

PARLIAMENT OF ZIMBABWE

Tuesday, 10th February 2009

The House of Assembly met at a

Quarter past Two o'clock p.m.

PRAYERS

(MR. SPEAKER in the Chair)

ANNOUNCEMENT BY MR. SPEAKER

APPOINTMENT OF THE PARLIAMENTARY LEGAL

COMMITTEE

MR. SPEAKER: Section 40(b) of the Constitution requires that the Parliamentary Legal Committee shall examine every Bill introduced in the Parliament other than the Constitutional Bill. In order to comply with this provision of the Constitution and in the absence of the Standing Rules and Orders Committee, the Political Parties represented in Parliament have consulted and agreed that appointments be made to the Parliamentary Legal Committee. I therefore have to inform the House that the following members have been appointed to serve on the Parliamentary Legal

Committee:-

Hon. Chidakwa;

Senator Coltart;

Senator Gutu;

Hon. Majome;

Senator Mutsvangwa.

MOTION

LEAVE TO SUSPEND STANDING ORDERS NO. 104, 105, 109

THE MINISTER OF RURAL HOUSING AND SOCIAL

AMENITIES: Mr. Speaker Sir, I seek leave of the House to move that the provisions of the following Standing Orders be suspended in respect of the National Security Council Bill [HB 2, 2009].

Standing Order No. 104 regarding the Publication of Bills in the Government Gazette and Notice of Presentation of Bills; Standing Order No. 105 regarding the Referral of Bills to Portfolio Committees; Standing Order 105(3) relating to reports from PLC, the Parliamentary Legal Committee and Standing order No. 109 relating to Stages of Bills. The reasons are that we would want to

have this Bill processed today and pass this House and the Upper House in order to comply with the procedures and programmes of SADC to implement the Global Political Agreement.

Motion put and agreed to.

MOTION

SUSPENSION OF STANDING ORDERS NO. 104, 105, AND
109.

THE MINISTER OF RURAL HOUSING AND SOCIAL

AMENITIES: I move that the provisions of the following Standing Orders be suspended in respect of the National Security Council Bill [HB 2, 2009] - Standing Order No. 104 regarding the Publication of Bills in the Government Gazette and Notice of Presentation of Bills; Standing Order No. 105 regarding Referral of Bills to Portfolio Committees, Standing Order No. 105(3) relating to Reports from the Parliamentary Legal Committee and Standing Order 109 relating to Stages of Bills.

Motion put and agreed to.

MOTION

LEAVE TO SUSPEND STANDING ORDER NUMBER 200

THE MINISTER OF RURAL HOUSING AND SOCIAL AMENITIES: My apologies Mr. Speaker Sir. I did not move the necessary provision of the Standing Rules and Orders Committee, which I will now do.

Mr. Speaker Sir, I seek leave to suspend the provisions of the following Standing Order in respect of the National Security Council Bill, [HB2, 2009]. I also move that the provisions of Standing Order Number 200 relating to the appointment of the Parliamentary Legal Committee be suspended.

Motion put and agreed to

MOTION

SUSPENSION OF STANDING ORDER NUMBER 200

THE MINISTER OF RURAL HOUSING AND SOCIAL AMENITIES: Mr. Speaker Sir, I move that the provisions of Standing Order No. 200 relating to the appointment of the Parliamentary Legal Committee be suspended.

Motion put and agreed to.

FIRST READING

NATIONAL SECURITY COUNCIL BILL [HB. 2, 2009]

**THE MINISTER OF JUSTICE, LEGAL AND
PARLIAMENTARY AFFAIRS** presented the National
Security Council Bill.

Bill read the first time.

Bill referred to the Parliamentary Legal Committee.

MOTION

BUSINESS OF THE HOUSE

**THE DEPUTY MINISTER OF WATER RESOURCES
AND INFRASTRUCTURAL DEVELOPMENT:** Mr. Speaker,
I move that Order Number 1 be stood over until the rest of the
Orders have been disposed of.

Motion put and agreed to.

MOTION

PRESIDENTIAL SPEECH: DEBATE ON ADDRESS

Second Order read: Adjourned debate on motion in reply to the Presidential Speech.

Question again proposed.

***MR MATUTU:** *Hon members dhibhetai.*

THE MINISTER OF RURAL HOUSING AND SOCIAL AMENITIES: Mr Speaker Sir, I hear that Hon. Matutu would like to debate.

MR SPEAKER: Order hon. member, you cannot debate the motion twice. I did not recognize you.

THE MINISTER OF RURAL HOUSING AND SOCIAL AMENITIES: I move that the debate do now adjourn.

Motion put and agreed to.

Debate to resume: Wednesday, 11th February, 2009.

MOTION

BUSINESS OF THE HOUSE

THE MINISTER OF RURAL HOUSING AND SOCIAL

AMENITIES: Mr Speaker Sir, I move that the Business of the House be suspended for a while until we have received the report of the Parliamentary Legal Committee.

Motion put and agreed to.

Business was suspended at Eighteen Minutes to Three o' clock p.m.

Business resumed at 1556 pm.

ANNOUNCEMENT BY MR. SPEAKER

**NON-ADVERSE REPORT RECEIVED FROM THE
PARLIAMENTARY LEGAL COMMITTEE**

MR. SPEAKER: I have received a non adverse report from the Parliamentary Legal Committee on the National Security Council Bill [HB 2, 2009].

SECOND READING

NATIONAL SECURITY COUNCIL BILL

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS: Mr. Speaker Sir, at its 5th Meeting held on 25th February 1992, Cabinet took a decision to

establish *The Zimbabwe National Security Council* to oversee and review national policies on security in its very broad and wide sense to encompass, not only issues of defence, law and order, but also issues pertaining to the economy. The decision of Cabinet was operationalised by a Presidential directive. In effect therefore, the Zimbabwe National Security Council was set up by an administrative decision. Its membership was made up as follows:-

His Excellency, the President as Chairman

Honourable Vice Presidents;

Minister of Defence;

Minister of Local Government;

Minister of National Security in the President's Office;

Minister of Home Affairs;

Minister of Foreign Affairs;

Minister of Finance

Minister of Justice, Legal and Parliamentary Affairs;

Minister of Industry and Commerce;

Minister of Lands and Agriculture;

Minister of Transport;
Minister of Mines, Environment and Tourism; and
The Planning Commissioner in charge of the National
Economic Commission.

It had ex-officio members drawn from Permanent Secretaries of the Ministries which I have just mentioned and included, among its membership, the Commander of the Defence Forces; Commander of the National Army; Commander of the Air Force; Commissioner of Police and the Director General in charge of the Department of National Security.

Mr. Speaker Sir, allow me a moment to pose and at the same time answer the question:-

What is National Security?

What is this animal we call National Security?

Mr. Speaker Sir, the term *National Security* is not amenable to easy definition. An attempt to provide a definition of National Security reminds one of the story of *The elephant and five blind men*. An elephant was walked into the presence of five blind men

who each was asked to describe what an elephant was. The one who touched the leg said that an elephant was the round pillar of a verandah. The second who touched the trunk said an elephant was a big hosepipe. The third who touched the tusks said an elephant was the smooth surface of a granite kitchen floor. The fourth who touched the body said an elephant was a wall and the fifth who touched the ears said an elephant was a blanket. But of course an elephant was all of those things and so is National Security.

Mr. Speaker, Sir, National Security can be referred to as the security of the nation's state, or the totality of policies that focus on the protection of people's political, economic, social, cultural values and ways of life. In a sense, National Security also refers to everything a State does, both in order to ensure its continued existence as an entity in a given territory and to defend its essential interest. In this conceptualisation of National Security, survival is the motivating dynamic behind National Security as an ability of a nation to pursue successfully its national interests as it sees them in any place in the world. National Security includes, of necessity,

traditional defence policy and also the non-military actions of a State to ensure its total capacity to survive as a political entity in order to exert influence and to carry out its internal and international objectives. Finally, National Security is recognised as the preservation of a way of life acceptable to people of a given country and compatible with the needs and legitimate aspirations of other. It includes freedom from military attacks or coercion, freedom from internal subversion and freedom from the erosion of the political, economic and social values which are essential to the qualities of life.

Finally Mr. Speaker Sir, National Security is that part of Government policy with its objective as the creation of national and international political conditions favourable to the protection or extension of vital national values against existing and potential adversaries.

In the Inter- Party Political Agreement signed on the 15th September, 2008, there were two indirect references to the National Security Council. In Article 20 (1) (3) (h), one of the

President's many functions is to Chair the National Security Council. The other indirect reference is in Article 20 (1) (4) (g) which provides that the Prime Minister is to be a Member of the National Security Council. At that time, it was the common understanding among the Parties to the Inter-Party Political Agreement, that the composition and if need be, functions of the National Security Council, would be reviewed by the Inclusive Government and that the National Security Council would continue to be constituted under an administrative decision. Subsequently however, there was a strong suggestion which all Parties accepted to set up the National Security Council under statute.

Mr. Speaker Sir, the Bill before the august House is the outcome of the suggestions to establish the National Security Council an Act of Parliament. The Bill trims down the composition of the National Security Council from the current membership of around 31 members to 22 members. The membership of this Council would be as follows:-

His Excellency, the President as Chairman;
The two vice Presidents;
The Prime Minister;
Two Deputy Prime Ministers;
Ministers responsible For Finance, Defence Forces and
Police Force; and

Three ministers each nominated to the Council by each of the political parties signatories to the Inter Party Agreement. The following would be additional members of the Council:-

- The Minister of State in the President's Office responsible for National Security
- The Chief Secretary to the President and Cabinet
- Secretary to the Prime Minister
- Commander of the Defence Forces
- Commander of the Army and Air Force
- Commissioner General of Police
- Commissioner of Prisons
- Director General in charge of National Security

The functions of the Council draw largely from the functions of the existing National Security Council which are primarily to review national policies affecting our security and defence interests nationally, regionally and internationally. Further, the Bill provides that they should at least be one meeting of the council in one calendar month and for the decisions of the council to be by consensus. The Bill also provides that in the event of inconsistencies between the provisions of the Bill and any other law other than the constitution, the provisions of the Bill would prevail.

Finally Mr. Speaker Sir, the Bill provides for its demise on the date on which the Inter-Party Political Agreement terminates. This in effect means that this Act has effect only for the duration of the Inclusive Government.

Mr. Speaker Sir, with these few remarks, I commend the Bill for the support of all honourable members across the political divide. The co-sponsorship of the Bill is in terms of the tripartite understanding of the signatories to the Inter

Party Political Agreement signed on 15th September, 2008.

Mr Speaker Sir, I move that the Bill be now read a second time.

MR. BITI: Mr. Speaker Sir, this is an important Bill that is before this august House. This Bill is an important building block in the construction of the new Zimbabwe that we are seeking to chart, that has been created by the Global Political Agreement that was signed on the 11th September 2008.

Mr. Speaker Sir, it is important to understand the motive and the mischief that the National Security Council Bill is trying to address. Mr. Speaker, for so many years our country has been traumatised by the pain of violence and intolerance amongst Zimbabweans. Not only that, our country has been ravaged by a violence and vandalism of state institutions. So, the motive of this Bill is to ensure that there is no state organ, there is no government department, there is no state institution that can exist as an extension of a political party – [HON. MEMBERS: Hear, hear] – the purpose of this Bill and the mischief of this Bill is to ensure

that constitutional bodies, state bodies, remain loyal to one institution only and that is the state. That is the mischief that this Bill is trying to achieve. Therefore Mr. Speaker, one of the most important functions of this Council, as defined in Section 4 (e) of this draft Bill is to ensure that operations of the security services should comply with the Constitution. In other words all state institutions should comply with the rule of law, comply with other laws in the history of Zimbabwe.

So, the council that has been created, has major oversight powers on those institutions that some of us have felt they have not been serving the true interest of Zimbabweans. Mr Speaker, I want to make reference to the violence that took place after the 29th of March 2008 leading up to the 27th of June 2008. The hope is that those unfortunate things of the history of Zimbabwe will never happen. The Council should make sure that this will never happen again. The Council should ensure that every government body whether it is the CIO, Defence Forces and the Prison Service respect the rule of law.

Mr Speaker, I want to make one thing very clear, we may create all these institutions in the law – we have created the National Security council today, we can create the Human Rights Commission, the Media Commission, Citizens, Immigration Board and Constitution Amendment (No. 19) and we have also created the Anti Corruption Commission and the Zimbabwe Election Commission – we can create all these beautiful bodies but between us and ZANU PF, if there is no love, if there is no respect and if there is no paradigm shift that we are now equal share holders, then all these institutions will come to naught, the provision that will have to be created in the Global Political Agreement will come to naught.

Mr. Speaker, we approach tomorrow with great faith, we approach the formation of a new government with great faith. I appeal to my colleagues in ZANU PF to ensure that the signatories they put on any piece of document, they actually mean them so that when they say they are entering into the Government of National Unity with Mr Morgan Tsvangirai, they are genuine, they

can not walk left and talk right.

Mr Speaker, I do not want to say a lot of things but I appeal to my colleagues in ZANU PF that if we are going to work together, there is a fundamental paradigm shift. It cannot be business as usual, the Transitional Government is the departure from the past, it cannot be a continued reproduction of the status quo. The status of our old habits which were institutionalized, when ossified and fossilized we can not continue – on issues of security it does not matter whether it is the Commander of the Army or the Commander of the police, they must respect that Morgan Tsvangirai is now the Prime Minister of the State. They must respect that Thokozani Khupe is the Vice Prime Minister and Arthur Mutumbara is the Vice Prime Minister. -[HON MEMBERS: *inaudible interjections*]- I can see a body language of uncertainty... . -[HON MEMBERS: *inaudible interjections*]- body language of inertia, unhappiness. I can see very long faces.

MR. BHASIKITI: Thank you Mr Speaker.....

MR. SPEAKER: I have not recognized you. Hon members

I think when the hon. member made reference to paradigm shifts, I think we should start here. Let us behave hon. members and allow the hon. member to proceed with his submission.

MR. BITI: I would like to say let us agree on one thing, we are forming the National Security Council not because of the aorta not because of the sovereignty. Zimbabwe's sovereignty has to be defended to protect the Government. We are forming the Security Council to protect and to defend the citizens of Zimbabwe. With those words Mr Speaker, I know that there is no funeral. I approve that the Bill be passed.

Motion put and agreed to.

Bill read a second time.

Committee Stage: With leave, forthwith.

COMMITTEE STAGE

NATIONAL SECURITY COUNCIL BILL [H.B. 2, 2009]

House in Committee.

THE MINISTER OF JUSTICE, LEGAL AND

PARLIAMENTARY AFFAIRS (MR CHINAMASA): On a

point of order, I request that the long title be read because there are some amendments I would like to put. Madam Chair, of the long title words National Security Council; in the second line, to insert the word, “Zimbabwe” so that it reads, to provide for the establishment, composition, functions and meetings of the Zimbabwe National Security Council;

The long title, as amended, put and agreed to.

On Clause 1:

MR CHINAMASA: I rise to make a similar amendment of the insertion of the word “Zimbabwe” before the words, National Security Council. The amendment is to be effected wherever the words, National Security Council appear – that is in Clauses 1, 2 and 3.

Amendments to Clauses 1, 2 and 3 put and agreed to.

Clauses 1, 2 and 3, as amended, put and agreed to.

Clause 2 put and agreed to.

On Clause 3:

MR CHINAMASA: Madam Chair, I make two amendments

to Clause 3 (1)(b), the caption which reads, the following other members –

I move that we delete the words, “other members” and substitute with the following, shall be *ex-officio* members of the Council. So that the caption reads, the following shall be *ex-officio* members of the Council. Then in the same Clause 3 (1) (b) (iii) the deletion of the word “chief” before the word “Secretary”.

Amendment to Clause 3 put and agreed to.

Clause 3, as amended, put and agreed to.

On Clause 4:

MR CHINAMASA: There is an amendment which I have undertaken to insert on the insistence of the Parliamentary Legal Committee. In the caption which reads, “The Council shall be responsible for –

If you could insert after the word, “shall”, Council shall, subject to the provisions of the Constitution.

Amendment to Clause 4 put and agreed to.

Clause 4, as amended, put and agreed to.

Clauses 5 to 8 put and agreed to.

House resumed.

Bill reported with amendments.

Bill referred to the Parliamentary Legal Committee.

MR SPEAKER: Order, Order.....

ANNOUNCEMENT BY THE SPEAKER

NON-ADVERSE REPORT RECEIVED FROM THE

PARLIAMENTARY LEGAL COMMITTEE

MR SPEAKER: I have received a non-adverse report on the
National Security Council Bill [H.B. 2A, 2009].

REPORT STAGE

NATIONAL SECURITY COUNCIL BILL [H.B. 2A, 2009].

Clauses 1, 2, 3 and 4 as amended, put and agreed to.

Bill, as amended, adopted.

Third reading: With leave, forthwith.

THIRD READING

NATIONAL SECURITY COUNCIL BILL

**THE MINISTER OF JUSTICE, LEGAL AND
PARLIAMENTARY AFFAIRS:** I move that the Bill be now
read the third time.

Motion put and agreed to.

Bill read the third time.

On the motion of **THE MINISTER OF PUBLIC
SERVICE, LABOUR AND SOCIAL WELFARE,** *the House
adjourned at Fourteen Minutes to Five o'clock pm until Tuesday,
3rd March, 2009.*

