



## **1. Introduction & Background**

YETT is a youth networking organization committed to the full participation of young people in sustainable development through advocacy and capacity building of youth and youth organizations in Zimbabwe.

On the 31<sup>st</sup> of December 2019 and 17<sup>th</sup> of January 2020, the Government of Zimbabwe gazetted the Constitutional Amendment Bill Number 2. Should it be passed by the Parliament, the Bill will introduce several wide-ranging changes to the Constitution of Zimbabwe. One of the proposed amendments seeks to reserve 10 proportional representative seats in the National Assembly for youth. YETT conducted an analysis of Constitutional Amendment Bill Number 2 of 2019, examining each of the proposed provisions from a youth perspective. Specifically, the assignment sought to determine the implications of the proposed amendments in the Constitution of Zimbabwe Amendment Bill (Number 2) of 2019 on the youth's status and opportunities for development. Following the initial draft of the analysis, YETT facilitated 2 youth consultative meetings in which over 60 youth organisations from across Zimbabwe participated. The meetings validated the analysis done by YETT. This youth position paper is an outcome of all the processes highlighted above.

## **2. Youth Position on Constitution of Zimbabwe Amendment Number 2 Bill**

Young people object to the proposed Constitutional Amendment Bill Number 2 based on the desire to protect the integrity, status of the Constitution. The majority of young people consulted stated that amending the Constitution is not the solution; the government should prioritize realignment and the implementation of laws.

The following are the key thoughts and opinions on the proposed Amendment Number 2 bill:

### 2.1 Extending The Women's Parliamentary Quota;

- The proposed amendments seek to extend the current provision regarding the women's parliamentary quota which reserves a maximum of sixty (60) proportional representation seats in the National Assembly for a further two parliaments. This is a violation of Section 17, 56 and 80 of the Constitution, which guarantees gender parity at all levels of leadership.
- A 50/50 system should be adopted with reforms of the electoral laws to capture the principles within Section 17 of the Constitution in order to see the equal representation of women realized within the 210 seats (105 women, 105 men, with youth representing 50%).
- There is need for fast-track realignment of laws, bills, acts and policies in order to achieve provisions in section 17; section 56(2); and section 80. Realignment and the existing Proportional Representation should limit bias to party politics and ensure the inclusion of People With Disabilities (PWDs). There is need for political will and support from political parties in order to realise these changes.
- In the absence of 50/50 representation, the Proportional Representation should be revised to account for: Electoral reforms, mentorship, Capacity building and leadership training of women in parliament and those aspiring to be politicians.

### 2.2 The Youth Quota;

- The proposed amendment seeks to reserve ten (10) seats in the National Assembly for youth. On the surface, this appears to be a positive development, however, the effect will be to increase the size of Parliament, and the consequent burden on the fiscus, without enhancing the role of young people in politics. In reality, there will be one (1) youth member of parliament from each province.

- Whilst increasing youth representation in parliament is welcome, the proposed amendment identifies only one door for youth to enter into Parliament. This is through membership of a political party; which party would nominate and recommend these persons for election under the party list system.
- It is also clear that the amendments come in an ageist political environment that positions youths as lacking, ability, competence and experience in all aspects of politics. Consequently, this politics of exclusion restricts youth ideas or their implementation in Zimbabwe. This situation has the consequence of making youths dependent on older politicians, with the effect of exposing youths to exploitation and control by actors who have the political and financial muscle to ‘buy’ the energy of the youths. When youths do participate in these processes it is tokenistic. Their views are never taken seriously and are overridden by adults. This diminishes the desire by young people to take part in any discussions or events when they feel that they are just adding to the numbers.
- The Amendment does not directly address existing laws and practises that limit the participation of youths and young persons in political life. The proposed youth quota is not enough: it should be representative in nature, considering that youth make up the overwhelming majority of the population. Any youth quota system should not be dominated by party politics and must ensure inclusivity to cater for marginalised groups of young people such as young women and youth living with disabilities.
- There is need for representation of youth in all public office/ leadership positions from the grassroots going upwards e.g. starting at village, ward, council to National level.

### 3. Legislative Alternatives to Constitutional Amendments

The following are alternatives to constitutional reforms aimed at achieving real and not token youth representation, participation and empowerment:

- **Legal Candidate Quotas** -Under this option, political parties are obligated to fill all their candidate lists with a minimum number of young people. This must be reflected or provided for in the Electoral Law, with necessary sanctions or compelling measures.
- **Voluntary quotas for youth** -In terms of this option, political parties are encouraged to embed voluntary quotas for youth in their internal party regulations and place young candidates in electable positions. This could be coupled with incentives through the public funding of parties<sup>1</sup> with a minimum threshold of youth representative.
- **Youth Participation in Local Council Elections**-There is need to amend the electoral laws so that it entrenches youth participation in local council elections. Local council elections are key; they can be the training ground for youth before they rise to higher national office. It is easier to institute youth quotas for local elections by amending the Electoral Act, the Rural District Councils Act and the Urban Councils Act
- **Adopt Strategies to Raise Awareness on Importance of Youth Participation In Politics**-Government should adopt strategies to raise awareness about the importance of youth participation in politics before thinking of a ticket to parliamentary office. These strategies can include expressions of support from parliamentary leaders for more youth voices in politics, as well as institutional changes enabling youth to exert greater influence on candidate selection

### 4. Youth Participation in Civic Processes

The following section provides the youth position on other provisions of Amendment 2 Bill:

#### 4.1. Abolition of the Running Mate System;

- The Amendment proposes to abolish the running mate system for the Vice Presidency and replaces it with a system that allows the President to pick his/her two VPs after an election.
- The proposed changes mean that there will be no direct participation of the youths, the general electorate and other social groups in the election of two of the three members of the Presidium.
- An appointment system is less likely to promote accountability – the appointed person is better off paying homage to his/her appointing authority rather than the electorate. What the Amendment therefore seeks to introduce is a system where the two appointed VPs are mere appendages of the President with no real power to propose contrasting policy directions.

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<sup>1</sup> An option would include amending the Political Parties (Finance Act) to introduce a youth quota threshold as a criteria of accessing public funding by political parties

#### 4.2 Judicial promotions and Extension of Tenure;

- From a youth-based perspective, the extension of judges' final retirement without lowering the age for qualification as a judge is worrisome.
- A person needs to be 40 years to qualify for judicial office; in practise rarely have persons less than 45 been appointed. From the Amendment's perspective, youth cannot qualify for judicial office at all – they are simply too young!
- In the terms of the Amendment, there is simply no adequate space for effective inclusion of the youth in the higher echelons of the judicial sector. Clearly, this runs against section 184 of the 2013 Constitution which demands judicial appointments to reflect 'broadly the diversity and gender composition of Zimbabwe'

#### 4.3 The Amendment and Devolution;

- The Amendment proposes a deletion of the structure for provincial councils, to be replaced by a new structure consisting of chairperson of the council, the mayors and chairpersons of all urban and rural local authorities in the province concerned and ten persons elected by a system of proportional representation.
- As is the case with the Women's and Youth Quota in the National Assembly, political parties will determine membership of the Provincial Councils. There are no measures or additional measures to insist on youth representation in Provincial Councils.

#### 4.4 Appointment of up to 7 additional Ministers from outside Parliament

- Despite being a very important element of the governance and decision-making matrix in Zimbabwe, very few people aged 35 and below have been appointed to cabinet in the recent past.
- Any increase in the number of non-MP ministers who can be appointed from outside parliament with no measures put in place to increase meaningful youth participation and representation at cabinet level is a serious cause for concern.

#### 4.5 De-coupling ZEC Delimitation function from population census

- The government should consider pushing forward the national census so that the cycle for the census does not clash with election dates.
- Pushing forward census dates can be done with normal legislation unlike de-linking delimitation function from the population census which requires a constitutional amendment.

### **Call to Action**

As young people, we are calling upon our national leaders, parliamentarians and duty bearers in various positions of influence to join us in the quest for Generation Equality and meaningful civic participation of young people as espoused by Section 20 of the Constitution of Zimbabwe. Youth representation must straddle state bodies, agencies institutions and other public bodies. Without youth presence in governance frameworks, youth issues will be ignored, or given marginal importance. Accordingly, national governance frameworks must be revisited so that they mainstream youth participation and representation. The current constitutional amendment will not be able to achieve this – legislative reform is needed for this to work. The current youth legislation is outdated- its principles and mechanisms do not guarantee enhanced participation. Current legislation can be further strengthened by enactment of a Youth Act which criminalises failure to fully operationalise and adhere to Section 20 of the Constitution of Zimbabwe. A lot need to be done to progressively realise the rights and freedoms of the youth in relation to real democratic participation. Youth groups and young persons need real empowerment as opposed to tokenism and the politics of hand-outs.