



CSOs form mechanism on implementation of new Constitution



Let go of all old laws, CSOs tell government



Ex-COPAC Co-chair speaks out

CSOs form mechanism on implementation of new Constitution

Harare -- Civil society will form a mechanism to monitor, engage and partner government on aligning old laws and drafting new laws so as to speedily implement the new constitution, the Crisis Report (CR) can reveal.

A conference on Civil Society Organisations' role in realignment of laws and promoting constitutionalism in Zimbabwe organized by Crisis in Zimbabwe Coalition (CiZC), attended by government officials, over 90 CSOs, and constitutional experts made the resolution in Harare on June 5, 2014.

The conference mooted the idea after a realization by the multi-sectoral stakeholders that there was an apparent omission after the adoption of a new Constitution in 2013, to insti-

tute a committee that would champion and safeguard its fulfillment.

Speaking at the conference, Deputy Minister of Justice Hon. Fortune Chasi said the government was open to engagement with civil society to implement the new Constitution.

"We would want proposals from you in terms of areas that you want to be dealt with in your sector.

"We may agree to disagree, but we must be able to sit down at a table

"Both government and NGOs need a paradigm shift in terms of cooperation in various areas, especially alignment of laws with the Constitution," said Chasi, who took time to sit through the one-day conference.



The Deputy Minister was at pains to allay doubts about the government's sincerity after it emerged that the ruling party recently railroaded the Electoral Amendment Bill through Parliament, without considering input from civil society, the public and the opposition.



CiZC chairperson, Dewa Mavhinga (left) and SAPES Director Dr Ibbho Mandaza

Announcing the conference resolution, the Coalition Chairperson, Dewa Mavhinga, said the mechanism will revive structures that were previously used to coordinate civil society and advocate for the implementation of the Global Political Agreement (GPA) under the Civil Society Monitoring Mechanism (CISOMM) and the Civil Society Coordinating Mechanism on Constitutional Reform.

Mavhinga had said earlier in remarks to open the conference: *"We are aware that we had a new Constitution last year, but its implementation has been fairly slow.*

"The public has a role to safeguard the new Constitution."

Mavhinga said there should be separation of powers to *"keep the executive in check"*, adding that individuals in government must be committed to the constitution as they could effectively safeguard it, as shown by the work of South African Public Protector Thuli Madonsela.

CISOMM, which has also since commuted its previous monitoring function of the GPA, to the implementation of the new Constitution under the Zimbabwe Lawyers for Human Rights (ZLHR) released a report on non-compliance with the new Constitution on the first Anniversary of the new Constitution on May 22.

The advocacy, coordinating and lobby mechanism under Crisis in Zimbabwe Coalition will rally civil society and liaise with government as well as ensure adequate information dissemination, basing input from various sectors of civil society.

Let go of all old laws, CSOs tell government

Harare -- Civil society has embarked on a noble bid to convince government to let go of old laws in order to adhere to the new Constitution.

After Zimbabwe adopted a new Constitution in 2013, the new Supreme Law made many oppressive laws which do not conform to it redundant.

Yet the government has continued to use old laws, arguing that the public must give it enough time to expunge the obsolete laws from the statute books.

However, civil society has correctly advised government that

the new Constitution is the Supreme Law and all laws that violate it are void.

Executive Director of Zimbabwe Lawyers for Human Rights (ZLHR) Irene Petras told conference attended by government officials that the new Constitution was the supreme law of the land.

"Whether or not the laws are aligned which is the supreme law?" said Petras.

"I think we need to assert our rights that have been given to us by the new Constitution.

"Civil society must not be over involved in alignment to the extent of forgetting to assert the rights that are there."



Hon. Jessie Majome

Chairperson of the Parliamentary Committee on Legal and Parliamentary Affairs and Harare West Member of Parliament, Hon. Jessie Majome, supported this view.

"I do not subscribe to the view that we must live the new Constitution until the magic omnibus bill is brought to Parliament.

"It (the Constitution) doesn't say it will become the supreme law when bills to align laws have been passed.

"It says 'I am the Supreme Law'. It is the law today.

"It is a poor excuse to say that we are waiting for alignment.

"Right now, this minute every one must be upholding it.

"I am not saying the alignment is useless, but I think we are overrating it."

Haron Ndubi, the executive director of Haki Focus of Kenya, said the idea of alignment postponed the promise carried by the new Constitution.

"I wondered as we were using the term alignment, whether it's a term used to postpone the promise.

"The new Constitution has been enacted, what is required is to implement and enforce it."

Ndubi said when Kenya adopted a new Constitution, government departments immediately started acting in conformity with it.

Ex-COPAC Co-chair speaks out

Harare -- FORMER Constitutional Parliamentary Select Committee (COPAC) co-chairperson and ex-Zanu-PF legislator for Chivi Central, Paul Mangwana, said the disbanding of COPAC left a constitutional reform gap.

He said the gap necessitated increased efforts by civil society if the new Constitution is to be implemented.

Mangwana was speaking at a conference organized by Crisis in Zimbabwe Coalition (CiZC) in Harare on Thursday, June 5, 2014, where he made an impassioned plea to civil society to quickly fill the gap left by COPAC.



Former COPAC Co-chair Paul Mangwana

He said the adoption of a new Constitution was a beginning not an end.

"When I look at COPAC, I would say what other mandate did, COPAC have other than coming up with the new Constitution?" said Mangwana.

"There were gaps which had been seen to require change through a new Constitution, there were laws which required amendment, and there was a bill of rights which was seen as inadequate.

“Was the new Constitution supposed to be the end or the beginning of the journey?”

Mangwana said that the disbanding of COPAC and the Ministry of Constitutional and Parliamentary Affairs had been premature as it left the executive with too much power, or work to derail the important process.

“But who would drive if the drivers are retired, who is going to be the policemen?” said Mangwana.

“Whose powers were curtailed by the new Constitution?”

“If it is the executive, will they be willing to implement the new Constitution to have their powers curtailed?”

“I think there is a gap.”

“We did not learn from Kenya, they put a body to make sure the Constitution is implemented.”

Mangwana said the absence of a committee to enforce implementation of the new Constitution was a mistake which necessitated that civil society comes up with initiatives to cover for that omission.

“The mistake we made is not to have a committee that makes sure this Constitution is implemented,” said Mangwana.

“We are at the mercy of the executive to do their work.”

“This is the truth.”

“You do not expect that these bills will come to the Minister without anyone bringing them.”

“The drivers of the Constitution have been retired, if you do not drive it, who will do it?”



Haron Ndubi

Haron Ndubi, the executive director of Haki Focus of Kenya said Kenya had managed to set up a constitutional committee that would guarantee implementation of the new Constitution when the country adopted its new Constitution.

He urged government to liaise with civil society on the implementation of the new Constitution, saying presence of government officials at the civil society conference was commendable.

“It is important that this relationship be nurtured further,” he said.

Deputy Minister of Justice Hon. Fortune Chasi said he liked the idea of “a guarantor” for the Constitution to spearhead implementation, which had been adopted by the Kenyans.

He added: *“I think we have learnt a lot, and we will try to see how we can implement the ideas from your constitution making process”* .

The Crisis in Zimbabwe Coalition is a broad based civil society network of over 72 active members comprising churches, women’s groups, social movements, residents associations, labour unions, human rights lawyers, and health professionals. It was formed in August of 2001 to focus on democracy, human rights, good governance and sustainable development issues – working locally, regionally and internationally.