



Constitutional Amendment Bill (No. 3) (2026) and its Implications for Natural Resource Governance in Zimbabwe

Position Paper submitted by the Centre for Research and Development (CRD) to the Parliament of Zimbabwe in response to ongoing legislative processes, including public hearings and committee review

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Introduction

The Centre for Research and Development (CRD) hereby submit this position paper to the Parliament of Zimbabwe during a critical juncture in the nation's constitutional history. This submission warns of a recurring historical pattern since 1980, where centralising power has facilitated the alienation of national wealth by siphoning resources into patronage systems to sustain power retention. The 2013 Constitution was a "people-driven" breakthrough designed to break this cycle by mandating accountability and devolution. Rather than dismantling this framework to consolidate authority for a few, the government should have spent the past decade closing gaps in the legislative framework to fulfil its mandate for transparent resource management.

This Bill presents an inherent conflict of interest as lawmakers are presiding over amendments such as term extensions that directly benefit their own tenure. By stripping away checks and balances, including direct presidential elections and independent judicial oversight, the state removes the essential guardrails intended to protect public trust. The CRD warns that these amendments risk turning Zimbabwe's mineral heritage into a tool for elite enrichment rather than national development.

Historical Cost of Constitutional Erosion (1980–2026)

The Birth of Authoritarianism (1987–1999)

From the Lancaster House constitution, Zimbabwe's governance journey in 1980 began with a parliamentary system designed for collective accountability. However, the introduction of constitutional amendment no. 7 in 1987 fundamentally altered the state's architecture. It abolished the ceremonial presidency and the office of the Prime Minister in favour of an executive presidency with no term limits. The amendment entrenched immense power indefinitely within a single office. Executive drive to establish a one-party state following the amendment resulted in political intolerance towards emerging opposition, such as the Zimbabwe Unity Movement in 1990. Power retention became the primary objective, giving rise to the patronage system. Consequently, loyalty to the executive became the qualification for access to national resources, at the expense of broad-based economic emancipation.

Failure of Constitutional Reforms, Resource Capture, and Violence (1999–2008)

The turn of the millennium marked a watershed moment in Zimbabwe's governance, defined by a fundamental breakdown in the constitutional reform process. By 1999, the failure of the Economic Structural Adjustment Programme (ESAP) had severely eroded the social contract. Hyperinflation and the collapse of the manufacturing sector birthed the labour-backed Movement for Democratic Change (MDC). The state's reluctance to transition to a pluralistic democracy was challenged. In February 2000, the government held a referendum on a new draft constitution to counter the rising challenge of the newly formed opposition movement. The executive strategically linked the popular demand for land reform to a document that actually aimed to extend presidential term limits and consolidate power.

When the public delivered a "No" vote, they were rejecting executive overreach, not land redistribution. In response, the government overrode the referendum outcome by using its parliamentary majority to amend the existing Lancaster House Constitution. Parliament acted as a confirming rather than a deliberative body for the executive to launch the Fast-Track Land Reform Programme (FTLRP) through Amendment No. 16. Consequently, land became a primary tool for patronage. Through patronage and lack of constitutional oversight, political elites acquired multiple farms and benefited from the Farm Mechanisation Scheme without repayment. This systemic lack of accountability culminated in the 2015 RBZ Debt Assumption Act, which forced taxpayers to settle US\$1.3 billion in private elite debt. To date, the refusal to publish land audit results continues to shield those who captured national resources to maintain the status quo.

International Isolation and the Strategic Capture of Marange

The departure from constitutional norms and the rule of law triggered a period of international isolation and restrictive measures. Combined with internal economic mismanagement, the economy reached a breaking point by 2007. In an attempt to manage public discontent, the state declared the Marange diamond fields a "free-for-all," creating a diamond rush that provided short-term relief during extreme hardship. However, following the contested and violent 2008 elections, the executive moved to take control of these resources for its survival. This was operationalised through Operation Hakudzokwi (October 2008), a violent seizure of the diamond fields ahead of the Global Political Agreement (GPA), resulting in significant loss of life. The seizure enabled the establishment of an off-budget resource base. This was maintained through direct security sector access to mineral wealth, entrenching patronage and undermining fiscal transparency. It contributed to an estimated US\$32.1 billion in illicit financial flows between 2000 and 2020.

The Unity Government, Resource Capture, and the Birth of a New Constitution (2009–2013)

The fierce grabbing of strategic portfolios such as the Mines, Home Affairs and Defence by the governing party in the formation of the GNU reflected the inherent link between resource control and power retention. Marange was partitioned into seven opaque entities involving mainly state security and foreign partners. This strategic control enabled a period of extreme fiscal opacity, highlighted by a constant battle over missing diamond revenues. For instance, while the Ministry of Finance estimated diamond exports at over US\$800 million in 2012, the national treasury received only US\$45 million. Overall, official records

indicate that while Zimbabwe realised over US\$1.7 billion in diamond exports between 2010 and 2014, the fiscus received less than US\$200 million in total taxes and dividends.

This massive disparity confirmed what was widely termed a parallel system, where revenues intended for the fiscus were diverted to sustain patronage networks and off-budget financing. The Chindori-Chininga Parliamentary Report officially documented this pattern, citing systemic political interference and a lack of transparency within state mining entities. The report specifically unearthed discrepancies between producer remittance claims and actual government receipts, alongside instances of transfer pricing and undervaluation of sales. These leakages, later estimated at US\$15 billion in subsequent inquests, played a decisive role in the 2013 elections, where resources were reportedly used to engage firms like Nikuv International Projects for strategic services. In response to this systemic rot and a Lancaster House Constitution that had been mutilated 19 times to centralise power, the GNU managed to give birth to the 2013 Constitution. This citizen-led charter dismantled the unlimited terms of the executive that had entrenched patronage and securitisation of resources. It also introduced devolution to ensure local communities have direct authority over resources to drive effective service delivery.

Succession Infighting and the 2017 Transition

Despite endorsing the people-driven Constitution in 2013, the governing party demonstrated little commitment to its principles. The Constitutional Amendment No. 1 (2017) was passed to allow the executive to directly appoint the Chief Justice, Deputy Chief Justice, and Judge President, bypassing public interviews to ensure judicial control amid an intensifying power struggle. At the same time, Marange diamonds became a central ground for factional control. The executive ordered the seizure of mining companies in paramilitary fashion and consolidated diamond revenues under the Zimbabwe Consolidated Diamond Company (ZCDC) in 2016. This move was widely viewed as having effectively cut off a rival military-backed faction, limiting its capacity to mobilise resources. Faced with this exclusion, observers note that the sidelined faction ultimately resorted to the military-assisted transition of November 2017. The aftermath exposed the depth of resource capture, as the US\$15 billion Diamond Inquiry collapsed after senior political and security actors refused to testify. Ultimately, the “New Dispensation” failed to break from the past, instead continuing to use constitutional amendments to reinforce executive authority over national resources at the expense of constitutionalism.

The Transition from Reform to Consolidation (2017–2026)

Following the 2017 military-assisted transition, Zimbabwe initially projected a vision for an Upper Middle-Income Economy by 2030. Central to this was the National Development Strategy 1 (NDS1), intended to be bankrolled largely by transforming mining into a US\$12 billion industry through accountable governance. In his 2018 inaugural address to the 9th Parliament, the President proposed a package of legislative reforms, including the Provincial Councils and Administration Amendment Bill, the Urban Councils, Rural District Councils, and Traditional Leaders Amendment Bills, meant to institutionalise devolution and transfer power to local institutions. For the mining sector, the Mines and Minerals Amendment Bill was proposed as the principal legislation, supported by the Gold Trade and Precious Stones Amendment Bills. These bills were aimed at plugging leakages and promoting revenue sharing between central and local institutions in line with NDS1 and 2 development priorities.

However, as power became more centralised, none of these bills has passed through Parliament. They were either stalled or dropped completely. Instead, the executive prioritised Constitutional Amendment No. 2 (2021), which removed the Vice-Presidential running-mate clause and granted the executive power to extend judicial terms. While proponents argue these moves ensure political stability and retain judicial experience, the structural result has been a narrowing of oversight. This environment facilitates 'lawfare,' where legal mechanisms can be leveraged to shield the interests of Politically Exposed Persons (PEPs) in the governance framework. This consolidation has birthed an era of environmental lawlessness and institutional capture, further entrenched by gagging laws such as the "Patriot Act" and the PVO Act, which have severely closed civic space and silenced oversight.

In the extractive sector, high-profile cases, such as the Redwing mine saga, demonstrate how PEP-linked syndicates maintain control over gold-rich areas despite superior court rulings. Documentation by the CRD indicates that haphazard mining in over 4,000 unregulated pits at Redwing has claimed over 200 lives since 2020, with deaths continuing in silence. Furthermore, the Al Jazeera "Gold Mafia" documentary highlighted the scale of money laundering and illicit flows involving PEPs. This drive for consolidation has culminated in the hallmark Constitutional Amendment No. 3 (2026), which proposes extending presidential and parliamentary terms from five to seven years. Already, PEPs fronting this amendment are flaunting huge unexplained wealth and accessing lucrative government tenders, directly linking the tampering of the constitution to the capture and depletion of national resources. Despite statutory instrument 188 of 2024 banning riverbed mining, it continues in defiance of the law, causing massive destruction of river ecosystems. While the government celebrates GDP milestones, the Reserve Bank of Zimbabwe and independent monitors estimate that the nation still loses over US\$1.2 billion annually to gold smuggling. The opaque transfer of strategic mining assets to the Mutapa Investment Fund, specifically exempted from public procurement oversight by General Notice 1546 of 2023, 'ringfences' national wealth from scrutiny while the fiscus remains deprived.

A Nation in Retrogression: The Danger of Amendment Bill (No. 3)

Against this background, CRD views the proposed Constitutional Amendment Bill (No. 3) not merely as a legal adjustment, but as a total reversal of the democratic gains made in 2013. By systematically dismantling the independence of the electoral, judicial, and oversight commissions, this Bill shifts Zimbabwe from a representative democracy toward an unchecked executive autocracy. For an organisation focused on natural resources, the implications are clear: when the "pressure of accountability" is removed from the Presidency and Parliament, the nation's minerals and land become the private property of a ruling elite, ringfenced from public scrutiny.

Dismantling of Independent Oversight

The Bill introduces several "gagging" mechanisms that undermine fair elections, the cornerstone of proper citizen representation in parliament and government. In a startling move of retrogression, Section 43A effectively strips the ZEC of its primary duties, substituting them with the office of the Registrar General, which moves the voter's roll back into the hands of civil servants directly controlled by the executive. By extending the terms of both Parliament and the President to seven years, the bill creates a cumulative 14-year cycle of unchecked power. Office bearers who no longer fear a regular, five-year performance review by the electorate have no incentive to curb Illicit Financial Flows (IFFs),

which already cost the nation US\$1.2 billion annually. The proposal for a joint sitting of the Senate and Parliament to elect the President destroys the principle of a people-driven government.

By dismantling the Judicial Service Commission (JSC) mandate for public interviews and removing the Law Society of Zimbabwe (LSZ) from judicial nominations and tribunals, Amendment Bill (No. 3) transforms the judiciary into an extension of the executive. This consolidation, coupled with the President's power to appoint the Prosecutor General without independent oversight, institutionalises a system where legal mechanisms are used to shield PEPs from accountability in the extractive sector. Furthermore, the abolition of the Zimbabwe Gender Commission strips resource-rich host communities, particularly vulnerable women, of the essential institutional platform needed to challenge human rights abuses and state-sponsored resource capture.

The Death of Devolution and Resource Equity

Empowering the President to appoint 10 additional Senators while transferring delimitation authority to a presidentially appointed Zimbabwe Electoral Delimitation Commission ensures that resource-rich provinces lose their independent voice. Furthermore, by repealing the prohibition on traditional leaders engaging in politics, the bill transforms the custodians of communal land into partisan agents. Consequently, these leaders can no longer impartially defend socio-economic justice for traditional communities facing injustices on customary land that conflict with PEPs interests in resource extraction. Zimbabwe's communal land communities remain uniquely vulnerable to forced evictions without compensation due to unsecured land tenure systems and the persistence of colonial-era mining legislation.

Conclusion

A Call to Defend the People's Charter

Constitutional Amendment Bill (No. 3) is a strategic shield for the beneficiaries of impunity. It ensures that the extraction of Zimbabwe's wealth remains opaque, environmental lawlessness goes unpunished, and the "12 Billion Dollar Mining Economy" benefits only those within the patronage system. CRD asserts that this Bill is a betrayal of the 2013 COPAC process and calls on Parliament to reject the Constitutional Amendment Bill (No. 3) and uphold the provisions of the 2013 Constitution. It calls on Parliament to uphold the rule of law and on citizens to recognise that the loss of their vote is the loss of their minerals, their land, and their future.

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