

WORKING PEOPLE`S CONSTITUTIONAL CONVENTION

On 13 October 2012 at Raylton Club, Harare, over 300 delegates from Trade Unions, Women and Gender movements, Youths, the Disabled, Residents Movements, Student Movements, Rural Farmers, HIV/AIDS groups, Trade Justice Activists, Informal Sector, War Veterans, Ex-Detainees, revolutionary socialists, progressive academics and others came together under the banner of the Working People`s Constitutional Convention, critically analyzing the COPAC Draft Constitution and interrogating the process and the content to determine whether it meets the criterion of a people - driven constitution as demanded by the people and promised under the GPA when the COPAC process commenced.

The Convention came up with the following Working People`s Red Amendments to the COPAC Draft Constitution and which it calls upon all working people and progressives to rally behind at the COPAC 2nd All Stakeholders Conference, and without whose adoption to reject the COPAC Draft Constitution in the Referendum.

Working Peoples Red Amendments to COPAC Draft Constitution Preamble and Founding Provisions

- COPAC Draft Preamble to recognize struggles against patriarchy and oppression of youth and the disabled and the need for gender, youth and disability equity and empowerment.
 - Founding Values to recognize the Peoples Sovereign Rights over the country`s major natural resources, minerals, land and strategic national economic sectors and their use to benefit all.
 - Founding Values to recognize and support regional and international struggles against neoliberalism, capitalism, imperialism, patriarchy and environmental degradation.
- National Objectives [Chapter 2]
- The following National Objectives to be removed from the non-binding Chapter 2 and modified and up-graded as Rights in the binding Chapter 4, the Declaration of Rights: Gender balance; Empowerment; Development; Youths objectives; Elderly; Marriage; Protection of family; Shelter; Social Welfare; Economic Rights and Work and Labour Relations.
- Citizenship [Chapter 3]
- COPAC Draft to clearly and unambiguously permit dual citizenship for all citizens.
 - COPAC Draft to allow citizenship by birth for all persons born in Zimbabwe and both or either of whose parents are or were from a country in the SADC region.
- Declaration of Rights [Chapter 4]
- Declaration to recognize as basic Rights: shelter, education, health, food, water, public transport, recreation, social welfare and security. Claw-back clauses subjecting the enjoyment of these rights to the resources available to the State to be removed as in Malawi or Kenya.
 - Declaration to recognize right to social welfare and social security for all covered by a mandatory and purpose -specific national social security scheme to cover contingencies of maternity, pregnancy, paternity, illness, disability, death, retirement and unemployment.
 - Declaration to provide an adequate social grant for the elderly [above 60], the disabled, child-care and those incapable of looking after themselves due to AIDS/HIV or chronic illnesses.
 - Declaration to abolish the death penalty for all women and men.
 - Declaration to prohibit all forms of unfair discrimination under

international law, regardless of social, economic, personal or natural condition.

➤ Declaration to clearly specify time frame-works within which the State must fully realize the socio-economic and other rights guaranteed in the Constitution as in Kenya and South Africa.

➤ COPAC Draft to restore the Equalisation Fund with a minimum of 33% of gross government revenue to fund socio-economic rights of historically marginalized groups and regions.

➤ Declaration to provide for a Socio-Economic Rights Fund levied on mines, banks, major businesses and new foreign investments to fund recognized socio-economic rights.

➤ Amend Property clause of Declaration of Rights to provide for nationalisation without compensation and under State and workers, communities or disadvantaged collectives ownership and democratic control, of natural resources, minerals, land, banks and major businesses, to fund the socio-economic rights of the people, broad-based economic empowerment and national development.

➤ Declaration to provide for Peoples and Groups Economic Rights as under the African [Banjul] Charter, in particular Peoples Sovereignty over Natural Resources, minerals, land and strategic businesses; and Rights to Broad-Based Economic Empowerment, and Development for: women, youths, the disabled; the unemployed, rural farmers, informal sector workers, ordinary war veterans, and historically marginalised regions, including empowerment grants and loans and 33% retention of resources and profits extracted from communities.

➤ Declaration to recognise full Economic Rights to Work for the informal sector including: removal of all impediments, laws, and policies that inhibit or prevent right or ability to work or trade in the informal sector as in Malawi, Uganda, Venezuela, Bolivia; to empowerment; and to social security.

➤ Declaration to provide full Labour and Work Rights for all public and private sector workers:

- o right to strike without conditionalities of essential services - all jobs are essential;

- o a minimum PDL-linked living wage for all workers as in the NCA Draft and Venezuela

- o 50-50% gender balance in all jobs and positions in the public and private sector.

- o Right to organize and form trade unions for all workers including in the public sector and police and defence forces as in countries like South Africa.

- o Six months paid maternity leave and benefits and one month paternity leave and benefits paid from a national social security scheme. Free child-care facilities.

- o Compensation for all farm-workers who lost their jobs and plots for housing.

- o Prohibition of casualisation of labour or contract labour other than only in circumstances recognized under ILO Conventions; protection from unfair dismissal.

- o Recognition of worker ownership of companies they work for of at least 33%.

- o Provision of an unemployment allowance for those who lose their jobs.

- o Establishment of Labour Court and Labour Appeal Court as superior courts with original and exclusive jurisdiction over all labour matters and powers of enforcement of judgments. Majority of judges to be nominated by workers and tripartite forum.

- o A time limit of six months of finalization of all labour disputes from

start to final appeal.

- o Living pensions for all pensioners linked to the PDL and current wages and benefits.

- o Establishment of a tripartite negotiation forum from labour, government and business to review minimum labour standards and ensure decent work for all.

- COPAC Draft to provide full labour rights for public servants, including;

- o Full and complete harmonization of labour laws of the public and private sectors.

- o Full collective bargaining in public sector. Removal of COPAC draft provisions authorizing President, ministers of finance and public service and Civil Service Commission to unilaterally set salaries and conditions of employment.

- o 50% representation of labour in Civil Service Commission.

- o Removal of the COPAC Draft prohibition of ordinary public servants actively taking part in politics or holding party positions. Public servants are citizens.

- Declaration to provide full women rights: 50-50 gender balance and parity in all public and private institutions, companies, policies, laws and budgets including Parliament, Cabinet, Presidency, Judiciary, Civil Service, security organs, traditional leadership; right of women to choice of termination of pregnancy; empowerment and affirmative action; marriage rights

- Declaration to provide for full rights to students and youths including: free and quality education up to university level; living allowances for tertiary / university students; academic freedom at institutions; representation in all institutions and bodies of the State; empowerment

- Declaration to recognise full Disability rights, including a living disability social grant; full access to all public spaces; free and quality treatment and equipment; mandatory 10% quota in all jobs, institutions, policies, and budgets including Parliament.

- Free land for housing and stands for all in the urban areas and farming areas. Prohibition of title deeds for agricultural land; prohibition of multiple farm ownership and excessive farm sizes. Land audit and rectification of political partisan land redistribution to give land to all.

- Draft to recognise right to rural development; to farm inputs and guaranteed and subsidised producer prices for rural farmers and establishment of a Land and Rural Development Bank.

Legislature, Systems of Government, Political Rights and Elections

- COPAC Draft to provide voters with right to recall MPs, councillors, Senators and all elected public officials, before the next elections.

Right of citizens to initiate a referendum on change of Acts and Constitution as in Kenya, Venezuela. To recognise right to vote for the Diaspora.

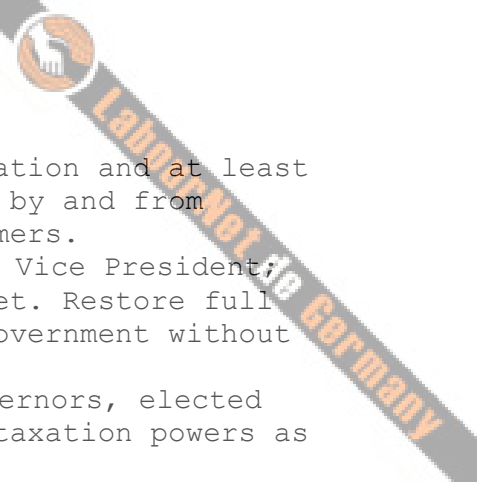
- All elected officials to declare their assets and to be removed if convicted of corruption.

- To provide for maximum two five year term limits for all public and constitutional offices, counting from 1980 just as the COPAC Draft does for the National Flag, Seal and Anthem.

- To provide an age limit of 70 years to all elected public offices as in Uganda.

- To provide clear provisions on Presidential Run-Off Elections run-off, where necessary.

- To abolish Senate; have a Parliament of not more than 150 MPs elected



on a hybrid of constituency and proportional representation and at least a third of the membership reserved for persons elected by and from workers, youths, the disabled, war veterans, rural farmers.

- To provide for a Cabinet of not more than 25 and one Vice President; shared executive authority between President and Cabinet. Restore full power of Parliament to pass vote of no confidence in government without being dissolved by the President.
 - To provide for devolution of powers with elected governors, elected provincial parliaments and executives and budgets and taxation powers as in SA, Kenya, Bolivia and Venezuela.
 - Restore Public Appointments Committee of Parliament to process all appointments to senior positions in the State such as permanent secretaries, judges, commanders, commissioners and for Parliament to approve such appointments. President not to be part of legislature.
- 2nd All-Stakeholders Conference and Referendum
- 2nd All Stakeholders Conference to be inclusive with representation of civic society not less than 70% and not made on political party lines but autonomously by civic society itself.
 - Drafting of the final Draft Constitution must be inclusive with drafters mandated from 2nd All Stakeholders Conference and to include at least 50% drawn from civic society.
 - Parliament or Principals not to amend Draft drawn from 2nd All-stakeholders Conference and approved in the Referendum.
 - Draft Constitution to be written in Shona, Ndebele, other local languages and Braille before Referendum.

Todya Marara Here? Varombo Tamuka! Abayanga Sesivhukile! Qina Msebenzi! Nationalise the Diamonds, Platinum, Banks... under workers and communities control to fund our socio-economic rights!

DONE AT HARARE ON THE 13TH DAY OF OCTOBER 2012:

Democratic United Front; ZCTU Concerned Affiliates; ZINASU; Social Movements; ISO

alliance.constitution@gmail.com Tel /Fax: 263-04-762154