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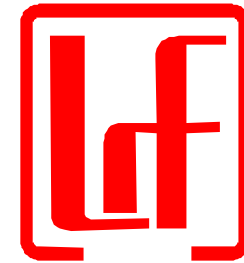
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# IConstitution yeZimbabwe

(Umthetho osabunjwa wokuguqulwa kwesisekelo sombuso welizwe okwesibili ka2019 iConstitution of Zimbabwe Amendment (No. 2) BILL, 2019)

[*SUMMARISED VERSION*]

With support from



**12) Ukuba khona kwesethulo esivumelwa ukubekwa lokuphawulwa komsebenzi kamabhalane omkhulu labasekeli bakhe ewofisini kamongameli lequla labaphathintambo bakahulumende.**

Lesi yisethulo esitsha esisekelweni sombuso selizwe. Inguquko lezi ngabe zenziwe ngeminye imithetho ephansi ephathisana lesisekelo sombuso selizwe hatshi ngokuguqulwa lwesisekelo sombuso selizwe.

**13) Inguquko yebizo yokuthi endaweni yokuthi kubizwe inhlanganiso ngokuthi ngeyaphandle kwelizwe kuthiwe yinhlanganiso yamazwe omhlaba.**

Ukuguqulwa kwebizo “inhlanganiso yaphandle kwelizwe” kuthiwa “inhlanganiso yamazwe omhlaba” kuyenqabela iPhalamende emsebenzini wayo wokulawula lokuqondisa sikhangelane ngokuvumelana lokufezwa kwezivumelwano zamazwe omhlaba. Lokhu kuyaphazamisa ukubona kwayo ukuthi izinto ziqhutshwa kuhle zinhlangothi zontathu zikahulumende.

**14) Inguquko yebizo “Ukusebenzela uhulumende” kuthiwa “Ukusebenzela uzulu”.**

Umthetho osabunjwa wethula inguquko yokuthi ibizo “Ukusebenzela uhulumende” lithiwe “Ukusebenzela uzulu”. Lezi zinguquko zesisekelo sombuso selizwe ezingatsho lutho.

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kukazulu? Ukuphatheka kukazulu kwenza ngcono ukuba mgceke njalo kuvumela abantu ukuthi bahlolisise ingabe ukubekwa kwalo umuntu kungenxa yobungcwethi, ikhono lokwenelisa kwakhe umsebenzi yini. Ukwengenza kulokhu, kuzakuba lula kangakanani ukuthi liwofisi izimemele sikhangelane lokuthi ukubekwa kukandunankulu wayo kwenziwa ngumongameli kuphela?

### **11) Inguquko yezethulo eziphathelane labokhansila bezabelo labasemadolobheni amakhulu.**

Okhansila bezabelweni labasemadolobheni amakhulu babakhona kulandelwa ukwamukelwa kwesisekelo sombuso selizwe ngo2013 kulandelwa isimiso sokupha Amandla kuzabelo lamadolobho amakhulu. Okhansila bezabelo bagoqela umgcinisihlalo weKhansili, abammeli bezabelo loba indawo ezithile ePhalamende, osodolobho labagcinizihlalo bamakhansili onke emadolobheni lawemaphandleni kuzozonke izabelo, abantu abalitshumi abakhethelwe ukuthi kube lokummelwa ngokulinganayo kanye lomkhulu weKhansili yesizwe yezinduna lomsekelo wakhe lapho nxa indawo abahlala kuzo zisesabelweni ezithile.

Amakhansila emadolobheni amakhulu agoqela usodolobho wakoBulawayo loweHarare. EHarare kuba losodolobho loba umgcinisihlalo wekhansili yedolobho elingalesibili ngobukhulu esabelweni, abammeli bezabelo loba indawo ezithile ePhalamende labosodolobho labasekeli babo labagcinizihlalo bamakhansili ezabelo ezabelweni zamadolobho amakhulu labasekeli babo.

Umthetho osabunjwa wethula ukuthi kube lenguquko kulokhu ngokuthi kukhutshwe kukhansili abammeli bezabelo loba indawo ezithile ePhalamende. Ngokwethula komthetho osabunjwa, amakhansili amadolobho amakhulu lawezabelo azakuba lomgcinisihlalo okhethiweyo, osodolobho, abasekeli babosodolobho, abagcinizihlalo labasekeli babo beziphathamandla zezabelo bonke labantu alitshumi abakhethelwe ukuthi kube lokummelwa ngokulinganayo. Izakuba yini impumela yale inguquko kuzulu nje?

### **1) Isingeniso**

Ngo2013 izizalwane zeZimbabwe zavotela isisekelo sombuso selizwe esitsha. Ngaphambili, uzulu wayephathekile ekubunjweni kwesisekelo sombuso selizwe ngokhupha imbono yakhe sikhangelane lalokho ayefuna kugoqelwe yisisekelo sombuso selizwe. Isisekelo sombuso selizwe singumthetho ongaphezu kwayo yonke imithetho yelizwe, ngalokho-ke, indlela zokwenza, imikhuba lokuziphatha kumele kuhambelane lezethulo zesisekelo sombuso selizwe. Isisekelo sombuso selizwe siveza lokutshengisa intando lezifiso zabantu, ngalokho-ke, akumelanga siphonguquququlwa nje mahlayana.

NgoMpalakazi ka2019, umongameli welizwe labasekeli bakhe labaphathintambo bengatsha zikahulumende (iqula labaphathintambo labakhokheli bengatsha zikahulumende) bethula isicelo sokuthi kuguqulwe isisekelo sombuso selizwe. Inguquko okumele zenziwe zaziswa uzulu ngesethulo sombiko kahulumende, i*Government Gazette* mhlaka 31 Mpalakazi ngo2019 lamhlaka 17 Zibandlela ngo2020 kusetshenziswa umthetho osabunjwa olesihloko esithi Umthetho osabunjwa wokuguqulwa kwesisekelo sombuso selizwe okwesibili ka2019, i-*Constitution Amendment Bill (No. 2) 2019*. Umthetho osabunjwa ngumthetho ongakapasiswa ukuba ngumthetho yiPhalamende lomongameli welizwe.

Ngaphambili kokuthi iPhalamende ixoxisane ngomthetho osabunjwa, izaqala ngokwamukela imbono kazulu elizweni lonke. Ukuze uphatheke kulokhu kuxoxisana ngalo umthetho uphose elakho kumele wazi ukuthi uquketheni lumthetho. Ugwadlana lolu lufinqa okuqukethwe yiwo umthetho osabunjwa.

### **2) Ukukhutshwa kwezigaba eziphathelane labasekeli bakamongameli abakhethwayo.**

Umthetho lo osabunjwa wethula ukuthi kukhutshwe izigaba ezimisa ukuthi abancintisela ukuba ngomongameli bakhethwe abantu ababili abazancintisa ndawonye labo ukuthi babe ngabasekeli bakamongameli owokuqala lowesibili. Isigaba lesi asikafezwa. Kumele izethulo lezi ziqalwe ukufezwa ngo2023. Kwethulwa ukuthi ngale inguquko, abasekeli bakamongameli akumelanga bakhethwe

kanyekanye lomongameli, kodwa kumele ukuthi umongameli onqobileyo ekhethweni azibekele abakhe abasekeli. Ngalokho-ke, nxa lumthetho osabunjwa ungapasiswa, abasekeli bakamongameli bobabili bazakhethwa ngumongameli okumupha amandla okuthi abakhuphe esikhundleni loba nini lapha engafisa ukwenza lokhu.

**3) Inguquko kusigaba esikhangela ngendaba ezilokwenza lokutshiyelana umbuso hlezi ngenxa yokufa kukamongameli loba lapho etshiya umsebenzi loba ngenxa yokuthi kasanelisi ukuqhuba umsebenzi.**

Isisekelo sombuso selizwe sethula ukuthi nxa umongameli engafa loba atshiye umsebenzi loba abe engasanelisi ukuqhubeka engumongameli hlezi ngenxa yokugula loba omunye umumo, umsekeli wakhe wakuqala oyabe ekhethwe ngabantu sikhathi sinye lomongameli nguye othatha isikhundla kuze kube sekupheleni kweminyaka eyayimiselwe ukubusa kwalo umongameli osetshiye umsebenzi. Isethulo lesi kumele siqale ukufezwa ngo2023 nxa kuyikuthi asiguqulwanga ngumthetho lo osabunjwa. Umthetho osabunjwa wethula ukuthi kuguqulwe lokhu kuphiwe ibandla likamongameli obebusa amandla okuthi likhethe umongameli.

Ngalokho-ke, ibandla likhululekile ukuthi lizikhethele loba ngubani ebandleni lalo lanxa lowo muntu engabe ngongafunwa ngabantu abanengi elizweni. Kambe yikuphi okuqondileyo, kumele yini ukuthi ibandla lezombusazwe lizikhethele ozathatha umbuso umongameli engaphuma loba lokhu kumele kwenziwe nguzulu kulandelwa isethulo esifana lalesi esikhona esisekelweni sombuso selizwe khathesi?

**4) Ukwengezwa kwenani labaphathintambo bakahulumende abangakhethwa ngumongameli abangakhethwanga njengabammeli bezabelo loba indawo ezithile loba njengaboSenetha.**

Isisekelo sombuso selizwe sivumela umongameli ukuthi akhethe abantu abahlanu abangaso bammeli bezabelo loba indawo ezithile loba amaSenetha ukuthi babe ngabaphathintambo bakahulumende. Abantu laba bangakhethwa hlezi ngenxa yamakhono abo

ukukhangelisisa ngendaba eziphathelane lokusebenzisa kubi amandla lokungaphathi kuhle lapho ingatsha zesizwe lezisebenzi zikazulu ziyizo ezidala amacala la.

Inguquko lezi zizakhokhelela njalo ekumisweni kwewofisi yomvikeli kazulu loba umphakathi ezakhangelisisa ngendaba eziphathelane lokusebenzisa kubi amandla lokungaphathi kuhle. Iwofisi le yayikhona kungabi khona lesi isisekelo sombuso selizwe, okwakhathesi umlandu wayo uqhutshwa yiKhomishini ebona ngokuvikelwa kwamalungelo oluntu. Umbuzo okhona ngowokuthi, Kambe kuyadingeka yini ukuthi kube lenye indlela lokhu nje okwakhathesi uhulumende uyehluleka ukuthi atholise imali kuKhomishini ebona ngokuvikelwa kwamalungelo oluntu?

Kambe akulangozi lamathuba okuthi kube lendlela yesibili efanayo kube nje kuchithelwa ize isikhathi, amandla lengcebo zethu?

**10) Inguquko sikhangelane lokubekwa kukandunankulu wabatshutshisi.**

Undunankulu wabatshutshisi nguye omkhulu wabatshutshisi. Besebenza njengenhlanganiso yesizwe yabatshutshisi, abatshutshisi balomlandu wokukhangelisisa amacala okwepulwa komthetho bembele isizwe bekhokhelwa ngundunankulu wabatshutshisi. Isisekelo sombuso selizwe sethula ukuthi nxa kudingeka ukuthi kubekwe undunankulu wabatshutshisi, iKhomishini ebona ngokusebenza kwenkundla zomthethwandaba iyethula isimemezelo salesi isikhundla, inxuse umongameli lozulu ukuthi akhethe abantu abangathatha lesi isikhundla, iqhube uhlelo lokuthi laba abakhethiweyo bahlatshwe nguzulu ngemibuzo kuthi ekupheleni kwalokhu yethule kumongameli uluhlu olulabantu abathathu lapho umongameli azakhetha kubo ozakuba ngundunankulu wabatshutshisi.

Umthetho osabunjwa wethula ukuthi kumele kube lenguquko yokuthi kungabi lesikhathi lapho uzulu ahlabha khona ngemibuzo laba abafuna ukuthatha lesi isikhundla kube ngumongameli kuphela ophiwa amandla okubeka undunankulu wabatshutshisi. Umbuzo okhona ngowokuthi kuyinto enhle yini ukuthi ukubekwa kukandunankulu wabatshutshisi kwenziwe kungela kuphatheka

Nxa bengafikisa iminyaka yokuzalwa engamatshumi ayisikhombisa (70) bengakaqedi ihlandla labo lokuba sesikhundleni kumele baye ekuphumuleni. Sethula njalo ukuthi abehluleli benkundla yomthethwandaba omkhulu kumele baye ekuphumuleni beleminyaka yokuzalwa engamatshumi ayisikhombisa.

Umthetho osabunjwa wethula inguquko yokuthi kuvunyelwe labo asebefikise iminyaka yokuzalwa elitshumi lasikhombisa abafisa ukuqhubeka besebenza njengabehluleli ukuthi baqhubeke besebenza.

Nxa lumthetho ungapasiswa, bazavunyelwa ukuthi bengeze isikhathi sabo ngomnyaka ngomnyaka besesikhundleni njengabehluleli okweminyaka emihlanu. Bazacelwa ukuthi minyaka yonke bethule incwadi evela kwabezempilakahle etshengisa ukuthi basawufanele umsebenzi sikhangelane lempilakahle yabo yengqondo lomzimba nje.

Lokhu kutsho ukuthi abehluleli abafuna ukufela ezikhundleni njalo bevumelana lentando yabaphezulu bazaqhubeka besebenza loba sebefikise iminyaka yokuthi baye ekuphumuleni, kanti labo abangafuni ukufela ezikhundleni njalo bengavumelani lentando yabaphezulu bazakuya ekuphumuleni.

**9) Inguquko sikhangelane leKhomishini ebona ngokuvikelwa kwamalungelo oluntu lokumiswa kwewofisi kamvikeli kazulu loba womphakathi.**

Umthetho osabunjwa ungenisa isethulo esethula ukuthi izethulo eziphathelane lokwamukela lokukhangelisa izikhalazo ezivela kuzulu zingezisola ukungaziphathi ngendlela kwesiphathamandla loba komuntu lokuphuma lendlela ezifaneleyo zokukhangelisisa lokhu akuzukwenziwa yiKhomishini ebona ngokuvikelwa kwamalungelo oluntu nxa udaba lwakhona luphathelane lesikhalazo sokungasebenzi kuhle amandla loba ukungaphathi kuhle yiloba yiluphi uhlangothi lwesizwe, ugatsha olutholisa uncedo lukazulu loba izisebenzi zalezo inhlangothi loba ingatsha. Nxa lumthetho ungapasiswa, kutsho ukuthi umlandu weKhomishini ebona ngokuvikelwa kwamalungelo oluntu awuseyikugoqela

ngemisebenzi abayenzayo loba ukwenelisa kwabo. Inguquko eziphakanyiswayo ngezokuthi nxa lumthetho osabunjwa ungapasiswa umongameli uzabe esekhetha abantu abayisikhombisa abangaso bammeli bezabelo loba indawo ezithile loba amaSenetha ukuthi babe ngabaphathintambo bakahulumende. Ukwengezwa kwenani labaphathintambo bakahulumende kutsho ukukhwela kwendleko zikahulumende. Umbuzo okumele uphendulwe ngothi, Kuyadingeka yini ukuthi kwengezwe indleko zikahulumende ilizwe liphakathi komumo onje obangelwa yikuba lendleko eziphezulu zemihlo?

**5) Ukwengezwa kweminyaka ngokwamalandla ababili okukhethwa kwamalunga ePhalamende (ngo2023 lango2028) kusetshenziswa isethulo sokuthi izihlalo ezingamatshumi ayisithupha (60) zibekelwe abesifazana edale eliphansi lePhalamende iNational-Assembly lokuthi kube lesethulo esithi kubekelwe abatsha izihlalo ezilitshumi (10).**

Isisekelo sombuso selizwe silesethulo esibekela abesifazana izihlalo. Lokhu kwaziwa ngokuthi yizihlalo ezibekiweyo, *iquota system* njalo injongo yalo umzamo ngeyokuthi kukhangelisiswe inguguko ephuzayo ukwenzeka yokuthi abesifazana baphatheke ePhalamende. Lapha lindlela ijonge ukuthi abesifazana bammelwe kuNational Assembly lezikhundleni zabenza izinqumo. Isethulo lesi saqala ukusebenza ngo2013 lango2018 kukhethwa amalunga ePhalamende. Umthetho osabunjwa wethula isicelo sokuthi isethulo lesi siqhubekela phambili lango2023 lango2028 kukhethwa amalunga ePhalamende. Umbuzo okhona ngowokuthi, Akula yini ezinye indlela ezingaphathisa ukuthi kube lokummelwa kwabesifazana ngaphandle kokuguqulwa kwesisekelo sombuso selizwe?

**6) Ukukhutshwa kwesethulo sokuthi ukuqunywa loba ukumiswa kwezabelo loba indawo zokuncintisela ukhetho kwenziwe kusanda kuqhutshwa uhlelo lokubalwa kwabantu elizweni.**

Umthetho osabunjwa ufuna ukuguqula isethulo sokuthi ukuqunywa loba ukumiswa kwezabelo loba indawo zokuncintisela ukhetho kwenziwe kusanda kuqhutshwa uhlelo lokubalwa kwabantu elizweni. Nxa linguquko ingapasiswa, ukuqunywa loba ukumiswa kwezabelo loba indawo zokuncintisela ukhetho akusozwe kwenziwe kudlelaniswa lohlelo lokubalwa kwabantu elizweni. Isizatho sokuthi ukuqunywa loba ukumiswa kwemingcele yendawo loba izabelo okuzancintisela kuzo kwenziwe ngemva kohlelo lokubalwa kwabantu ngesokuthi iKhomishini yeZimbabwe ebona ngokuqhutshwa kokhetho i*Zimbabwe Electoral Commission* izabe iqondiswa linani labantu ekuqumeni lekumiseni limingcele. Uhlelo lokubalwa kwabantu olulandelayo luzakuba khona ngo2022, kodwa uhulumende uthi nxa uhlelo lokuqunywa lokumiswa kwemingcele yendawo loba izabelo okuzancintisela kuzo luzadlelaniswa lohlelo lokubalwa abantu, iZEC ayizukuba lesikhathi esaneleyo sokuquma lokumisa limingcele ngaphambili kokhetho luka2023.

**7) Ukukhutshwa kwesethulo sokuhlathwa ngemibuzo nguzulu kwabehluleli abafuna ukubekwa njengabehluleli benkundla yomthethwandaba omkhulu labenkundla yomthethwandaba ethonisisa amacala aphathelane lesisekelo sombuso okuqhutshwa yiKhomishini ebona ngezenkundla zomthethwandaba iJSC, kuthi endaweni yalesi isethulo kube kusipha umongameli amandla okubeka abehluleli benkundla yomthethwandaba omkhulu labenkundla yomthethwandaba ethonisisa amacala aphathelane lesisekelo sombuso.**

Isisekelo sombuso selizwe sethula ukuthi loba nini lapho kulesidingeko sokubekwa kwabehluleli, iKhomishini ebona ngokusebenza kwenkundla zomthethwandaba, okuyiyo ikhomishini elomlandu ngendaba eziphathelane labehluleli, izakwethula isimemezelo sokudinga umehluleli. Izanxusa

umongameli lozulu ukuthi akhethe ongaba ngumehluleli. Ngemva kwalokhu, uhlelo lokuhlaba ngemibuzo labo abafuna ukuthatha leyo indawo luzaqhutshwa phambi kukazulu. Ikhomishini izahlela uluhlu lwabantu abathathu abafaneleyo ukuthatha lesi isikhundla besekusithi umongameli abeke omunye wabo kulaba abathathu ukuthi athathe isikhundla. Lindlela isilandelwe okweminyaka eyisithupha eyedlulileyo njalo iphe abantu ithuba lokuthi baphatheke lokuthi babonisane sikhangelane lendlela yokubekwa kwabehluleli.

Umthetho osabunjwa umisa ukuthi lindlela imiswe kuphiwe umongameli amandla okubeka abehluleli benkundla yomthethwandaba omkhulu labenkundla yomthethwandaba ethonisisa amacala aphathelane lesisekelo sombuso ngemva kokukhulumisana leKhomishini ebona ngokusebenza kwenkundla zomthethwandaba. Kuqakathekile ukuthi silimuke ukuthi lanxa umongameli kumele akhulumisane leKhomishini, akaphoqelwa ukuthi alandele izicebiso zayo.

Linguquko itsho ukuthi uzulu angazake aphatheke ekubekweni kwabehluleli benkundla yomthethwandaba omkhulu labenkundla yomthethwandaba ethonisisa amacala aphathelane lesisekelo sombuso. Itsho njalo ukuthi ukubekwa kwabehluleli kungenziwa kungakhangelwa ubungcwethi, ikhono lobuciko bomuntu lokhu kungela indlela uzulu angazi ngayo ukuthi abantu ababekwayo babekwa nje kungenxa yokuthi balamakhono lolwazi oludingekayo. Kulengozi yokuthi abehluleli ababekwa ngumongameli bangakuthola kunzima ukuthi bazimemele lokhu belomlandu wokukhonza umongameli owababekayo.

**8) Inguquko yesethulo esibeka iminyaka yokuba sesikhundleni kwabehluleli benkundla yomthethwandaba ethonisisa amacala aphathelane lesisekelo sombuso labenkundla yomthethwandaba omkhulu.**

Isisekelo sombuso selizwe sethula ukuthi abehluleli benkundla yomthethwandaba ethonisisa amacala aphathelane lesisekelo sombuso labenkundla yomthethwandaba omkhulu kumele babe esikhundleni okwehlandla elilodwa leminyaka elitshumi lanhlanu.