

The Clerk of Parliament of Zimbabwe  
Mount Hampden, Harare, Zimbabwe

**REF: Statement of Inputs on Constitution of Zimbabwe Amendment Bill No. 3 (2026) -  
The Church as Watchmen of the People's Covenant: Appealing to the Mind and  
Conscience of Parliament**

**POSITION OF THE ZIMBABWE COUNCIL OF CHURCHES**

The Zimbabwe Council of Churches (ZCC), representing 32 member denominations with a reach of at least 3 million citizens, **opposes the Constitution of Zimbabwe Amendment Bill No. 3 (2026) because of the potential harm it causes to the nation and the legacy of our current President.** The ZCC, acting as a **Watchman** (Ezekiel 3:17) a role that compels the Church to speak when it sees the nation walking toward harm and after prayerful reflection and stakeholder consultation, finds that the Bill, taken in its totality:

- **Concentrates executive power** — contrary to Christ's servant-leadership model (Matthew 20:26–28) and God's rebuke of rulers who govern with force and cruelty (Ezekiel 34:2–4);
- **Opens the door to corruption and the massive, unchecked accumulation of wealth** by those in power, by removing accountability mechanisms and extending the period during which power can be exercised without democratic renewal;
- **Undermines national development** — genuine long-term development requires stable institutions, not prolonged incumbency; this Bill protects elites while removing the accountability that drives performance and long term development;
- **Diminishes citizen agency** in selecting leaders — contrary to the principle that leaders must be chosen from among the people as persons of truth (Exodus 18:21; Deuteronomy 1:13);
- **Weakens accountability institutions** — despite the divine mandate to “do justly” and walk humbly (Micah 6:8);
- **Removes mechanisms for national healing** — in derogation of the call to be peacemakers (Matthew 5:9) and to bear the ministry of reconciliation (2 Corinthians 5:18–19); and
- **Fails to protect the vulnerable**, against whom Scripture commands us to “open thy mouth... plead the cause of the poor and needy” (Proverbs 31:8–9).

*On moral, ethical, and theological grounds, the Church cannot support an amendment that compromises public trust, weakens democratic accountability, and diverges from God's will for just and compassionate leadership. It is morally indefensible before God for leaders to silence the people's voices in this manner.*

*Our general recommendations are as follows*

1. **Withdraw or substantially revise the Bill:** The amendments in their current form are constitutionally, morally, and democratically compromised.

2. **Establish an Independent Constitution Amendment Commission:** Amendments of this nature require a dedicated, independent commission mandated to undertake broad, meaningful consultations rooted in the will of the people, free from the conflict of interest that arises when the institutions advancing the Bill are its direct beneficiaries.
3. **If the Bill proceeds in its current form, a national referendum is mandatory:** The Bill fundamentally alters the 2013 Constitution and provides for term extensions benefiting current incumbents. This requires direct citizen consent - not parliamentary approval by those who benefit from it.

Specific recommendations to each clause of the Bill are provided in this Statement of Inputs at the end.

## 1. Introduction and Background

The Zimbabwe Council of Churches (ZCC) submit this Statement of Inputs to the Constitution Amendment (N0.3) Bill, 2026 following its legal analysis, theological understanding of the amendments, deliberations by our Supervisory Council, and consultations with our Local Ecumenical Fellowships. The ZCC represent 32 member denominations with a reach of above 3 million people, is guided by the Lord Jesus Christ's prayer in John 17:21: *"that they may all be one... so that the world may believe that you have sent me"* (ESV). This call to unity in purpose and truth compels the Church to speak prophetically in the pursuit of justice, peace, and the common good.

Founded in June 1964 amid the racial injustices of colonial Rhodesia, the ZCC has consistently borne witness against oppression, supporting the liberation struggle, participating in the Lancaster House negotiations, contributing to post-war reconstruction, and initiating the process that led to the 2013 home-grown and people driven constitution. The ZCC actively championed the inclusive, participatory constitutional reform process that culminated in the 2013 Constitution, a document overwhelmingly endorsed by the people of Zimbabwe as a democratic milestone.

At this important time for our country, the Church stands with the people of Zimbabwe, guided by Luke 4:18–19 and Proverbs 31:8–9, and cannot remain silent without abdicating its sacred duty. Section 3 of the Constitution enshrines the foundational values of good governance, rule of law, free and fair elections, citizen participation, human rights, transparency, and accountability. Fundamental changes to the constitution with implications on these bedrock values and principles must occur through broad, inclusive citizen driven process and not elite-driven alterations.

As we debate this Constitutional Amendment (No. 3) Bill, 2026 the church notes that since independence in 1980, Zimbabwe has found it difficult to attain political leadership transitions. The 2013 people driven Constitution has provided for the possibility of a smooth leadership transition by curbing Presidential term limits to a maximum of two (2) five (5) year terms. This was even commented by the current President, committing that he would want to entrench constitutionalism and that the 2013 constitution has clearly defined term limits with clear length of time one would hold the Office of Presidency. Tempering with the length of term of the President through the attempt to amend the electoral cycle retards the country to the past years of incumbency who wants to be life presidency.

## 2. The Stated Objectives and the Church's Critical Assessment

The Memorandum of the Bill presents the Constitutional Amendment (No. 3) Bill, 2026 as reinforcing constitutional governance, strengthening democratic institutions, clarifying institutional mandates, and streamlining constitutional structures to enhance efficiency and stability. It cites alignment with contemporary African constitutional standards as effective, resilient, and progressive.

The Bill's specific proposals include: introducing a parliamentary process for electing the President; extending the presidential and parliamentary term from five to seven years; increasing presidentially appointed senators; restructuring electoral administration through a separate delimitation commission; transferring voter registration to the Registrar-General; altering judicial appointment procedures; refining the role of the Defence Forces; consolidating gender equality oversight under the Zimbabwe Human Rights Commission; repealing principles to be observed by traditional leaders; and abolishing the National Peace and Reconciliation Commission. Our assessment is that the Bill in its totality does not promote these objectives, despite the stated objectives being noble and sound.

## 2.1 The Church's Assessment: Does This Bill Advance Its Noble Stated Objectives?

The Church acknowledges the stated objectives but is compelled to ask directly: **Does Clause 3 and the Bill as a whole actually achieve the noble objectives it claims?** The answer is no. The Bill undermines the very objectives it espouses:

- **On stability:** Extending terms or length of term for a sitting incumbent, overriding Section 328(7), and removing direct popular election does not produce stability, it produces contested legitimacy and weakens accountability. The Bill introduces greater toxicity into leadership transitions rather than managing them. Stability built on constitutional manipulation is not stability; it is deferred crisis. Stability is built by strengthening institutions, and not personalities over institutions.
- **On national development:** Genuine long-term national development requires accountable institutions, independent oversight, anti-corruption mechanisms, checks and balances, and regular electoral renewal. The Bill weakens all of these. Longer terms without increased accountability do not produce better planning; they produce longer periods of insulation from accountability. Zimbabwe did not attain significant national development despite the former President Robert Mugabe staying in power for nearly 37 years. It is of paramount importance for the country and our leaders to learn from our past.
- **On democratic institutions:** Every substantive clause in the Bill — from removing direct presidential elections to abolishing the Zimbabwe Gender Commission to removing public judicial interviews to repealing non-partisanship for traditional leaders — weakens rather than strengthens democratic institutions.
- **On corruption and the accumulation of wealth:** The Bill opens the door to the massive, unchecked accumulation of wealth and resources by those in political power. Longer terms, weaker oversight institutions, a politically controlled Prosecutor-General, and a compliant judiciary create the precise structural conditions in which corruption flourishes without consequence. Corruption is not merely a financial problem; it is a moral failure that robs the poor and entrenches the powerful.
- **On political inclusivity:** The shift from direct popular elections to parliamentary selection of the President, combined with presidentially appointed senators who could deliver a two-thirds majority for further amendments, does not advance inclusivity — it entrenches elite control and marginalises ordinary citizens.
- **On peace, unit and stability:** The Bill has heightened political polarization, tension and violence rather than reducing it. When a governing party uses its parliamentary majority to extend its own tenure, removes accountability mechanisms, and restructures electoral administration in its favour, it deepens the fault lines of political mistrust. The result is not the long-term stability the Memorandum promises, but an intensification of grievance, a hardening of opposition, and a further erosion of the social contract that the 2013 Constitution sought to build.

The proposed changes go beyond routine amendment: they risk reconfiguring core constitutional principles — **popular sovereignty, separation of powers, the independence of institutions, and the integrity of free and fair elections.** All of which were established through an inclusive and participatory national constitution making process that produced the 2013 people-driven Constitution. The proposed constitutional evolution must strengthen, not diminish, the safeguards that protect democratic governance.

### **3. The Constitutional Preamble: The Law, Our Liberation History, Supremacy of God, Covenant, and the Requirement of a Referendum**

Governance and constitutionalism are not merely political concepts but deeply biblical, moral and spiritual realities that shape a nation's moral fabric, cohesion and people's well-being. The 2013 Constitution acknowledges the supremacy of Almighty God. Scripture affirms that *"The Most High is sovereign over all kingdoms on earth..."* (Daniel 4:17). No constitution, amendment, or political structure exists outside God's moral regard. The preamble is not ceremonial but it is a covenantal statement of the nation's values and the source of its governing authority. The supremacy of God in the preamble carries a direct implication: authority is held in trust, not owned. The President of Zimbabwe, all members of Parliament, and all office-bearers derive their authority from the people and are answerable ultimately to the people and God for how they exercise it.

The 2013 Constitution begins: *"We the people of Zimbabwe"*. The Bill's own memorandum quotes the Constitution's principle that executive and legislative authority derive from the people and must be exercised in accordance with the Constitution, and acknowledges that amendment power must be exercised in line with section 328. However, the practical effect of the Bill is to recalibrate the people's role in two key ways: (a) extending how long leaders hold office before returning to voters, and (b) removing the people's direct vote for President and shifting it to Parliament. Even if proponents argue these changes promote "stability" or reduce electoral "toxicity," centering the people means asking: stability for whom, and at what democratic cost? - because the 2013 Constitution was designed precisely to prevent political elites from redesigning accountability mechanisms to their own advantage.

The 2013 Constitution's Preamble explicitly honours those who sacrificed in Chimurenga/Umvukela and the liberation struggles, and frames the nation's post-colonial purpose as freedom, justice, equality, democracy, transparent and accountable governance, and the rule of law. Independence was not merely the transfer of flag and office, it was meant to secure self-determination of the people, the dignity of citizens, and a state restrained by law rather than ruled by personal or factional permanence. Through this lens, any reform must be tested by whether it deepens the liberation promise: a free citizenry able to choose leaders regularly, and institutions that prevent domination and abuse. The proposed amendments risk shifting independence from people-rule to elite-rule by increasing the distance between citizens and executive power, reducing how often people renew or withdraw consent, and weakening the liberation ideal of accountable authority.

The Preamble frames Zimbabweans as "united in our diversity" by a shared desire for freedom, justice and equality, and it explicitly commits the nation to democracy, human rights, and accountable governance. In this framework, freedom includes political freedom: the meaningful capacity of citizens to participate, choose leaders, and influence the direction of government. The Bill proposal to replace direct presidential elections with parliamentary election of the President, combined with longer terms dilutes the immediacy of this freedom by weakening direct citizen agency over executive authority. The preamble further unites Zimbabweans in their *"common desire for freedom, justice and equality."* This covenant is violated when citizens are deprived of their voice in determining fundamental changes to their constitutional order. During the Parliamentary hearings, people were intimidated and were not able to freely speak without intimidation, people opposed to the Bill were not given free chance to express their views. This is against our desire for freedom of expression and assembly. Where public participation is chilled by fear, time constraints, or violence, the process becomes performative rather than genuinely consultative thereby undermining the liberation promise that Zimbabweans are free citizens, not subjects. The people of Zimbabwe authored the 2013 Constitution through a participatory and people driven constitution making process. Amending it without their genuine and informed participation is a breach of that covenant, not its continuation.

Our call for referendum is in line with the preamble's covenantal character. The proposed amendments alter the foundational architecture of the 2013 people driven Constitution including term limits, the source of executive authority, and the independence of constitutional commissions. Such far reaching amendments should be submitted to the people through a national referendum. The 2013 Constitution is a people's constitution. A referendum is not merely a procedural preference; it is the logical and reasonable consequence of a constitution that is "of the people, by the people, and for the people." To make fundamental amendments to the Constitution without the direct consent and authority of the people through a referendum is to deprive the people of the very voice the preamble enshrines.

#### **4. The President as Guardian: Law, Conscience, and the Fear of God.**

Section 90(1) of the Constitution imposes a specific duty on the President to "uphold, defend, obey and respect this Constitution as the supreme law of the nation and must ensure that the Constitution and all the other laws are faithfully observed." Morally and spiritually, the President is bound to resist constitutional engineering that appears to dilute entrenchment protections, extend incumbency, or reduce popular sovereignty because such changes conflict with both constitutional guardianship and the ethical demands of servant leadership under God. The Church calls parliament not to pressure the President to engage in a process that undermines the primary and solemn duty of the Office of the President. The President is called to exercise humility of stewardship by demonstrating leadership that serves without attachment to Office and preserve trust through constitutional transition of political leadership.

The Office of the President is created by the Constitution, and the President is sworn to uphold the Constitution to the 'letter and spirit' upholding constitutional supremacy and popular sovereignty. The proposed amendments alter the constitution fundamentally and regressively. Altering the right to vote for the President is unpalatable and akin to subverting the Constitution Zimbabweans passed. Measured against the sworn duty for the President to uphold, defend, obey and respect the Constitution, Constitution Amendment Bill No. 3 appears ethically and constitutionally discordant. It proposes to extend presidential and parliamentary terms from five to seven years and to replace direct presidential election with a parliamentary election. Most controversially, the Bill proposes to apply the extended tenure to incumbents through "notwithstanding section 328(7)" provision. This signals an attempt to override entrenched safeguards rather than "faithfully observe" them.

Morally and spiritually, leadership under God is not validated by mere procedural form but by servant stewardship. Scripture condemns rulers who use law to secure themselves, calls leaders to justice, mercy, and humility, and warns against domination in authority. When constitutional change is championed by those who stand to benefit from longer tenure, and when the people's direct voice is reduced, the process risks becoming power-preserving rather than people-serving—precisely a kind of "subversion" of the Constitution the President is sworn to defend and faithfully observe.

*"uphold, defend, obey and respect this Constitution"*

This is not a discretionary commitment. It is a sworn constitutional duty. A President who advances amendments that override Section 328(7), remove public participation in judicial appointments, and undermine the independence of electoral bodies is not upholding the Constitution — the President is dismantling it, piece by piece, through the very mechanism of amendment the Constitution provides. The Church calls on the President to honour his sworn duty and his own publicly stated commitment to constitutionalism.

## 5. Clause-by-Clause Analysis

*The following analysis follows the order of the clauses in the Amendment Bill. Each clause is assessed against the existing constitutional provision, the standards of good governance and democratic practice, and the values of justice, accountability, and popular sovereignty.*

### 5.1 Clause 2 — Election of the President (Repeals Section 92)

**Current constitutional position:** Section 92 of the 2013 Constitution provides for the direct election of the President by registered voters through universal adult suffrage. This enacts the founding value in Section 3(2)(b)(i) an electoral system based on universal adult suffrage and equality of votes and Section 3(2)(b)(f), the principle that authority to govern is derived from the people. Section 88 vests executive authority in the President elected by the people. Section 67 guarantees every citizen right to vote in free and fair elections.

**Proposed change:** Clause 2 repeals Section 92 and replaces direct popular election with election by a joint sitting of Parliament, requiring an absolute majority (with a run-off provision), presided over by the Chief Justice or their designate.

#### Analysis: Toxicity Introduced into Leadership Transition

The Memorandum frames this change as improving accountability and providing judicial oversight. The ZCC firmly rejects this framing. The proposal introduces **profound toxicity into Zimbabwe's leadership transition architecture** for the following reasons:

- **It removes the definitive quality of the two-term limit as a transition mechanism.** Under direct election, a president serves two terms and the people make their choice. Under parliamentary election, with a Parliament structurally influenced by the ruling party and potentially further tilted by ten additional presidential appointees under Clause 8 — the transition is governed by elite negotiation rather than popular mandate.
- **The President's own commitment is undermined.** The President of Zimbabwe has publicly committed to being a constitutionalist and to leaving office after serving two full five-year terms. A presidential election conducted by a Parliament in which the President's party holds a dominant position reinforced by appointed senators does not produce a clean transition; it produces a managed succession. This is inconsistent with the President's stated commitment.
- **It redefines, rather than refines, the source of executive legitimacy.** Executive authority in Zimbabwe derives from the people under Section 88. Parliamentary election inserts an intermediary, diluting the directness of that mandate and contravening Section 3(2)(b)(i) and (f). A president elected by politicians is accountable to politicians, not to the people.
- **Polarization is heightened, not reduced.** When the source of the presidency shifts from a national popular vote to parliamentary arithmetic, every parliamentary election becomes, in effect, a presidential election. This intensifies the stakes of parliamentary contests, raises the premium on controlling Parliament, and increases the incentive for electoral manipulation. The result is greater political polarization, not less.

**Table 1: Comparison of the proposed system of electing the president to other countries**

Country	Model	Democratic Context & Assessment
South Africa	President elected by National Assembly (PR-based)	The President's democratic mandate is traceable to the national popular vote because the National Assembly is elected strictly by proportional representation — voters choose parties, seats are allocated by national vote share, with no constituency-based distortions. The proportionality of the system ensures that the parliamentary election of the president is, in substance, a reflection of the popular vote. Zimbabwe's Parliament is not constituted on the same proportional basis, making this comparison inapposite.
Botswana	President is leader of majority party in Parliament; two-term limit	Consistently ranked among Africa's most democratic states. In 2024, the ruling Botswana Democratic Party — which had governed since independence in 1966 — was peacefully voted out. This succeeded because Botswana operates with genuinely independent electoral institutions, a real multi-party political culture, consistent application of constitutional norms, and an institutional environment free of executive manipulation. Zimbabwe's proposed model is not accompanied by equivalent institutional guarantees.
Zimbabwe (proposed)	President elected by joint sitting of Parliament	Zimbabwe's current Parliament, whose legitimacy has been questioned following the recalls and by-elections of 2024, lacks the moral standing to be entrusted with selecting a president on behalf of the people. Parliament is currently not adequately representing constituent interests; it is reflecting party positions. The Church implores Parliament to exercise servant leadership as espoused in Matthew 20:25–28.

**ZCC Position:** Clause 2 must be withdrawn. The President must continue to be directly elected by the people. Popular sovereignty is not a procedural preference — it is the constitutional and moral foundation of executive authority. Zimbabwe’s historical concentration of executive power makes parliamentary election likely to consolidate control rather than diffuse it.

## 5.2 Clause 4 — Extension of Terms of Office (Presidential, Parliamentary, Local Authorities)

**Current constitutional position:** The President serves a five-year term (Section 91). Parliamentary terms are five years (Section 143). Section 328 defines a “*term limit provision*” as “*a provision of this Constitution which limits the length of time that a person may hold or occupy a public office.*” Section 328(7) provides explicitly that an amendment to a term-limit provision shall not apply to the benefit of any person who holds, or has held, the office in question at the time of the amendment. This is a deliberate constitutional firewall against self-serving term extensions.

**Proposed change:** Clause 4 extends presidential, parliamentary, and local authority terms from five to seven years. Critically, it attempts to override Section 328(7) to make this extension applicable to current officeholders.

**The President’s own commitment:** The President of Zimbabwe has publicly and unambiguously committed to being a constitutionalist and to leaving office after serving two full five-year terms. This commitment was made to the people of Zimbabwe and to the Constitution. Proceeding with an amendment that extends his current term to 2030 without an election is a breach of that commitment. The ZCC reiterates its 2024 position: *leadership is stewardship, not ownership*. The Church implores the President, parliamentarians, and councillors to follow the teaching of Nehemiah, who refused the governor’s food allowance because the burden on the people was already too heavy (Nehemiah 5:6–13), and to be faithful stewards using their authority to serve others rather than themselves (1 Peter 4:10–11).

**Conflict of interest:** Parliament, the Ministry of Justice, the Executive, and all local authority representatives are direct beneficiaries of this extension. The institutions responsible for advancing, scrutinising, and passing this Bill are the same institutions that stand to gain additional years in office from it. This conflict of interest is profound and disqualifying. It is precisely the scenario that Section 328(7) was designed to prevent.

**Table 2: Comparing the proposal to extend the term limit with other countries**

Jurisdiction	Term	Notes
South Africa, Botswana, Namibia, Zambia, Malawi, Tanzania, Kenya, Ghana, Nigeria, Senegal, Rwanda	5 years	Overwhelming African constitutional consensus reflects the post-liberation commitment to periodic accountability embedded in the African Charter on Democracy, Elections and Governance (ACDEG, 2007).
Mozambique, Angola	6 years	Outliers, viewed cautiously within AU democratic governance discourse.
France (former)	7 years (septennat)	Reduced to 5 years in 2000 precisely because the 7-year term was seen as concentrating power and weakening democratic renewal. No major African democracy currently operates a 7-year executive term.
Uganda (2005)	Term limits abolished	Internationally condemned as self-serving constitutional manipulation. AU and regional bodies expressed serious concern.
Cameroon (2008)	Term limits abolished	Passed through a ruling-party-dominated parliament with minimal public consultation. President Biya had been in power since 1982.
Rwanda (2015)	Term reset via referendum	A referendum reduced the presidential term from 7 to 5 years while simultaneously resetting President Kagame's term count, effectively allowing him to remain in power until 2034. Condemned internationally as manipulation of constitutional form to extend incumbency.
Burundi (2015)	Third term via constitutional re-interpretation	Triggered political crisis, violence, and regional instability. The AU struggled to mediate the fallout.
Côte d'Ivoire (2016)	New constitution reset term clocks	Sparked opposition concerns about entrenching incumbency under a reformist veneer.

**The pattern is consistent:** term extensions applied to sitting governments — even when clothed in the language of institutional efficiency or stability — concentrate executive power, diminish electoral accountability, erode public trust, and open the door to the massive accumulation of wealth and resources by those in office without adequate checks. The Constitutional Court of South Africa, in *Democratic Alliance v President of South Africa* (2012), affirmed that constitutional amendments must be scrutinised not only for procedural compliance but for consistency with the values underlying the Constitution.

**ZCC Position:** Clause 4 must be withdrawn in its entirety. Any extension of terms of office requires a national referendum for direct citizen consent. The attempt to override Section 328(7) constitutes a fundamental breach of the constitutional order and of the President's own commitment to constitutionalism.

### 5.3 Clause 8 — Presidential Appointment of 10 Additional Senators (Amends Section 120)

**Current constitutional position:** The Senate is composed of elected senators. Section 120 specifies the composition of the Senate to reflect the will of the electorate through representative selection.

**Proposed change:** Clause 8 amends Section 120 to allow the President to appoint 10 additional senators, raising the total to 90, on the stated basis of broadening technical expertise and strengthening parliamentary oversight.

**Analysis — Proportional dilution of the Senate:** This amendment does not merely add senators — it structurally dilutes the representative character of the Senate by injecting 10 presidential appointees into a chamber whose legitimacy derives from electoral mandate. The addition of 10 appointed senators to a chamber of 80 represents a 12.5% increase in membership through direct executive appointment. In a chamber where a two-thirds majority is required for constitutional amendments, ten additional senators loyal to the appointing President could be decisive. If the ruling party’s existing senators, combined with these ten presidential appointees, reach the two-thirds threshold, the President’s party could amend the Constitution without any meaningful opposition participation. The provision contains no objective criteria for selection, no independent oversight, and no parliamentary confirmation mechanism. It is an instrument for constitutional capture dressed as an enhancement of legislative capacity.

**ZCC Position:** Clause 8 must be wholly withdrawn. If a technical advisory role is genuinely needed, it must be limited to a maximum of five non-voting technical advisors, appointed through transparent criteria with Parliamentary confirmation, to preserve the Senate’s representative independence.

### 5.4 Clauses 11–13 and 17 — Electoral Governance Restructuring

#### Clause 11 — Establishment of the Zimbabwe Electoral Delimitation Commission (ZEDC)

**Current constitutional position:** The Zimbabwe Electoral Commission (ZEC), established under Chapter 12, is a constitutionally independent body whose independence is entrenched under Section 235 and not subject to direction or control by anyone. ZEC’s mandate over electoral matters, including delimitation, is constitutionally entrenched.

**Proposed change:** Clause 11 creates the Zimbabwe Electoral Delimitation Commission (ZEDC) as a standalone body tasked with delimiting electoral boundaries, a function previously vested in ZEC. The ZEDC would consist of five members: a chairperson who must be a sitting or former Supreme Court judge (appointed after consulting the JSC), and four other members appointed by the President, constituted “*from time to time, as may be required.*”

**Analysis:** The ZCC acknowledges the legitimate concern about ZEC’s dual role of simultaneously administering elections and drawing constituency boundaries. However, the proposed solution is structurally deficient in two critical respects.

First, **four of the five ZEDC members are appointed by the President without objective criteria, vetting process, or parliamentary confirmation.** The independence architecture of an electoral body cannot rest on executive appointment. While the chairperson’s appointment involves JSC consultation, this provides no protection for the composition of the majority of the commission.

Second, the commission is **ad hoc rather than permanent**. Constituted at the President’s discretion, it has no institutional memory, no continuity of technical expertise, and no independence culture. An ad hoc body reconstituted at executive direction is structurally more susceptible to political timing and composition manipulation than a permanent institution.

**Table 3: Comparison of Proposed amendments to electoral governance with other countries**

Country	Delimitation Body	Independence Architecture
South Africa	Municipal Demarcation Board (MDB) — separate from IEC	Permanent body; commissioners appointed through a transparent, Parliament-overseen process; independently funded; decisions subject only to court review. Provides the comprehensive legal architecture that Clause 11 entirely lacks.
Kenya	IEBC holds both mandates with full constitutional entrenchment	In <i>John Harun Mwau v IEBC</i> (2013), the High Court held that public participation is a constitutional imperative — not merely statutory preference — for delimitation exercises. Courts impose this regardless of what enabling legislation specifies. Zimbabwean courts would likely reach the same conclusion under Section 67.
Zimbabwe (proposed ZEDC)	Ad hoc; four of five members presidentially appointed	No institutional permanence; no public participation provisions in the text; no parliamentary confirmation; no independent nomination process for non-judicial members. Transfers a mandate without the supporting legal architecture.

**Clause 12 — Removal of ZEC from Section 160 (Constituencies and Wards)**

**Analysis:** By substituting “Zimbabwe Electoral Commission” with “Zimbabwe Electoral Delimitation Commission” throughout Section 160, Clause 12 diminishes ZEC’s constitutionally entrenched mandate. Section 155 requires that elections be free, fair, and credible. Section 156 establishes ZEC with constitutional independence as a guarantor of those principles. Removing a core function from ZEC and vesting it in a less structurally independent, ad hoc, executive-appointed body could constitute an erosion of the basic structure of electoral integrity.

**Clause 13 — Transfer of Voter Registration to the Registrar-General**

**Proposed change:** The administrative function of the voters’ roll is transferred from ZEC to the Registrar-General’s office.

**The Registrar-General is part of the Executive:** This is the critical point that the Bill’s stated rationale of “efficiency” obscures. The Registrar-General is appointed by and accountable to the Executive. Transferring the voters’ roll to the Registrar-General does not achieve administrative efficiency — it achieves executive control over the foundation of the electoral process. The voters’ roll is not merely an administrative record; it is the document that determines who can vote, in which constituency, and from which polling stations are configured.

**Who controls the voters’ roll controls the polling stations:** It is not widely understood — and the Bill’s promoters do not acknowledge — that the voters’ roll is the document from which polling station allocations are derived. Voters are allocated to polling stations on the basis of their

registered address in the voters' roll. An executive-controlled Registrar-General who manages the voters' roll therefore influences, directly or indirectly, the configuration of polling stations. This is not a theoretical concern; Zimbabwe's history of electoral disputes includes repeated challenges to the voters' roll and polling station allocations. Returning this function to an executive-controlled office reverses the protections put in place precisely because of this history.

Independent Electoral Management Bodies — in Ghana, Kenya, and South Africa — insulate elections from executive influence. This is why they exist. Returning voters' roll management to the Registrar-General is not modernisation; it is a deliberate reversal of hard-won electoral integrity safeguards.

**ZCC Position:** ZEC's full authority over voter registration, the voters' roll, and delimitation must be retained. The Registrar-General — as a member of the Executive — must not be entrusted with functions that directly determine who votes and where. If any data-sharing is required, the Registrar-General should supply civil registry data to ZEC, subject to mandates for timely, transparent publication, auditing, and stakeholder access. The ZEDC, if retained, must be a permanent body with fully independent, transparently appointed membership and explicit public participation requirements.

## 5.5 Clause 14 — Expansion of Constitutional Court Jurisdiction

**Proposed change:** The clause broadens Constitutional Court jurisdiction to include matters of general public importance, aligning with progressive jurisprudence in Kenya and South Africa.

**Analysis:** The ZCC acknowledges that this could bolster rights protection if judicial independence is genuinely assured. However, the Constitutional Court carries a significant existing backlog of cases. Expanding jurisdiction without proportionally expanding judicial capacity — personnel, physical infrastructure, and support resources — will exacerbate delays and undermine, rather than advance, access to justice. Jurisdiction without capacity is an unfunded mandate that burdens the most vulnerable litigants the most.

**ZCC Position:** Expansion of the Constitutional Court's jurisdiction must be accompanied by proportional increases in judicial personnel, support staff, and infrastructure. Expansion without capacity is a hollow reform that delays, rather than advances justice.

## 5.6 Clause 15 — Judicial Appointments (Removal of Public Interviews and JSC Shortlisting)

**Current constitutional position:** The 2013 Constitution introduced public interviews and a Judicial Service Commission (JSC) process for recommending shortlisted candidates for judicial appointment, including the Chief Justice. These measures were a deliberate and hard-won safeguard against executive patronage and judicial dependence — earned through a generation's experience with a judiciary that was insufficiently independent.

**Proposed change:** Clause 15 removes the requirement for public interviews and the JSC's role in producing a binding shortlist. The President would appoint all judges, including the Chief Justice, after non-binding, private consultation with the JSC.

**Analysis:** This effectively removes the meritocratic and transparency standards established in the 2013 Constitution and risks creating a judiciary where loyalty to the Executive outweighs legal expertise. Justice must not only be done but must be *seen* to be done. Secret appointments erode public trust in the courts as a neutral arbiter of truth and constitutionality.

The separation of powers is directly compromised: when the Executive appoints judges privately and without binding constraint, the judiciary becomes an extension of executive preference rather than an independent constitutional guardian. This is not merely a structural concern — it has direct and immediate consequences for **every Zimbabwean’s right to a fair hearing** whenever the judiciary is called upon to adjudicate disputes involving the Executive. A judiciary appointed at the President’s pleasure will, inevitably, adjudicate disputes at the President’s pleasure.

The judicial appointments provision therefore needs to be **strengthened, not weakened**. Comparative African democracies — South Africa, Kenya, Ghana — have moved toward more transparent, more participatory, more publicly accountable judicial appointment processes. Zimbabwe is proposing to move in precisely the opposite direction.

**ZCC Position:** Clause 15 must be withdrawn. Public interviews and JSC shortlisting must be preserved and strengthened — not as a procedural nicety but as a constitutional safeguard. The clause as proposed moves Zimbabwe toward a captured judiciary at the precise moment when independent judicial oversight of these very amendments is most needed.

### 5.7 Clause 16 — Defence Forces and Civilian Supremacy

**Proposed change:** Clause 16 softens the Defence Forces’ constitutional duty from “uphold this Constitution” to “act in accordance with” it.

**Analysis:** The distinction between *upholding* the Constitution and merely *acting in accordance with* it is substantively significant. Upholding imposes an affirmative obligation to defend constitutional order; acting in accordance with is a passive compliance standard. Amid Zimbabwe’s documented history of military-political interplay, including the events of November 2017, explicit and strong reinforcement of civilian supremacy and constitutional fidelity in the armed forces is not ceremonial — it is vital. Diluting the Defence Forces’ constitutional obligation sends precisely the wrong signal at precisely the wrong time.

**ZCC Position:** Clause 16 must be amended to restore the affirmative obligation: the Defence Forces must “act in accordance with and uphold this Constitution.” This language must be strengthened, not weakened.

### 5.8 Clauses 18–19 — Abolition of the Zimbabwe Gender Commission

**Current constitutional position:** The Zimbabwe Gender Commission (ZGC) is an independent Chapter 12 institution with a specific mandate to address structural and systemic gender-based discrimination. It was constitutionally entrenched as a recognition that gender equality requires specialised, focused, and independent oversight that a general human rights body cannot adequately provide.

**Proposed change:** Clauses 18 and 19 abolish the ZGC as an independent institution and transfer its functions to the Zimbabwe Human Rights Commission (ZHRC), which already carries the administrative justice function formerly held by the Ombudsman’s office in addition to its broad human rights mandate.

**Analysis:** Merging the ZGC into an already overburdened generalised human rights body dilutes the specialised focus required to address persistent gender inequality. It relegates gender equality from its status as a founding value in Section 3(1)(g) and undermines the preamble’s covenant for freedom, justice, and equality. Dedicated bodies in South Africa (the Commission for Gender Equality, established under Chapter 9 of the 1996 Constitution) and Rwanda (the Gender Monitoring Office) demonstrate the value of specialised institutions in jurisdictions with persistent gender-based challenges. The Church views the protection of women and girls as a distinct moral mandate. Removing a dedicated constitutional watchdog leaves the most vulnerable without adequate, specialised constitutional protection.

**ZCC Position:** The Zimbabwe Gender Commission must be retained as a distinct, independent Chapter 12 constitutional body with its own mandate, capacity, and accountability structures.

## 5.9 Clause 20 — Prosecutorial Independence (Prosecutor-General Appointment)

**Current constitutional position:** The appointment of the Prosecutor-General involves the Judicial Service Commission, designed to ensure independence and impartiality. The Prosecutor-General decides who is prosecuted for crimes; independence from the Executive is a fundamental safeguard of equal justice.

**Proposed change:** Clause 20 grants the President power to appoint the Prosecutor-General entirely at his own discretion, without any advisory role from the Judicial Service Commission.

**Analysis:** Direct presidential appointment gives the Executive total control over the prosecutorial function. This creates the conditions for selective prosecution — the weaponisation of the criminal justice system against political opponents and selective non-prosecution of those aligned with the Executive. Corruption, the massive accumulation of wealth by those in power, and abuse of public office can only be prosecuted when the Prosecutor-General’s office is genuinely independent. A Prosecutor-General appointed at the President’s discretion cannot prosecute the President’s allies; this is not a theoretical risk, it is a structural inevitability.

This concern is not theoretical. The arrest and the assault of persons conducting public awareness about this very Bill illustrates precisely the risk of a politically controlled Prosecutor-General’s office. The prosecution of these individuals for participating in public constitutional debate is targeted and casts doubt on the independence of the office. This is happening before Clause 20 even takes effect. The implication of what would occur after executive control of the Prosecutor-General is formally entrenched is deeply troubling.

**ZCC Position:** Clause 20 must be withdrawn. Existing constitutional safeguards for the Prosecutor-General’s appointment and independence must be preserved. An independent Prosecutor-General is the frontline defence against corruption and the abuse of executive power.

## 5.10 Clause 21 — Traditional Leaders and Political Neutrality (Repeals Section 281(2))

**Current constitutional position — the full scope of Section 281(2):** Section 281(2) does not merely require non-partisanship. It is a comprehensive code of conduct for traditional leaders. The proposed repeal removes the **entire** subsection, which includes not only the prohibition on partisan political activity but also the explicit mandate that traditional leaders must **not violate the fundamental rights and freedoms of any person**. This second obligation is not an incidental provision — it is a critical constitutional protection for the rights of individuals who live under the authority of traditional leaders, particularly in rural communities where traditional authority is pervasive and the alternatives for redress are limited.

**Proposed change:** Clause 21 repeals Section 281(2) in its entirety, removing both the non-partisanship requirement and the prohibition on violations of fundamental rights by traditional leaders.

**Analysis — Non-partisanship:** Traditional leaders are the primary custodians of rural communities, culture, and tradition and their authority extends over all community members regardless of political affiliation. Removing the non-partisanship requirement converts them into political agents and fractures the social fabric of rural communities. In Zimbabwe’s rural areas, where traditional leaders exercise significant influence over access to land, community resources, and local governance, partisan traditional leaders create the conditions for coercion and electoral intimidation against those who do not support the ruling party. Section 3(2)(h) identifies the fostering of national unity, peace, and stability as a principle of good governance. Partisan traditional leaders are directly inimical to this principle.

**Analysis — Fundamental rights:** The repeal of the prohibition on traditional leaders violating fundamental rights and freedoms is, if anything, a more serious concern. Without this constitutional provision, traditional leaders cannot be held constitutionally accountable for rights violations committed in the exercise of their authority. In communities where access to justice is already limited and where traditional authority operates with significant practical power, removing this protection leaves the most vulnerable — women, minorities, dissidents, and the landless without constitutional recourse against traditional authority.

**ZCC Position:** Clause 21 must be withdrawn in its entirety. Both the non-partisanship requirement and the prohibition on violations of fundamental rights by traditional leaders must be preserved and strengthened. Removing either protection damages the constitutional architecture of human dignity, community cohesion, and electoral fairness in rural Zimbabwe.

## 5.11 Clause 22 — Repeal of the National Peace and Reconciliation Commission

**Current constitutional position:** The National Peace and Reconciliation Commission (NPRC) was established under Chapter 12 with a specific mandate to address historical injustices, prevent renewed conflict, and promote national healing. Its establishment acknowledged that Zimbabwe’s wounds — Gukurahundi, past electoral violence, land disputes require structured, dedicated, and institutionally protected attention.

**Proposed change:** Clause 22 abolishes the NPRC without providing any replacement mechanism.

**Analysis:** Abolishing the NPRC eliminates a mechanism for addressing historical injustices without replacement, halting ongoing reconciliation processes and raising the spectre of impunity. It raises acute questions about the rights of victims with pending investigations. It sends a severely negative international signal regarding Zimbabwe's commitment to transitional justice at a time when the country is actively seeking to re-engage with the international community. Reengagement requires demonstrated commitment to accountability, not its abolition. The call to be peacemakers (Matthew 5:9) and to bear the ministry of reconciliation (2 Corinthians 5:18–19) is not conditional on political convenience.

**ZCC Position:** Clause 22 must be withdrawn. The NPRC must be retained. If any transition to a statutory mechanism is contemplated, there must be an express and binding guarantee that victims' rights are upheld, ongoing investigations continue to conclusion, and reconciliation processes are not interrupted.

## 6. Conclusion

The proposed amendments, considered in their totality, represent a **significant, cumulative, and fundamentally anti-democratic restructuring** of Zimbabwe's constitutional order. They extend tenure for sitting officeholders, expand executive powers, weaken oversight institutions, remove transparency safeguards, create structural conditions for corruption and the massive accumulation of wealth by those in power, and reduce the mechanisms through which citizens hold power to account.

The 2013 Constitution was a people-driven covenant, built through an inclusive and participatory process that represented a watershed in Zimbabwe's constitutional history. It must not be altered for short-term political expediency. We draw Parliament's attention to the cautionary biblical parallel of Rehoboam in 1 Kings 12 a leader who disregarded the people's voice, pursued the counsel of those who served his own interests, and triggered a rupture whose consequences lasted for generations.

In this critical hour, the Church as **Watchman** is called to defend the voiceless, demand justice, and seek the nation's peace (Proverbs 31:8–9; Amos 5:24; Jeremiah 29:7). The ZCC therefore calls on Parliament to **withdraw or substantially revise this Bill** through genuine, broad, and unhurried consultation with the people of Zimbabwe. Authority derives from the people and is answerable to God. Reforms must strengthen not erode the constitutional foundations that safeguard Zimbabwe's democracy and its future.

## 7. Recommendations

### 7.1 General Recommendations

1. **Withdraw or substantially revise the Bill.** The amendments in their current form are constitutionally, morally, and democratically compromised.
2. **Establish an Independent Constitution Amendment Commission.** Amendments of this nature require a dedicated, independent commission mandated to undertake broad, meaningful consultations rooted in the will of the people, free from the conflict of interest that arises when the institutions advancing the Bill are its direct beneficiaries.
3. **If the Bill proceeds in its current form, a national referendum is mandatory.** The Bill fundamentally alters the 2013 Constitution and provides for term extensions benefiting

current incumbents. This requires direct citizen consent — not parliamentary approval by those who benefit from it.

## 7.2 Specific Recommendations by Clause

The specific recommendations are detailed in Table 4 below.

**Table 4: Specific recommendations**

Clause	Provision	ZCC Position
Clause 2	Election of the President	Withdraw. The President must continue to be directly elected by the people (Sections 67 and 88). Popular sovereignty must not be intermediated through Parliament.
Clause 4	Extension of Terms of Office	Withdraw. Any term extension requires a national referendum. The attempt to override Section 328(7) is a fundamental breach of the constitutional order and of the President's own public commitment.
Clause 8	Presidential Appointments Senate	Withdraw. If a technical advisory role is retained, limit to maximum five non-voting advisors with transparent criteria and Parliamentary confirmation.
Clauses 11–13	Electoral Delimitation and Voter Registration	Retain ZEC's full authority. The Registrar-General, as an executive officer, must not control the voters' roll or polling station configurations. If a ZEDC is established, it must be permanent and fully independently appointed.
Clause 14	Constitutional Jurisdiction Court	Expansion must be accompanied by proportional increases in judicial capacity and resources.
Clause 15	Judicial Appointments	Withdraw. Public interviews and JSC shortlisting must be preserved and strengthened. An independent judiciary is non-negotiable.
Clause 16	Defence Forces	Restore the affirmative obligation: Defence Forces must "act in accordance with and uphold this Constitution."
Clauses 18–19	Zimbabwe Commission Gender	Retain the ZGC as a distinct, independent Chapter 12 institution.

Statement of Inputs on Constitution Amendment Bill No. 3 (2026)

Clause	Provision	ZCC Position
Clause 20	Prosecutor-General Appointment	Withdraw. Independence of the Prosecutor-General is the frontline defence against corruption.
Clause 21	Traditional Leaders	Withdraw. Both the non-partisanship requirement and the prohibition on violations of fundamental rights and freedoms by traditional leaders must be preserved in full.
Clause 22	National Peace and Reconciliation Commission	Withdraw. Retain the NPRC; ensure any transition preserves victims' rights and reconciliation continuity.

**END //**

*Zimbabwe Council of Churches | Statement of Inputs on Constitution of Zimbabwe Amendment Bill No. 3 (2026)*