because their presidents answered Parliament.

[Time limit]

HON. SEN. PHULU: Mr. President, I move that the Hon. Member's time be extended by five minutes.

HON. SEN. MLOTSHWA: I second.

Motion put and agreed to.

HON. SEN. TSHABANGU: Thank you, Mr. President. Point number six, Hon. Minister – voter registration. We seek automatic voter registration; voters' roll and registers. ZEC and the Registrar General must maintain a continuous automatic voter registration system linked to the national population register. No citizen should apply twice to be counted once for an ID again to vote.

Registration at birth and ID issuance - when a birth certificate and national ID number are issued, the Registrar General must capture biographic and biometric data. At the age of 18, every citizen is automatically transferred to the voters' roll without further

application. Citizens who get an ID at 16 are provisionally captured at 18.

The Registrar General's Office transmits data in real time to ZEC. ZEC complies, audits and publishes the roll electronically and in print, 90 days before any election. Every Zimbabwean must verify for free by SMS, like what South Africa does. The best practice is South Africa automatically loads from Home Affairs at 16 and then there is an SMS. Botswana does the same. This avoids the exclusion of the youth, rural voters, duplication of work, manipulation of manual rolls, late publications and zero accountability.

The last point, Mr. President that I want to raise is that we want to return to the Government of National Unity (GNU) of 2008. Allow me to say we are serious about reducing the toxicity and cost of national elections. We must deal with mid-term by-elections. These by-elections have become a flashpoint of violence, division and a waste of public funds. This is not new. We did this before and it worked. During the Global Political Agreement of 2008, ZANU-PF, MDCT and MDCN agreed to no by-elections during the transitional period. Amendment Number 19 suspended them. When a seat became

vacant, the political party that won the original elections nominated a replacement. From an independent seat, the runner-up took it up. The result is in Parliament. Balance was preserved, millions were saved, national toxicity dropped and governance continued. That same spirit must guide the Constitutional Amendment (No. 3) Bill. We should insert a transitional schedule that says when a vacancy occurs, the party that held the same nominees will replace the same candidate - no election, no division. For independent candidates, the second-place candidate from the last election steps in and ZEC Gazettes it within 21 days.

Mr. President, if we can register a child at birth, we can respect the voters' choice until the next election. This clause is fiscally prudent. It is stability and respect the mandate already given. It sweeps away toxicity and electioneering so that we can focus on clinics, schools, jobs and Vision 2030. The GNU of 2008 proved it worked. Let us not abandon the wisdom that brought peace when we needed it most. Mr. President, this amendment does not take power from the people. It places power in Parliament. The voice of the people...

THE HON. DEPUTY PRESIDENT OF SENATE: Can you please wind up.

HON. SEN. TSHABANGU: Yes, I am winding up. It dispenses Executive power and prioritises unity over division. It extends the healing of *Gukurahundi*. It corrects the mistakes of 2000 and guarantees every Zimbabwean registers to vote without begging to be counted. It returns the power of the provinces. It puts the President under daily watch and ends the toxicity cycle of mid-term by-elections. For a nation wounded by a winner-takes-all politics, this is a bridge for Presidents that belong to Zimbabweans to elections where Zimbabweans are counted.

THE HON. DEPUTY PRESIDENT OF SENATE: Order!

HON. SEN. TSHABANGU: The provinces that control their destiny – [HON. MEMBERS: *Inaudible interjections.*] –

THE HON. DEPUTY PRESIDENT OF SENATE: Order!

HON. SEN. TSHABANGU: To governance without constant campaigning. A President who forms a government of national consensus...

THE HON. DEPUTY PRESIDENT OF SENATE: Senator Tshabangu order!

HON. SEN. TSHABANGU: That is the promise of the liberation struggle fulfilled. I urge this House to support the Constitutional Amendment (No. 3) Bill with automatic voter registration, binding devolution, parliamentary oversight and transitional vacancy reforms, including history will absolve us. I thank you Mr. President.

THE HON. DEPUTY PRESIDENT OF SENATE: Sen. Tshabangu, you must learn to control your emotions because if I become emotional also, it will not end up nicely.

HON. SEN. TSHABANGU: I know the consequences. I am indebted to you Mr. President.

***HON. SEN. GOTORA:** Thank you, Mr. President. Firstly, let me accept the caution of being emotional. For me not to be emotional let me debate in Shona because English brings emotions. So, let me take it slowly.

I want to thank the team that came up with CAB3 that was led by Hon. Minister Ziyambi. I know he was working with some other

people. I want to thank them for drafting and bringing this Bill to this House. I have a very long paper Mr. President but because I do not want to repeat what others have said and also what is in our Standing Rules, Clause 1 (1) (1) that you can stop me, let me reduce it to half a page. I can summarise the 21 pages into one page.

Firstly, I want to say that the people who debated in the National Assembly who were more than 200 talked of everything that we might want to repeat. We can debate for two more days but it does not add any value to the Bill. So, let me avoid repeating what was debated in the National Assembly and also what has been debated in this House.

Let me go straight to Clause 2, which talks about the selection of the President by Parliament. I support it fully. I once attended a traditional court wedding where people were divorcing and the man was asked whether he paid *lobola* for the wife that he wanted to divorce. When he said he had not paid any *lobola*, the chief asked him why he wanted to divorce a woman he had not married. The Constitution allows us to choose the President, whom we have not chosen in this House before. So, I support Clause 2.

Clause 3 is talking about the extension of the term of office by two years for councils, the President and Members of Parliament has come rather late. When we reduced the Prime Minister's term from six years to five years, we thought we had done well but I believe we made a mistake. Therefore, we should accept the position as it is.

I will skip some clauses. I want us to finish on time. Clause 6 relates to the appointment of 10 Senators to this House. I do not believe the President would use nepotism by selecting his relatives. Rather, I think he will choose individuals from across the country in the interest of good governance. Therefore, I support the provision that the President should appoint 10 additional Senators. Clause 7 refers to the election cycle. I support it as it appears in the Bill.

Clause 9 deals with delimitation. I am from the old school and I witnessed the work of the Sandura Commission. They did not place polling stations in areas where people had to climb mountains or cross flooded rivers to vote. However, that is what the Zimbabwe Electoral Commission (ZEC) has been doing. In my view, ZEC was engaging in gerrymandering. It allowed people to go over hills and cross flooded rivers. I support that because when the Sandura Commission

was doing it, they consulted the chiefs and the churches. They wanted life to be easy for people when they are voting. I, therefore, support the Delimitation Commission.

Clause 12 provides that ZEC should no longer be responsible for voter registration. I remember going to register to vote together with my wife. However, when the Voters' Roll was published, my wife's name had been placed at a polling station 20 kilometres away, because those who had registered voters did not have sufficient information. Now, voter registration will be done by those who are the custodians of citizens' records. The Registrar has all the details of every person, including their addresses. Once a person presents a birth certificate, they are issued an identity number.

If this were the old-style debates that we used to have in schools, I would have responded to some of the points raised by other speakers. However, the Constitutional Amendment (No. 3) Bill clearly demonstrates our desire to move the country in the direction that we want, in accordance with our Constitution because the Constitution is a living document that speaks to how people live. This Bill also recognises that when we amend laws, we are not doing so

merely for today but for posterity. Some people think that we are making these changes for ourselves, yet we are doing so for future generations.

When we crafted the 2013 Constitution, a process that began in 2009 and was completed in 2012, we spent considerable time engaged in arguments that were not always helpful. Let me thank Hon. Tshabangu for pointing out that had we adopted the 2000 Constitution, often referred to, some of the issues we are discussing today would have been addressed at that time.

There is nothing extraordinary about this Bill. Those who oppose it often refer to other democracies as examples. However, there are many forms of democracy across clans. India is often cited as the world's largest democracy while other countries have developed democratic systems that reflect their own circumstances. Even in countries that are frequently cited as models of democracy, electoral systems can produce outcomes that some people regard as unfair. For example, had the system been different in the United States of America, Hillary Clinton might have become President.

Our system does not discriminate. It is comparable to systems found in many African countries and other nations. It is a system that promotes development, unity, peace and mutual understanding among the people. In that regard, Mr. President, I would like to add that provision should be made for a vacancy in the Office of the President. The President is a human being and may fall ill, resign or pass away. Therefore, there should be clarity on who would assume leadership of the country in an interim capacity before another President is chosen.

My second point regards the period following the calling of general elections. The President is the one who proclaims the election. Once the election has been called and the people have voted, there should be clarity on who governs the country before the next President is elected and assumes office. We also need clarity on the timing of the election of the President. These issues need to be clear so that there is no vacuum in terms of leadership.

I, therefore, support the Constitutional Amendment (No. 3) Bill. The people of my area fully support the Amendment (No. 3) Bill. I have not dwelt much on the issue of traditional leaders because many

Hon. Members have already spoken extensively on that matter. I thank you.

THE HON. DEPUTY PRESIDENT OF SENATE: That concludes the debate on this particular Bill and I would like to thank you all Hon. Senators for your contributions and debating in a very mature way.

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Thank you Mr. President and in the same vein, Mr. President. Allow me to thank the Hon. Senators for the vibrant debate. Mr. President, I counted those who debated. Again, Hon. President, this is also very historic. We have had about 55 Hon. Senators debating.– [HON. SENATORS: *Hear, hear.*] – In the history of this Senate, I think this is the highest, in fact, it is. Only five were totally opposing the Bill and the rest, in one way or another, lent their support, which they indicated was very progressive. I want to thank them.

Mr. President, in my speech which was very long yesterday, I covered a lot of things that were debated and so I will not belabour the points that I explained, as I believed that the speeches that were

given were largely premised on issues that I addressed and Hon. Members could not find time to correct their scripts and hence they debated along those lines. I believe it was well covered and I even indicated those who opposed it vehemently, but they missed the point. Again Mr President, I believe they missed the point because they did not have time to internalise what I presented: that five interconnected afflictions bedevilled us and many of them took one and left the other four standing, and then ran with one. However, I indicated that five afflictions bedevilled us and tried to unpack the mischief this Bill seeks to cure. I will not repeat some of those.

I want to appreciate those who supported, especially the majority and even those who opposed. I think it enhances our democracy. I also want to thank those who did not oppose for the sake of opposing, which is very good. It creates an environment that allows for inclusivity, and I saw others run, like I said, in one direction, indicating that a Constitution does not bring food to the table, does not ensure that this Constitutional Amendment ensures that we have a good road. I responded to that in my speech, before they debated that a Constitution is not a grocery list document. It is a document that is

an enabler, allowing an environment where a baker can bake bread and bread is found in grocery shops; where the Government can plan properly and a road can be constructed, just as we did with the Harare to Beitbridge Road. So, this is not a document that you can use to go shopping with. It is an enabler; it creates an environment that ensures that all those things happen.

I want to applaud the kind of debate conducted by Hon. Sen. Phulu. He spoke to the substance of the Bill rather than to the emotion or the politics and I think that is the thrust we were looking at. Let us look at the substance of the Bill. What is the mischief that we want to cure? How do we cure it without politicking, saying I oppose it because it takes away one man, one vote and I think he articulated it very well?

I think Hon. Sen. Chief Mutasa ably responded to that. I will not repeat what he said for the sake of peace in the House. I also agree with Hon. Sen. Phulu to some extent. I will then see when we get to the Committee Stage if we can include. I believe that conflict will always occur in any society and a clause addressing post-conflict healing and reconciliation is necessary. I think the Attorney General is

listening attentively. I hope she has helped me ensure we can include it. Like what the Hon. Senator said, this House is not a rubber stamp. You sniff through and see things that perhaps the National Assembly failed to see, then you make sure you clean it up and propose to them that this is what you left out. Can the National Assembly tidy up the document? I believe that these are some of the issues that you spoke about.

I also want to thank Hon. Sen. Chief Charumbira, on behalf of the chiefs, for his concluding remarks, in which he indicated that the chiefs are in agreement with the Bill. He spoke passionately about chiefs being politicians, which was what we initially thought. We wanted to be silent Mr. President, and not restrict chiefs from saying that chiefs must not be apolitical. They are restricted, but we accepted that our thinking that they were politicians was overtaken by chiefs saying they are everything. Hon. Sen. Chief Charumbira then wanted to confuse the issues, saying that they are everything, which is what we agreed in the first place. We believe we will work within the parameters we have amended. I believe that, with the help of our Attorney-General, we can draft an Act of Parliament to address some

of the issues he mentioned. We believe that the position of chiefs should be respected and I agree.

I want to thank Hon. Sen. Tshabangu again for the many insightful things he spoke about, including post-conflict healing and reconciliation -I want to correct the record, I do not believe there was genocide in Zimbabwe. In fact, there was no genocide. There was a conflict, but there was never a deliberate Government policy at any one time to eliminate one tribe against the other. I come from an area where all tribes live; not a single tribe has been eliminated.

So, I believe that when we try to express our feelings, we sometimes become animated and are misquoted. I think that statement was in overexcitement; there was no genocide. Having said that Mr. President, the President is a champion of ensuring that the *Gukurahundi* issues are concluded conclusively. I believe that when he came in, he started engaging traditional leaders and he has even said at one forum where I was, that he wants the chiefs to take charge and tell us how those issues are supposed to be resolved. Every chief has their own traditions and customs and whatever they believe will appease the spirits and ensure we become united, the chiefs must take

the lead, but we have agreed that, going forward we need a clause that addresses post-conflict resolution and national healing. What I reject, Mr. President, is that there was at any time in this country a deliberate policy to do what Hon. Sen. Tshabangu said. We have never been a country like that. In fact, we are a proud nation that knows no tribalism.

Mr. President Sir, you go to any part of the country, you will find a person, a minority group, or someone from Masvingo; you may find them in Matabeleland and someone in Matabeleland, you will find in Zvimba. Mr. President, if you may allow me to give this example. I have a chairlady and we call her *muNdebele* and she never loses an election in Zvimba. What I am saying is correct and true; she never loses an election in Zvimba. So, I believe we must not rewrite history or stoke emotions; let us unite our people.

Having said that, Mr. President Sir, I want to thank Hon. Sen. Tshabangu for a lot of insightful things that he spoke about, the post-conflict healing and reconciliation but I want to correct the record. I do not believe there was genocide in Zimbabwe. In fact, there was no genocide. There was a conflict but there was never a deliberate

Government policy at any one time to eliminate one tribe against the other. I come from an area where all tribes stay; not a single tribe was eliminated. So, I believe that in trying to express our feelings, sometimes we become animated and will be quoted wrongly. I think that statement was overexcitement. There was no genocide.

Having said that, Hon. President, the President is a champion of ensuring that the Gukurahundi issues are concluded and concluded conclusively. I believe that when he came in, he started engaging traditional leaders and he has even said at one forum where I was, that he wants the Chiefs to take charge and tell us how those issues are supposed to be resolved because every chief has his own traditions and customs that they follow. Whatever they believe would appease the spirits and ensure that we become united, Chiefs must take the lead.

We have agreed that we need, going forward, a clause that speaks to post-conflict resolution and national healing. What we reject, what I reject, Mr. President, is that there was at any time in this country, a deliberate policy to do what Senator Tshabangu said. We have never been a country like that. In fact, we are a proud nation that

knows no tribalism, Mr. President. You go to any part of the country, you will find a person, a minority group or someone from Masvingo; you may find them in Matabeleland; someone from Matabeleland, you will find them in Zvimba.

Mr. President, if you may allow me to give this example, I have a chairlady and we call her Mundevere and she never loses an election in Zvimba. What I am saying is correct and true, and she never loses an election in Zvimba. So, I believe that we must not rewrite history and flare up emotions, but let us unite our people.

Having said that, Mr. President, I also want to agree with Hon. Sen. Tshabangu that some of the things that we have done because of partisan politics to appease a populist opinion have come back to haunt us. In 2000, a Constitution was made and it was rejected but it had very progressive clauses in it, and we had to wait until 2013 to come up with another Constitution. History will not treat us well if we do not pass this amendment because it has several progressive provisions in it. That will ensure not only us but generations to come will progress and our country will develop because of that. So, I want to agree with Senator Tshabangu in that regard and largely applaud

him for the stance that he has taken to look at the substance of the Bill, rather than take a populist position that is being propelled by other opposition politicians to oppose for the sake of opposing.

I think I want to support and thank all the Hon. Senators for the very mature debate that happened in this House. You see, whenever I come to this House with a Bill, I am relaxed because I always find Senators debating maturely and intelligently, not animated for the purposes of appeasing social media – [HON. SENATORS: *Hear, hear.*] - but speaking to the substance of the Bill. I want to applaud the way you handled even the deliberations. Mr. President, having said that, 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.

The Temporary Chair having called for debate on Clause 1.

HON. SEN. ZVIDZAI: On a point of order. In terms of Order Number 148 of our Standing Rules and Orders, Senators who wish to propose amendments to a Bill must submit such amendments in writing and in proper form to the Clerk, during the business hours of Parliament for the day or on a day before that on which they should appear. Yesterday, at five minutes to five o'clock p. m., I sent through several proposed amendments, which I thought would be on today's *Order Paper*. I do not see them. When that time comes, which has not been taken on board, I would not be able to contribute to this legislation as I should have been able to do. I have spoken to the staff and they said, it is still going through the processes of scrutiny by the appropriate office. I wish to find direction from you Mr. President, as to how we should proceed, in view of this concern that I have raised.

Hon. Sen. Zvidzai asked to approach the Chair.

Clause 1 put and agreed to.

On Clause 2:

HON. SEN. MLOTSHWA: Thank you Hon. Chair. I also added my amendments to the *Order Paper* on Clause 2. Clause 2 is amended by the section of the following, subsection after paragraph

(c), (d). ‘The Registrar General shall submit quarterly reports to Parliament, through the Speaker of the National Assembly and the President of the Senate, detailing the number of voters registered during the reporting period, the number of voters rejected and the reasons thereof, the provincial and district distribution of registered voters, measures taken to ensure the accuracy, integrity and accessibility of the Voters’ Roll, any challenges encountered in the discharge of these functions and Registrar General must appear before the relevant Portfolio and Thematic Committees of Parliament whenever required to account for the exercise of the functions set out in this section”.

Mr. President, my submission is that the transfer of the voter registration function to the Registrar General must be accompanied by a robust parliamentary oversight to ensure transparency, accountability, and public confidence in the electoral process. Quarterly reporting to Parliament will strengthen democratic oversight whilst preserving the efficiency objective cited in the Bill. I so submit.

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Thank you

Hon. Chair. I reject the amendments, largely because these are administrative issues. The auditing of the Voters' Roll is through its availability to the public. The Voters' Roll is public; you can inspect it whenever you want. Some of the finer details of reporting, with the help of the Attorney General, when we look at the electoral law, we can then refine and include other issues but I do not think there is any constitutional issue with anything that he has mentioned. Therefore, I believe that the amendment should not be accepted. I thank you.

Clause 2 put and agreed to.

On Clause 3:

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Sorry,

Hon. Chair. Let us dispense with Clause 2. We need to vote on rejecting those antidotes. Clause 2, before we proceed to vote on Clause 3.

Clause 2 put and agreed to.

On Clause 3:

HON. SEN. ZVIDZAI: Thank you Mr. Chairman. This House emphatically agreed that it makes good sense for democracy, for peace, for the President to be elected through a proportional representation process, that is through Parliament, moving away from popular direct elections. Mr. Chairman, for completeness and for consistency of constitutional provisions, I propose that we agree that the President be elected by parliamentarians, provided that those parliamentarians were placed in offices through a proportional representative process. That is what I am moving for. Let us add that so that we have total completeness, decency and coherence of the Constitution. The Constitution cannot blow hot on that side and cold on the other.

HON. SEN. MLOTSHWA: Thank you Mr. Chair. I totally agree with Hon. Sen. Zvidzai. I suggest that Clause 3 be amended by the insertion of a new subsection as follows “the election of Members of Parliament shall be conducted under a system of proportional representation prescribed as an Act of Parliament”, to ensure that the composition of Parliament reflects a new...

THE TEMPORARY CHAIRPERSON: Order, Hon. Sen. Mlotshwa. Are you proposing a new amendment or the same amendment as proposed by Hon. Sen. Zvidzai?

HON. SEN. MLOSHWA: I am proposing a new Subsection.

THE TEMPORARY CHAIRPERSON: We will first dispose of that and then you will have yours.

HON. SEN. MLOTSHWA: Okay, thank you.

HON. Z. ZIYAMBI: Thank you Hon. Chair. Just to indicate that we have a precedent, several democracies have a first-past-the-post and a Presidential election from Parliament, so it is not unprecedented. Even before 1990, we had a Parliamentary system with constituencies, that we would have an Executive head of Government and a President who was elected, but we had a first-past-the-post system. Secondly, we also have to be mindful that certain amendments, even if we want to propose them, require that we have extensive consultation, like when we are changing the entire electoral system, we are required again to consult the Zimbabwe Electoral Commission (ZEC), so this is not an amendment that is capable of being done at this juncture.

I request that if the Hon. Senators are very keen on this, it is a thing that they can then debate and propose at a later date, but in this amendment, it is technically impossible because of the wider consultations that are required and the overall change of the electoral system that they are proposing, which is not permissible within the same Constitution that they are proposing the change to be done, I submit to the Hon. Chair.

HON. SEN. ZVIDZAI: Thank you Mr. Chair. In 1980, I was old enough to vote but did not vote for a constituency MP. We were on a proportional party list process. Post 1985, in 1987, that is when we had the new unity accord. That is when we changed to the Executive President. All along, we did not have any directly elected MPs. The jurisdiction that the Minister is talking about South Africa and Botswana, we did not have a first-past-the-post election. This reflects national sentiment. First past the post elections place MPs based on very localised interests, not broad national interests.

It is requesting an MP who has been elected for narrow local interests to then deal with the issues of a national interest. Let us just have completeness, in my opinion, then it is smarter. Let us follow the

examples of others. We are not having an election soon, from what I can see, this issue of 2030 will succeed. Elections will only come four years from now. Let us allow the process of these amendments to be provided for. We have four years to deal with that and clean up all the other aspects so that everything is in step with the need for what has been praised as something that will fight violence, something that will promote the economy. We all want that, we want the economy to function and we do not want violence. This has been supported across the House. I do not see why we should not support the same four parliamentary processes. Thank you.

HON. Z. ZIYAMBI: Thank you Hon. Chair. Hon. Sen. Zvidzai did not listen to what I said. I did not say starting from 1980. I said before 1990. He is exactly correct to say 1980, we had a system of proportional representation, but from 1985 we had constituency-based elections. That is what I said. Botswana does not have an entirely proportional representation system. They do not actually have. They have first-past-the-post. In fact, all their MPs are elected on the basis of a first-past-the-post.

In the Botswana system, when the MPs go to the nomination court, they have to indicate who their Presidential candidate is so that there is no crossing of the floor. I did not say South Africa has a first-past-the-post. I do not think he understood what I said. The major reason that I said is that, we cannot propose a major amendment in this august House because it requires extensive consultation.

Where I agree with him is that you can propose that amendment post this CAB-3. Then it can be considered by the people of Zimbabwe as a democratic country. In this Bill, we felt that a mixed hybrid, is still a good thing. This is what we propose. I submit Hon. Chair.

HON. SEN. MLOTSHWA: Thank you Chair. I suggest that Clause 3 be amended by the insertion of a new subsection as follows:
(9): The election of Members of Parliament shall be conducted under a system of proportional representation prescribed by an Act of Parliament to ensure that the composition of Parliament reflects as nearly as possible, the proportion of votes cast for political parties and independent candidates in a general election. Chair, my justification is that where the President is elected by Parliament rather than by direct

vote, it is essential that Parliament itself accurately reflects the political preferences of the people of Zimbabwe. The proportional representation electoral system enhances inclusivity, reduces political exclusion, strengthens national cohesion and prevents the same violence that we have been talking about Chair. I think if we use a proportional representation system, we will not have the amount of violence that we have had in the past. I submit.

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): What Hon. Sen. Mlotshwa is suggesting is suffering the same fate as what Hon. Zvidzai was saying.

HON. SEN. ZVIDZAI: Sorry, Mr. President. I think when you put through the amendment by Hon. Sen. Mlotshwa, you said there is no debate. Proceed, and I had a debate.

(HON. Z. ZIYAMBI) I think we have dispensed with this. The Chairperson was very kind enough to allow Hon. Mlotshwa to explain. The very amendment that she is proposing is the very amendment that Hon. Zvidzai put forward. I think the rules of this House do not allow us to continuously repeat the same point. That is

why I indicated that this amendment is suffering the same fate, the same reasons that I gave. I do not think there is any debate that may arise when we have already made a vote on a similar issue. What else are we intending to do? I submit.

HON. SEN. ZVIDZAI: Mr. President. I am sorry if people think this is boring. I was sent here by the people of the Midlands, not the people of Mashonaland Central. The mandate to make a decision as to whether this is appropriate or not does not lie with the Minister. It lies with yourself. As far as I am concerned, you did not deny me an opportunity to debate. If you do, I will respectfully sit. If the Minister does that, he is just usurping the powers of the President of Senate.

THE TEMPORARY CHAIRPERSON: Hon. Sen. Zvidzai, I will give you a chance to debate.

***HON. SEN. ZVIDZAI:** Thank you Mr. President. What was said is quite meaningful. We must choose or select our Members of Parliament. If the President is elected through proportional representation, it is a good thing for the Members of Parliament to also do that. Let us do the same, so that there is an interaction of connection. If the President is elected through proportional

representation and Members of Parliament are also elected through the same process, the Members of Parliament are not supposed to have more power than the President. I realise that this is what you want to do. Thank you.

Amendment to Clause 3 put and negatived.

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Thank you Hon. Chair. I am proposing amendments in my name. I think I have already given you the paper. The amendment that I am proposing is that the Bill be amended on page 2 in lines 32 and 34 by deletion of subsection 5 and the substitution of the following: “The election of the President shall be conducted by the Zimbabwe Electoral Commission in accordance with the Electoral Law and Standing Orders. Just to clean up to ensure that we refer to the Electoral Laws and the Standing Orders of Parliament, and the Electoral Laws will be cleaned up to ensure that they comply with how the procedure should be done in Parliament when elections are held”. Those are the amendments that I am proposing to change from what it is now. I submit.

Amendment to Clause 3 put and agreed to.

Clause 3, as amended, put and agreed.

On New Clause after Clause 3:

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Hon

Members will notice that in the Constitution there is a section which speaks about the assumption of office by President and Vice

President. I am proposing that this section Assumption of Office by

President and Vice President be amended by the repeal of subsection

(3). This is just a cleaning exercise. It has been overtaken by events. It

says a Vice President who becomes President on the death,

resignation or removal from office of the President assumes office

when he or she takes before the Chief Justice or the next most senior

judge available, the Oath of President in the form set out in the Third

Schedule.

Hon Members will recall that we amended the Constitution in

Amendment No. 2 and we said there is no automatic elevation of a

Vice President upon the death or vacation of office of a President. The

political party would then nominate but we are now saying Parliament

will elect within 30 days. This one is no longer relevant hence, I am proposing that it be deleted because it is no longer relevant in the Constitution.

New Clause after Clause 3, put and agreed to.

Clause 4, now Clause 5 put and agreed to.

On Clause 5, now Clause 6:

HON. SEN. TSHABANGU: With your indulgence, Hon.

Chair, there is something that we missed when the Minister amended the clause. He said the President will be elected by Parliament in 30 days in a joint sitting. I think something is missing. How will Parliament sit? Is it a joint sitting or separate?

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): It is there and it will come?

Clause 5, now Clause 6, put and agreed to.

On Clause 6, now Clause 7:

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Thank you, Hon. Chair. I am proposing amendments. I think this one is on the

Order Paper, an amendment to Section 101 of the Constitution.

Section 111, entitled Succession in the event of death, resignation or incapacity of the President or Vice President. That is how it is titled in the Constitution. We want to delete this and substitute it with the following: Succession in the event of death, resignation or incapacity of the President. I think Vice President is a typo there. If the person elected President in an election dies, resigns or is removed from office, the Vice President or where there are two Vice Presidents, the Vice President who was last nominated to act in terms of Section 100, acts as President until a new President assumes office in terms of Section 92. I think in the clause that is there, there was a vacuum. So, we had left out that whenever there is a vacancy, the Vice President who last acted will act until an election happens in Parliament. So, this is the correction that we are proposing in this amendment. I so submit.

Amendment to Clause 6 now Clause 7, put and agreed to.

Clause 6, now Clause 7, as amended put and agreed to.

On Clause 7, now Clause 8:

HON. SEN. MLOTSHWA: Thank you. Mr. Chair, here is my humble submission to the Minister of Justice. - [HON. MINISTER: *Inaudible interjections.*] - Hon. Chair, can I be protected from the Minister?

THE TEMPORARY CHAIRPERSON (HON. SEN. KAMBIZI): You are protected.

HON. SEN. MLOTSHWA: Thank you very much. Can Clause 8 be amended by deleting paragraph (e) and substitute it with the following: 10 Senators appointed proportionally based on the political composition of the Senate following the most recent general election, with nominations submitted by political parties represented in Parliament in proportion to their representation in the Senate.

As I debated in my debate, after the 2023 election, we saw ZANU-PF getting 33 Senators and CCC getting 27 Senators and that composition makes it here in the Senate that we are 50-50. After the Senate proposed 10 Senators, that means we will not have the same balance again. So, I am justifying that the Senate is intended to reflect the democratic will expressed by Zimbabwe through elections. The results of the 2023 elections produced a Senate whose political

composition broadly reflected the choices made by the Zimbabwean voters. Any additional seats created by the constitutional amendment should preserve the balance rather than alter it. Through unilateral presidential appointments these amendments ensure that any increase in the number of senators strengthens representation while respecting the electoral mandate already conferred by the people of Zimbabwe. I so submit my democratic Chair.

***HON. SEN. ZVIDZAI:** Thank you Mr. President. I wanted this to be removed because the reasons mentioned why the President needs to appoint 10 people were not clear to me. This is because the way senators are currently selected, we may find the best...

THE TEMPORARY CHAIRPERSON: Hon. Sen. Zvidzai, so that is a new amendment?

***HON. SEN. ZVIDZAI:** I am still debating. I wanted to keep it as a new amendment. Let me fully support Hon. Sen. Mlotshwa's amendment. If the President wants to appoint, he must appoint *asi hatidi kudya zvevapfupi nekureba*. We are currently 27 and say 33 and the day after tomorrow, ZANU-PF will have 43. Where would this be coming from? We do not want this. We want the choices of the

people. We must have a pro rata if he appoints. He must also approach Hon. Sen. Tshabangu and inquire from him. He must also go to ZANU-PF and do the same. We must be in agreement as a country. Thank you.

***HON. SEN. MAVENYENGWA:** Thank you Hon. Chair. I feel that this clause is a good clause that the President who will be elected must also appoint experts. We must not politicise this issue. We must not bring this to the Senate. I feel that we must say, the elected President must elect people who will be able to drive the economy and development and not focus on political parties. What if the political parties bring someone who does not have the expertise? I do not support this clause as it is. Thank you.

+HON. SEN. NDEBELE: Thank you Hon. Chairperson. We have done this together and there was no separation between political parties. We did this together even though we come from two different parties. I differ with the last Hon. Senator who contributed. When doing everything, I request that we work together as a Parliament. I thank you Chairman.

HON. SEN. TSHABANGU: Mr. President, still on that same clause, the Hon. Minister should indicate before coming to what Hon. Sen. Zvidzai and Hon. Sen. Mlotshwa said before. The clause projects that the senators will be appointed by the President in consultation with the National Assembly. What is the rationale? These are the senators and there is an exclusion of the Senate itself. How do we have the National Assembly appointed in consultation with the President? That is point number one. This is why, in my debate, I also indicated that there are political parties in Parliament. Let us have consultation with the President, consulting those leaders or political parties. It does not matter whether today or post 2030, there will always be different political parties. The President must consult political parties and not the National Assembly. We will then come on to whether the subjective ratios we can discuss those. I think we need to agree in principle before we get to what two of my colleagues put forward for your consideration.

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Thank you Hon. Chair. I will deal with the mover and indicate that the President

is a product of the election year. Being a product, the President will then deal with the issues of the composition and the skills that he believes will best move the country forward. It is not about political party representation but what needs to be done by the President given the mandate that he has. Secondly, I do not even know what Hon. Senator Zvidzai means by *kudya zvevapfupi nekuti murivarefu*.
President vasarudzwa kuno.

*If you are in a court, if they decide to take a certain direction, you must support what was decided by the court. This is because that is what will be brought out from the court. What I say after the court is not what I said whilst I was in the court but when I go out of the court, I must appear as if I am the one who said it. The President will be elected by Parliament and they must look and focus on people's development. We have always been talking about that. Can he hold his horses? We are getting there.

I indicated that this clause is about the process that the President will appoint and over and above that, I have to say this and I want it to be put on record. When the South African election happened, it was a hung Parliament. Some negotiations were done but not everything

was taken to the Constitution. We do not have to take everything to the Constitution. A product of these honourable Houses will know how to unite the people. The South African President, for instance, came up with a Cabinet, an arrangement. You will never find that in the South African Constitution.

Some of the issues that we want to put in the Constitution will dilute the mischief that we wanted to solve. The 10 will end up being politicians because what will happen is, in my own party, somebody will say, I am senior. Mr. President, we say these are political appointments, I must be put on that turn. It will also happen to the Opposition. We need something that will restrict the President, having been elected, not to pre-suppose that he must do this. I submit and I reject that amendment but Hon. Tshabangu, hold your horses, we are getting there.

HON. SEN. ZVIDZAI: I would like to firstly explain to the Hon. Minister who said *havanzwi chikaranga*. What we mean when we say *kudya zvevapfupi nekureba*, in this particular case, we are saying the President, by him just having an open cheque and appointing 10 senators, he is using administrative powers to disturb

the balance of the natural balance that came out of the election. We cannot give the President absolute powers to change the balance of Parliament against the will of the people. In fact, the President's mantra is that the voice of the people is the voice of God. That is his belief; therefore, the voice of the people, if it says it is 2733, that proportion should not be affected by anybody because God has spoken. It is as simple as that.

Amendment put and negatived.

Clause 9, now Clause 10, put and agreed to.

On New Clause Inserted after Clause 9:

THE MINISTER OF JUSTICE, LEGAL AND

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

I am proposing a new insertion. I think it was an oversight. We forgot that there is need to have a first sitting of Parliament after an election.

In the current setup, the President-elect will be sworn in, then he will call Parliament for its first sitting. So, we needed to clean that up. I

want to thank Hon. Sen. Gatora in his debate, in his deliberations, he

alerted us. So, I propose a new insertion after Clause 9. The Bill is

amended on page 3 in line 37 by the insertion of a new clause after

Clause 9. As it fully appears for the purposes of the record in the *Order Paper*. It will read, first sitting of Parliament following general election is repealed in Section 145 and substituted by the following; First sitting of Parliament following general election. After a general election, the first sitting of Parliament must take place at a time and on a date determined by the Clerk of Parliament in a notice in the Gazette but not later than 14 days after the election results have been declared. Subsection 2, until the election of the President of the Senate or a Speaker, the first meeting of each House of Parliament must be presided over by the Clerk of Parliament and the subsequent clauses will be numbered accordingly. I so submit.

New clause inserted after Clause 9, put agreed to.

Clause 10, now Clause 12 put and agreed to.

On Clause 11, now Clause 13:

HON. SEN. MLOTSHWA: Thank you Chair. My humble submission as I am to you our democratic Chair, is that we delete Clauses 11, 12 and 13 entirely. The Zimbabwe Electoral Commission is already constitutionally mandated to manage electoral processes and possesses the institutional knowledge and technical expertise and

constitutional legitimacy necessary to undertake delimitation of electoral boundaries. The creation of a separate Delimitation Commission would result in the duplication of functions, increased administrative costs and potential jurisdiction disputes between constitutional bodies. Rather than establishing a new commission, Parliament should strengthen the capacity, independence and accountability of the Zimbabwe Electoral Commission to effectively perform delimitation functions. Further, Chair, we insert a new provision requiring that the Zimbabwe Electoral Commission submit a delimitation report to Parliament for debate and consider the report is transmitted to the President. The report shall include: (a) the criteria used in drawing electoral boundaries, (b) population statistics relied upon, (c) public submissions received, (d) objections raised and how they were addressed and (e) maps and descriptions of all proposed constituency and ward boundaries.

In the recent delimitation for the 2023 election, we witnessed a situation where a ward in Umzingwane falls into Matobo and a ward in Gwanda falls into Matobo South again and we witnessed seven wards in Mangwe falling into Matobo and creating a new

constituency called Matobo Mangwe. That dispute does not stop because we have chiefs and sabhukus on the other side of Mangwe but having one particular Hon. Member and another Hon. Member is for Mangwe, still in the same constituency. So, this is my humble submission, my democratic Chair. I thank you.

HON. SEN. ZVIDZAI: I rise to support the amendment that Hon. Sen Mlotshwa put forward largely because I think the justification for kicking ZEC is around the bad performance in the 2022 delimitation, whereas the Constitution requires that no constituency should be bigger or smaller than another by 20%. Some constituencies are 40 to 50 % bigger than others. They failed in their job but that does not mean that we must take that competency away from them. It is like this, if the President appoints a Minister of Justice and Legal Affairs who fails to do his job, you do not remove the Ministry, you remove the Minister. So, in this case, I do not say my *sekuru* is doing a bad job; he is doing a good job. It is just an example. You do not remove or abolish the Ministry. You remove the Minister and replace with a better one. In this particular case, ZEC should be empowered by removing those people who fail to do

delimitation and putting in place others who can do that. So, I agree with Hon. Sen. Mlotshwa that this is unnecessary. ZEC is a higher level of the Constitutional Compliance Commission. You do not want to give this important competence to some marginal institution which answers to the Executive and all that. Let us keep it there so that our elections look credible. Let us make it look nice. Let us look like others. Let us not experiment with very important things. ZEC should do this. This commission is unnecessary.

HON. SEN. NCUBE: Mr. Chairman, all those who have participated in elections in the past are aware of the problems we are faced with ZEC in terms of our constituency boundaries. We are now creating a specialised commission which will, from time to time, review boundaries as urban areas expand because of a lack of specialisation. This is a full-time job. You cannot leave it to be done within three or four months. That is why this new commission is necessary. Examples have been cited of wards falling in different places. This will then be refined with time and we will know precisely as we move forward where constituencies are supposed to be. In line and in response to population and other difficulties within

constituencies, I think this is an important commission. We should not lessen it with our frivolous arguments.

HON. SEN. ZVIDZAI: With all due respect to the rules of this House, you are not the President to be able to tell me that my argument is frivolous. It is up to the President to say *enda unovhiya mbudzi* not anybody else. Thank you.

THE TEMPORARY CHAIRPERSON: That has been noted.

HON. SEN. ADV. PHULU: I want to contribute a little bit to this debate in that I think what has been asked really goes to the independence of the commission. Remember, we are coming from ZEC, which is an independent institution. It was put there because people said we want this kind of institution to be independent. This commission, of course, is still appointed by the President just like ZEC but ZEC is a process, a public interview and so forth. Here, of course, yes, it is after consultation with the JSC. We do not see how these commissioners are removed. Does that not compromise their independence? Any time they can get a phone call to say, you are no longer a commission. The amendment does not address that kind of gap. Maybe that is the concern.

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): There are several mischiefs that we wanted to cure by doing this. The Hon. Senators are just zeroing in on saying, it is a constitutional commission. ZEC is mandated constitutionally. That is why we are amending the Constitution, because it is in the Constitution. If it was outside, I would have just brought an ordinary Bill but because it is in the Constitution, that is why we are amending it.

Secondly, Members are losing sight that the independence of a commission should be two-way. We are not zeroing in on independence that affects only political parties but even individual candidates. In the current scenario, ZEC does the delimitation. After doing the delimitation, the Constitution purports that the decision is final even if Parliament rules otherwise. That is the independence that they want. You move on to have an election conducted by the very same people that you encountered during delimitation and you argued with them that, if I am to quote what Hon. Sen. Gatora said, that “*unenge wabva kuseri kwechikomo uchidarika imwe polling station,*” arguing with them and say this does not make sense. You cannot put

two groups of people who have one Chief under different boundaries. It does not work out. A community of interest will have already violated them but because it is the same people that are doing it, they will then go on and supervise you. So, they will say oh, you were making noise there. They can get you there. That impartiality is already compromised.

One of the major motivators is that ZEC's job is to conduct an election, period. Their business is to be an umpire or a referee when the match is being held, not to set up the rules of how the size of the pitch should be, where the goalposts should be and then become a referee after that. Somebody must set the rules of how the pitch is like, the rules of how you take a penalty kick, what the 18 area will be like and then the referee will follow those but in this case, we had conflated the two. We are saying ZEC must be allowed to be a referee when the contest happens and declare a result. That will ensure the independence that Hon. Sen. Phulu is speaking about. So, I believe what we can argue about is the composition, perhaps but these are people that will take an oath to save their nation, to do a job and they will be interrogated independently by Members of Parliament without

any Member fearing that if I then overstep, I would be subjected to unfair treatment during elections. I submit and reject this amendment.

HON. SEN. ADV. PHULU: How are they appointed? For how long are they in office? The amendment does not speak to this issue. It is silent, hauntingly silent.

HON. Z. ZIYAMBI: Hon. Chair, we are going to have an Act of Parliament to deal with the delimitation issues, and all those issues. I think we can debate and then refine it but I think the core principle is, he who determines the field should not be the umpire when the game is up. I submit.

HON. SEN. ADV. PHULU: Mr. Chair, the proposed subsection (3) of 159 (a) says the Act of Parliament can only deal with the functions of the Commission. It cannot provide for their removal. So, there is going to be a gap in terms of how they are removed. Are they appointed as well? Those issues are not addressed in that amendment.

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Hon. Chair, this can be done in the Act of Parliament. It is not something

that has not been done before. This can be done. I think we have done the same with the Lands Commission. I think we can provide for all those issues. There is nothing that bars us from putting the conditions of appointment and everything in an Act of Parliament. I submit.

Amendments to Clause 11 now Clause 13, put and negatived.

Clause 11 now Clause 13, put and agreed to.

HON. Z. ZIYAMBI: I think I was not very fair. There was an oversight. I am proposing that we recommit this so that we just dispense with this issue because I had promised Hon Tshabangu. I think it will not be fair. When I looked at it, I then suddenly realised that Clause 9, which is now Clause 10, speaks to what he was saying and we have already passed that clause. So I propose that with your leave, we recommit it once we finish. I had promised him. I think it would not be correct if we do not do that. With your leave, then we can do it later.

THE TEMPORARY CHAIRPERSON: Clause 9, which is now Clause 10, or 8, which is 9?

HON. Z. ZIYAMBI: Clause 9, which is now clause 10. The current 9. We can do it at the end.

THE TEMPORARY CHAIRPERSON: The Minister is proposing to revert to Clause 9 at the end.

Motion put and agreed to.

Clause 12 now Clause 14, put and agreed to.

Clause 13 now Clause 15, put and agreed to.

On Clause 14, now Clause 16:

HON. SEN. ADV. PHULU: I propose an amendment in Clause 14 (a). By adding the word judge in front of the words President of the Supreme Court. It ought to have read Judge President. I think it is just an omission. So that it is consistent with the rest of the clause and other clauses as well.

HON. Z. ZIYAMBI: It is okay.

Amendment to Clause 14 now Clause 16, put and agreed to.

Clause 14 now Clause 16 as amended, put and agreed to.

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

Clause 16 now Clause 18, put and agreed to.

Clause 17 now Clause 19, put and agreed to.

Clause 18, now Clause 20, put and agreed to.

Clause 19 now Clause 21, put and agreed to.

Clause 20 now Clause 22, put and agreed to.

Clause 21, now Clause 23, put and agreed to.

On New Clause after Clause 21:

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Thank you

Hon. Chair. I am proposing amendments to an insertion of a new

Clause 21, amendment of Section 243 of the Constitution. I think it is

in line just to capture some of the issues that Hon. Sen. Tshabangu

spoke about, that we need to always have a mechanism of

reconciliation and dealing with issues of conflict.

I am proposing that Section 243, functions of Zimbabwe Human

Rights Commission of the Constitution be amended by the repeal of

paragraph 'I' and the substitution of the following, so that it will read,

'to recommend to Parliament and the Executive, appropriate and

effective measures for the promotion of human rights and

fundamental freedom including enactment of legislation and the

formulation of policies directed towards national healing,

reconciliation and nation building'. I so submit.

Amendment to new Clause 21 put and agreed to.

New Clause 21, as amended, put and agreed to.

New clause inserted after Clause 23, put and agreed to.

Clause 22, now Clause 25 put and agreed to.

Clause 23, now Clause 26 put and agreed to.

Clause 24, now Clause 27 put and agreed to.

On new Clause 28:

HON. SEN. ADV. PHULU: Thank you Hon. Chair. I think there has been an error. The clause I actually intended to amend was the one originally Clause 23. It simply has an error in that we needed to delete in Clause 23 ‘any further references’ to that same Commission. We will put it in there. Thank you.

THE TEMPORARY CHAIRPERSON: New insertion by Hon. Sen. Adv. Phulu.

HON. SEN. ADV. PHULU: Sorry, Hon. Chair, I think it has just been addressed by the Hon. Minister, when he amended the Human Rights Commission to accommodate a function of post-conflict justice and so forth.

THE TEMPORARY CHAIRPERSON: I shall now report the Bill with amendments.

HON. SEN. NDEBELE: Sorry, Hon. Chair, you said you were going to revert, yes.

THE TEMPORARY CHAIRPERSON: Which one?

HON. SEN. ADV. PHULU: There was an error that was supposed to be done at the end. I think on Clause 23, where we repealed the National Peace and Reconciliation Commission. In Section 232, we still refer to it as one of the commissions, so may that simply be deleted. I propose a new Clause 29, proposing that paragraph E in Section 232 is deleted.

Yes, so I put Clause 28, which reads that ‘wherever the words ‘National Reconciliation Commission appear, they are hereby deleted.

Amendment to new Clause 28 put and agreed to.

New Clause 28, as amended, put and agreed to.

On Clause 9:

HON. SEN. TSHABANGU: Mr. President, the Hon. Minister promised me that he was going to look into the issue of transitional provisions on vacancies. I do not know his disposition regarding this one. You never responded to me.

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Hon. Chair, I gave an undertaking but that is an issue that we agreed to discuss as political parties and find a way of dealing with it. I think we will keep our word to deal with that issue in that manner and other issues that we have already engaged the leadership as we discussed. I think it is outside the scope of the Bill but we will deal with it. The transitional issues that you mentioned, we will definitely deal with them.

HON. SEN. TSHABANGU: In principle, we have agreed. I totally agree and I do mean no harm at all, but there is another point where we submitted that you need to justify your rationale for putting the National Assembly in the scope. I do mean no harm at all, but I just need the rationale for it. Then we are done. We are good to go.

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Hon. Chair, the rationale is simple. This gives power to political parties. Within the National Assembly, that is where Members would have

been directly elected and it represents the spread and that spread is the one that will culminate in the composition of the Senate as it will be.

By putting it like that, we are simply saying that parties, as they are, their caucuses would then direct how it is done. It is giving more power to political parties to direct. The consultations, while we are putting Parliament or the National Assembly, we cannot then say political parties in there. It is neater to say the National Assembly, but if you look at it, our Parliamentary system is largely based on a whipping system. The difference is the same, because this is the House that will now determine the spread that will come here and it will now technically determine who becomes President.

If you look at the Botswana system, they have a system that if every Member of Parliament goes for nomination, they will indicate who their Presidential candidate is. When voting takes place, automatically, the party that gets 50% of the seats plus one, their candidate, becomes President-elect. The voting becomes academic.

So, by putting it here, we wanted to ensure that we give comfort to those who are saying we want the power to come from the people directly, but the difference is the same.

THE TEMPORARY CHAIRPERSON: I shall now report the
Bill with amendments.

House resumed.

Bill reported with amendments.

Consideration Stage: With leave, forthwith.

CONSIDERATION STAGE

CONSTITUTION OF ZIMBABWE AMENDMENT (NO. 3) BILL

[H. B. 1, 2026]

Amendments to Clause 3, new clause inserted after Clause 3,
Clause 6 now 7, new clause inserted after Clause 9, now 10, Clause
14, now 16, new clause inserted after Clause 21, now 23, new clause
inserted after Clause 25, now 28 put and agreed to.

Bill, as amended, adopted.

Third Reading: With leave, forthwith.

THIRD READING

CONSTITUTION OF ZIMBABWE AMENDMENT (NO. 3) BILL

[H.B. 1A, 2026]

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (HON. J. ZIYAMBI): Thank you Madam President, I move that the Bill be now read the third time.

THE HON. PRESIDENT OF THE SENATE: In terms of Section 325 (5) of the Constitution, it provides that a Constitutional Bill must be passed on the last reading in the National Assembly and the Senate by an affirmative vote of two-thirds of the membership of each House. In order to comply with the provisions of Section 328 (5), it is necessary that the number of affirmative votes cast by Hon. Senators be recorded. In terms of the voting process, bells will be rung for seven minutes to enable Hon. Senators who are within the precincts of Parliament to make their way to the Chamber at the expiry of the seven minutes.

All Hon. Senators will be expected to be in the Chamber and the doors will be secured. No Member will be allowed to enter or leave the Chamber. The voting process will then commence before the actual voting. We will first ascertain the number of Hon. Senators in the Chamber. During the voting process, the tellers on each side will be assisted by the Clerks-at-the-Table and the officers from the

Sergeant-at-Arms. I expect Hon. Senators to cooperate so that we conduct the voting in an orderly manner. I, therefore, direct that the bells be now rung for seven minutes, after which voting will take place. Thank you.

[Bells rung.]

THE HON. PRESIDENT OF SENATE: Order Hon.

Members. The motion over which the Senate shall divide is the question that the Constitution of Zimbabwe Amendment (No. 3) Bill [H. B. 1B, 2026], be now read a Third Time. The AYES will file to the right-hand side of the Chair. The NOES will file to the left-hand side of the Chair. Each side must choose its own two Tellers to do the counting of Hon. Senators voting. So, in this case, the NOES will use this part of the Senate then the AYES will start from the entrance up the part next to the door. We can now proceed.

House divided.

AYES: Bimha M. C., Bvumo T, Bwawanda R., Chakabuda M., Chapfudza S, Charumbira F. Z., Chauke F., Chidzivo H., Chigwadzara C., Chikukwa L., Chinyanga B., Chitsamba J., Dube A., Dube S., Fanuel R., Gumpo S. J., Gwasira Simbayi C, Gwature M. G.,

Hungwe O. S., Kabondo T, Kadungure D. A. , Kambizi E. , Katumba M., Khumalo M., Kupfuma M, Makamba J. C., Maluleke O. M., Manyengavana M., Manyepa T., Matibiri K., Matuke L., Mavenyengwa R., Mavhunga M., Mbohwa M., Mdhluri M., Mkwananzi Z. N., Mlilo L., Mohadi T. B., Moyo H., Mtshane Khumalo L., Munzverengwi A., Mupande G, Munemo S., Mupfumira P., Mutasa J.K., Mutsvangwa C., Mutsvangwa M., Mwanza I., Ncube D. M., Ndebele S., Ndiweni V., Ndhlovu C., Ndhlovu Richard M., Ndhlovu M., Ndhlovu Ritta., Ngwena M., Nyambuya M. R., Nyathi E., Pasipamire P., Phulu K., Rungani A., Shava F. M., Shiri A., Nkatozo S., Sibanda L, Tawengwa C. Z., Tivaringe M., Tongogara A. K., Tshabangu S., Tsomondo B. L., Muzoda T. W., Zhou I., Zindi I.,

Tellers: Gatora C. J., Muzenda T. V.

NOES: Mlotshwa N., Phuthi M.

Tellers: Moyo S., Zvidzai S.

THE HON. PRESIDENT OF SENATE: Order! The results of the count are that 75 Hon. Senators have voted in favour of the Third Reading of the Bill and four have voted against the Bill - [HON. MEMBERS: *Hear, hear.*] –

Order! The number of affirmative votes is not less than two-thirds of the membership of the Senate. I therefore declare the final votes in the Senate on the Constitution of Zimbabwe Amendment [H.B. 1B, 2026], to have been in accordance with the provisions of Section 328 (5) of the Constitution.

Motion put and agreed to.

Bill read the third time.

THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI): Thank you Madam President. Allow me, first of all, to thank you for the way you have steered the debate during the last two days. As I indicated in the beginning, it is very historic, the number of Senators who debated. I am not sure that it would be surpassed anytime in the near future. The debate was very enriching and robust.

On the motion of **THE MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS (HON. Z. ZIYAMBI),** *the Senate adjourned at Twenty-Four Minutes to Eight o'clock p.m. until Tuesday, 14th July, 2026.*