

**PETITION TO ALL MEMBERS OF PARLIAMENT
AND MEMBERS OF THE JUDICIARY**

**We, the undersigned People of Zimbabwe,
Having analysed the proposed Constitution of Zimbabwe Amendment
(No.17) Bill and its implications,**

Do hereby state the following:

The Amendment has ignored wishes of the Ordinary Zimbabweans as recorded by the Government's Constitutional Commission. In 1999 Zimbabweans said they wanted to see a reduction of power in the hands of any one person, they wanted a wider Bill of Rights and a totally new and people driven Constitution. When they did not get this they rejected the Government Draft.

The Amendment seeks to effectively remove the fundamental rights to property [section 16], secure protection of the law [section 18(1) and (9)], freedom of movement [section 22] and ***the right to participate in government directly or through freely chosen representatives*** from the people of Zimbabwe who rely on the Constitution for protection against unchecked State action. It further seeks to reconstitute the Parliament of Zimbabwe as a bi-cameral legislature consisting of a Senate and a House of Assembly, with certain representatives being appointed in an undemocratic manner, which undermines the principle that ***the authority to govern derives from the will of the people***

It imposes fiscal obligations on the State which, in the current economic climate, will be impossible to sustain and will endanger the lives and livelihoods of the people of Zimbabwe who have just recently emerged from the Clean Up Operation. The Amendment will not do much to attract investments from both local and foreign investors as it effectively removes security of tenure with respect to property.

The Amendment effectively usurps the authority of the courts of Zimbabwe by denying the people of Zimbabwe recourse to the law in challenging State action which violates fundamental human rights. This puts paid to the principle of separation of powers, by allowing the Executive to initiate, implement and adjudicate upon its own actions ensuring that the State will not be scrutinised nor its actions reviewed by an independent and impartial tribunal.

The logical conclusion of allowing such an intended amendment to go unchallenged will be the complete removal of the functions of the Judiciary and denial of any form of protection whatsoever for the people who rely on the courts for protection.

As citizens of Zimbabwe, from whom all authority to govern derives, we cannot sit back and fail to act whilst fundamental rights accruing to people by virtue of their existence and dignity as human beings are being attacked.

Zimbabwe is urgently in need of constitutional reform, but this cannot be carried out in a piecemeal manner. Neither can it be imposed upon the people of Zimbabwe without broad consultation with all relevant stakeholders.

.../We call upon

We call upon all Parliamentarians to:

- **Reject the imposition of an undemocratic Amendment which has failed to recognise the need for consultation with themselves or their constituents;**
- **Initiate a process of wholesale constitutional reform which takes into account the views of all stakeholders**

We further call upon the Judiciary to:

- **Take a firm and public position against the affront to its dignity, constitutional function and the threat to its very existence;**
- **Insist that basic international norms and standards relating to the protection of fundamental rights and freedoms be respected by the Executive and Legislature**
- **Remind the Executive and Legislature of their obligations under international law, to give effect to the fundamental rights and freedoms of the people of Zimbabwe and ensure them of their entitlements under domestic and international law.**

NAME

SIGNATURE

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