



CALL FOR PROPOSAL FOR:

**THE DEVELOPMENT AND PRODUCTION OF CSO POSITION
PAPERS ON THE RE-ALIGNMENT OF SELECTED LAWS FOR
COMPLIANCE WITH THE CONSTITUTION OF ZIMBABWE**

Assignment Title	Development and production of CSO Position Papers on the Re-alignment of Selected Laws for Compliance with the Constitution of Zimbabwe
Dates:	02 February to 07 February 2016
Special Notes:	Interested Researchers can select one, or more but no more than three of the position papers. For submission instructions please see article 9

1. Introduction

The Zimbabwe Institute (ZI) in collaboration with a Consortium of a broad range of civil society organisations (CSOs) is facilitating a Constitution implementation and monitoring project up to March 2016. As part of this project, ZI needs to commission the production of Position Papers relating to civil society input for the re-alignment of selected laws to the new Constitution.

This Scope of Work (SoW) outlines the key tasks involved in producing a series of civil society position papers on the legislative agenda for the alignment of Zimbabwe's laws and policies to the 2013 Constitution. The Position Papers must contextualise the positions of civil society within the framework of evidence-based research.

The ZI requires the services of seasoned analytical legal/constitutional law experts to produce a Position Paper/s for influencing the re-alignment of laws to the Constitution.

The specific tasks and associated Level of Effort (LOE) required including terms of engagement are outlined below. This SoW will, upon selection of preferred Consultant/s, form the basis for contracting to undertake and complete the required task/s.

2. Background

The Zimbabwe Institute (ZI)

The Zimbabwe Institute is an independent think tank whose main objective is to facilitate alternative research policies for Zimbabwe on critical issues pertaining to political, economic and social development. In broad terms, our fundamental objective is to facilitate alternative research policies for Zimbabwe on critical issues pertaining to political, social and economic development.

3 Objectives and Tasks

3.1 Deliverables

The Consultant/s will be expected to undertake the delivery of a high quality product in the form of evidence-based Zimbabwean civil society position papers on selected laws that require re-alignment to conform to the new Constitution; this will be on the basis of reference materials, interviews and desk top analysis among other factual research data collection methods.

3.2 Reference Material and Intellectual Property

In instances where a Thematic Working Group [TWG] member may have existing materials/papers relevant to the scope of work and they should be willing to share these as primary reference material used in the development of the position paper, these research resources will be availed on condition that they are acknowledged and no violation of copyright/intellectual property right laws is breached in the formulation of the final Position Paper.

4.1 Specific Tasks

4.1.1 Briefing and Inception Meeting (*Indicative Time: 0.5 Days*)

Preparation for the required tasks for optimal delivery of the required product – a Position Paper on civil society positions on selected laws for re-alignment with the new Constitution. A briefing session with the TWG, Bill Coordinator, interested Consortium CSO stakeholders, and ZI will be necessary to ensure that the preparation and methods for the production of the analytical piece is done in a way that ensures the desired result/outcome.

4.1.2 Data Gathering and Analysis (*Indicative Time: 2.5 Days*)

Collection of factual data through research, interviews, key opinion leaders' consultations and any other politically sensitive and confidential engagements.

4.1.3 Role & Responsibilities of Consultant

Summary Brief and Terms of Engagement

- The Consultant will apply any recognised methods and institute processes necessary to deliver a concise, high quality analytical product as required and specified by ZI in this scope of work, inception meeting and review input.
- The Consultant/s will consult regularly and at all material times with the ZI Executive Director, his designate and/or Programme Manager to understand the required tasks and produce the Position Paper/s according to the specifications of this scope of work.
- The Consultant/s will work with ZI, Coordinator/s of the Thematic Working Groups (TWGs) for the selected legislation under review and reach out to TWG members to get their varied views. In all instance the Position Paper shall include input of the "Bill Coordinator", (usually an organisation that has expertise in a given area of law under review) that would have been assigned to give input and feedback on a specific Bill.
- The Consultant/s may at mutually agreed dates, times and venues, be required to attend review, briefings and progress review meetings to be appraised on the civil society positions for the re-alignment of laws and the programme operational context respectively.

4.1.4 Drafting of the following CSO Position Papers (<i>Indicative Time: 1.5 Days</i>)
Theme : Justice, Law and Order 1. Child Justice Bill

Establish the Child Justice Bill, specifically articulating the following;

- Summarize the key issues which the Bill should seek to regulate
- Provide clear recommendations on what needs to be done, for the proposed Bill to be in conformity with the Constitution.

2. International Treaties Bill

Establish the International Treaties Bill, specifically articulating the following;

- Summarize the key issues which the Bill should seek to regulate
- Provide clear recommendations on what needs to be done, for the proposed Bill to be in conformity with the Constitution, particularly how the Bill can sufficiently regulate the State's constitutional duties pertaining the signing, adoption, ratification and the application or implementation of international treaties and conventions.

Theme: Labour , Social Services & Cultural Rights

3. Children's Amendment Bill

Review the Children's Act, specifically analysing the following;

- Summarizing the key issues which the Amendment Bill should seek to regulate
- Assess whether the Act sufficiently gives effect to the rights of children entrenched under the Constitution.
- Assess whether the Act conforms to and gives sufficient effect to the spirit and objects of the Constitution, particularly the constitutional imperatives regarding the protection and promotion of the child's best interests.
- Draw key conclusions on the Act and provide clear recommendations on what needs to be done for the Act to be brought in conformity with the Constitution, particularly how the Act can be improved to give sufficient effect to the relevant constitutional imperatives such as children's fundamental rights and child justice.

4. Disabled Persons Amendment Bill

Review the Disabled Persons Act, specifically analysing the following;

- Summarizing the key issues which the Amendment Bill should seek to regulate
- Assess whether the Act sufficiently gives effect to the rights of persons with disabilities entrenched under the Constitution, and other constitutional imperatives such as the need to protect and promote both formal and substantive equality.
- Draw key conclusions on the Act and provide clear recommendations on what needs to be done for the Act to be brought in conformity with the Constitution, particularly how the Act can be improved to give sufficient effect to the relevant constitutional imperatives such as the rights of persons with disabilities, and the State's constitutional duty to protect and

promote both substantive and formal equality for such persons.

- To obtain and incorporate the issues and views of national representative bodies for the Bill

5. Languages Bill

Establish the Languages Bill, specifically articulating the following;

- Summarizing the key issues which the proposed Bill should seek to regulate
- Ensure that the Bill sufficiently gives effect to the constitutional language and culture rights as well as other constitutional provisions relating to language recognition, including sign language.
- Ensure that the Bill conforms to and gives sufficient effect to the spirit and objects of the Constitution, particularly the constitutional imperatives regarding the protection and promotion of the right to equality for indigenous persons and communities.
- Draw key conclusions on the Bill and provide clear recommendations that ensure that the Bill conforms to the Constitution.

6. Education Amendment Bill

Review the Education Act, specifically analysing the following;

- Summarizing the key issues which the Bill should seek to regulate.
- Assess whether the Act sufficiently gives effect to the constitutional right to education as well as other associated constitutional rights.
- Draw key conclusions on the Act and provide clear recommendations on what needs to be done for the Act to be brought in conformity with the Constitution, particularly how the Act can be improved to give sufficient effect to the constitutional right to education and other associated fundamental rights.

7. Sports and Recreation Commission Amendment Bill

Review the Sports and Recreation Commission Act, specifically analysing the following;

- Summarizing the key issues which the amendment Bill should seek to regulate
- Assess whether the Act sufficiently gives effect to the relevant constitutional guidelines relating to the establishment, functions and duties, funding and powers to be exercised by such Commissions.
- Draw key conclusions on the Act and provide clear recommendations on what needs to be done for the Act to be brought in conformity with the Constitution, particularly how the Act can be improved to give sufficient effect to the relevant constitutional guidelines pertaining to establishment, functions and duties, funding and powers to be exercised by the Commission.

8. National Arts Council of Zimbabwe Amendment Bill

Review the National Arts Council of Zimbabwe Act, specifically analysing the following;

- Summarizing the key issues which the amendment Bill should seek to regulate
- Assess whether the Act sufficiently gives effect to the relevant constitutional guidelines relating to the establishment, functions and duties, funding and powers to be exercised by such Commissions.

- Draw key conclusions on the Act and provide clear recommendations on what needs to be done for the Act to be brought in conformity with the Constitution, particularly how the Act can be improved to give sufficient effect to the relevant constitutional guidelines pertaining to establishment, functions and duties, funding and powers to be exercised by such Commissions.

9. Public Health Management Amendment Bill

Review the Public Health Management Act, specifically analysing the following;

- Summarizing the key issues which the Bill should seek to regulate
- Assess whether the Act sufficiently gives effect to the constitutional right to health care and associated constitutional rights.
- Draw key conclusions on the Act and provide clear recommendations on what needs to be done for the Act to be brought in conformity with the Constitution, particularly how the Act can be improved to give sufficient effect to the constitutional right to health care and associated fundamental rights.

Theme: Finance and Commerce

10. Tourism Amendment Bill

Review the Tourism Act, specifically analysing the following;

- Summarizing the key issues which the amendment Bill should seek to regulate
- Assess whether the Act gives sufficient effect to the constitutional guidelines relating to financial management; specifically, the consultant must draw key conclusions on the Act and provide clear recommendations on what it should regulate; what needs to be done for the Act to be brought into conformity with the constitution.
- Assess whether the Act does not unfairly infringe upon any fundamental rights and any other provisions entrenched under the Constitution.
- Draw key conclusions on the Act and provide clear recommendations on what needs to be done for the Act to be brought in conformity with the Constitution.

Theme: Local Government

11. Traditional Leaders Amendment Bill

Review the Traditional Leaders Act, specifically analysing the following;

- Summarizing the key issues which the amendment Bill should seek to regulate
- Assess whether the Act sufficiently gives effect to the constitutional guidelines and principles relating to the appointment, removal, functions and remuneration for traditional leaders and relations between traditional leaders and other State institutions in Zimbabwe
- Draw key conclusions on the Act and provide clear recommendations on what needs to be done for the Act to be brought in conformity with the Constitution, particularly how the Act can be improved to give sufficient effect to the constitutional guidelines and principles relating to the

- appointment, removal, functions and remuneration for traditional leaders and relations between traditional leaders and other State institutions
- Address issues on the autonomy of Traditional Leaders, Structures of Council of Chiefs and how the public can scrutinize them.
- Address Equality test issue as “chiefs are for Africans”.

Theme: Agriculture, Land and Natural Resources

12. Land Commission Bill

Establish the legislative provisions of the proposed Land Commission Bill, specifically articulating the following;

- Summarizing the key issues which the Bill should seek to regulate
- Draw key conclusions on the Bill and provide clear recommendations on what needs to be done for the Bill to be brought in conformity with the Constitution, particularly how the Bill can be improved to give sufficient effect to the relevant constitutional guidelines pertaining to establishment and removal, functions and duties, funding and powers to be exercised by such Commissions.
- Consultant to look at the relationship between the Land Commission and other commissions/ government agencies/structures for re-alignment opportunities.

NB: Any prospective researcher interested in this Bill must approach the ZI for a copy

13. Notarial Deed for the 99 year Lease

Establish the provisions of the Notarial Deed for the 99 year lease of state land, specifically analysing the following;

- Summarizing the key issues which the Notarial Deed should seek to regulate
- Provide clear recommendations on what the Notarial Deed should provide to be in conformity with the Constitution.

14. Environmental Management Amendment Bill

Review the Environmental Management Act, specifically analysing the following;

- Summarizing the key issues which the amendmentBill should seek to regulate
- Assess whether the Act sufficiently gives effect to the constitutional environmental rights and other associated rights.
- Draw key conclusions on the Act and provide clear recommendations on what needs to be done for the Act to be brought in conformity with the Constitution, particularly how the Act can be improved so that it gives adequate effect to the constitutional environmental rights as well as other associated rights.
- Consultant to explore and study ways of enabling EMA to be more corrective than punitive.

15. Water Amendment Bill

Review the Water Act, specifically analysing the following;

- Summarizing the key issues which the amendmentBill should seek to

regulate

- Assess whether the Act sufficiently gives effect to the constitutional right to water and other associated rights.
- Draw key conclusions on the Act and provide clear recommendations on what needs to be done for the Act to be brought in conformity with the Constitution, particularly how the Act can be improved so that it gives adequate effect to the constitutional right to water as well as other associated rights.
- Consultant to identify gaps in the current Act and give recommendations on ZINWA Act e.g. conflict between Councils and ZINWA.
- Consultant to find and recommend ways of preventing conflicts that exist between various legislation dealing with water management.
- Prevention of duplication of roles by ministries dealing with Water and Local Government.
- Assess whether the Act sufficiently gives effect to the constitutional right to safe, clean and potable water.

4.2 Review and Finalisation (*Indicative Time: 0.5day*)

Based on a review and commentary by the project stakeholders and partners, finalise the draft Position Paper/s and present to the respective Thematic Working Groups (TWGs) and ZI for validation.

5 Deliverables

The production of evidence based Position Paper/s specific to the Zimbabwe civil society context and priorities based on the new Constitution with definitive information on the positions on the re-alignment of selected laws discussed in 4 above.

The position paper should have a 2 page concise summary

Duration

The Consultant/s will be engaged to undertake the required preparatory work to be followed by the Position Paper as the final product after ZI's review and related approvals by 25 February 2016 (First Draft) and 10 March 2016 (Final Draft).

6 Reporting

Reporting shall be done through ZI, to the Thematic Working Groups and feedback and subsequent approval of all output will be granted through the secretariat i.e. ZI's specified *objectives and tasks* (in 4, above) of the assignment based on this scope of work by 25 February 2016.

7 Payment

For each Position Paper the Consultant/s will be engaged on a Fixed Fee Contract for a fixed number of days at a daily fee determined through negotiation with the Consultant/s.

Payments Schedule

The total fee for the assignment will be agreed on the basis of a signed valid contract between ZI and the Consultant; the Consultant/s will be paid 50% of the total agreed and contracted fee on submission of a First Draft of the Position Paper/s that meets the full requirements of this scope of work in the opinion of the TWG bill Coordinators, the Project Steering Committee and ZI with the balance being paid on full completion and acceptance of the Position Paper/s by the same based on the assignment objectives and expected deliverables.

8 Role of the Zimbabwe Institute

ZI will provide the Consultant/s with all necessary documents and any other information to expedite the undertaking of tasks to completion; the ZI may review, comment and advise the Consultant/s on the delivery or completion of all required tasks.

The ZI will be responsible for the coordination and logistics of all meetings between the consultant, the Thematic Working Groups and all other key informants and respondents in the process of developing the position paper/s.

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9. Submission Instructions

Submissions to bid for the assignment must be submitted electronically via email to cs0.cmi@gmail.com by 12:00 Hrs Sunday 7 February 2016 and include the following;

- 9.1 1-2 page Expression of Interest outlining the methodology of the paper/research methods and the broad parameters/principles of the subject matter;
- 9.2 Consultants' CV; and
- 9.3 Sample of any written work/publication in the last 3 years.
- 9.4 Each Expression of Interest must identify one, up to a maximum of 3 pieces of legislation, for which to develop a Position Paper out of those listed in 4.1.4 (Drafting of the following Position Papers). Should a researcher select more than one position paper they must ensure that each submission meets requirement 9.1; and the rest need not be replicated.
- 9.5 Conflict of interest: If a consultant belongs to any of the participating organisations in the Consortium, a declaration of this fact should be stated with submission of the application
- 9.6 The identification of researcher is subject to a vetting/screening process by the Project 's Steering Committee (PSC).

End: 01 02 2016