

Evaluation of the National Constitutional Assembly (NCA) of Zimbabwe

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Dr Cephass Lumina

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Canadian International Development Agency (CIDA)

FINAL REPORT

written

by

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Executive Summary

This report presents the main findings of an evaluation of the National Constitutional Assembly (NCA) of Zimbabwe. The evaluation was commissioned by the Swedish International Development Cooperation Agency (Sida), the Royal Norwegian Embassy (RNE) and the Canadian International Development Agency (CIDA) in Zimbabwe. The purpose of the evaluation was to 'provide a framework for and establish the NCA's record of achievement in relation to its objectives, the impact it has made and relevance, its strategies given the current developments in Zimbabwe'. The aim was to assess whether funding support provided by Sida, RNE and CIDA 'has yielded sustainable results that benefit the poor.'

The findings indicate that there is a widely held perception that the NCA has contributed to raising public awareness of constitutional and human rights issues in Zimbabwe and that it is considered a relevant actor in the constitutional reform process.

Many also feel that the NCA has a role after the adoption of a national constitution through an inclusive and participatory process: that of an independent watchdog. While it is difficult purely based on the available documents to state with a degree of certainty that the funding support provided over the years to the NCA by Sida, CIDA and RNE 'has yielded sustainable results that benefit the poor' and to assess the impact of the NCA, the fact that it has managed to keep the constitutional issue on the national agenda despite operating in a difficult political, social and economic environment over the years, is in and by itself a remarkable achievement. Further, it appears that the NCA's sustained push for constitutional reform has contributed to an enhanced political commitment to constitutional reform as reflected in article 6 of the Global Political Agreement (GPA)¹ and the inclusive government's adoption of a timetable for constitutional reform.

On the balance, the overall message of the evaluation is a positive one, albeit with important caveats. Although the NCA is perceived to be an important actor in the

¹ The Agreement between the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the two Movement for Democratic Change (MDC) Formations on Resolving the Challenges Facing Zimbabwe (the Global Political Agreement) of 15 September 2008.

constitutional reform process, there are some concerns relating to its governance and advocacy strategy. In particular, there are concerns about its failure to revise its advocacy strategy to enable it engage more constructively with the Government of National Unity² and other civil society organisations in the context of the constitution making process provided for under article 6 of the GPA. The perception that the NCA is a personal project of its leader and concerns about undemocratic practices, poor governance and lack of transparency within the organisation have also undermined or threaten to undermine its credibility.

The main recommendations are that the NCA should: rethink its advocacy strategy in the light of the opportunities for constitutional reform offered by the current political environment; review its constitution to address inconsistencies and lacunae therein; review its governance structure to ensure its effectiveness; separate policy making structures from the operational/administrative structures to ensure proper accountability and oversight; and commit more seriously to implementing recommendations arising out of external assessments and audits. In addition, this report recommends that donors should coordinate their funding support to the NCA and other civil society organisations working on constitutional reform issues in order to ensure coherence and efficient use of resources.

² The Government of National Unity (or inclusive government) was established in terms of the Global Political Agreement.

Abbreviations and Acronyms

ACA	Annual Consultative Assembly
AGM	Annual General Meeting
AIPPA	Access to Information and Protection of Privacy Act
CCJP	Catholic Commission for Justice and Peace
CIDA	Canadian International Development Agency
GPA	Global Political Agreement
HIV/AIDS	Human Immunodeficiency Virus / Acquired Immune Deficiency Syndrome
HIVOS	Humanist Institute for Cooperation with Developing Countries (The Netherlands)
LRF	Legal Resource Foundation
MDC-M	Movement for Democratic Change (Mutambara)
MDC-T	Movement for Democratic Change (Tsvangirai)
MISA	Media Institute of Southern Africa
NANGO	National Association for NGOs in Zimbabwe
NCA	National Constitutional Assembly
NGO/s	Non-Governmental Organization/s
NiZA	Nederlands instituut voor Zuidelijk Afrika (Netherlands Institute for Southern Africa)
NORAD	Norwegian Agency for Development Cooperation
POSA	Public Order and Security Act

RNE	Royal Norwegian Embassy
SADC	Southern African Development Community
Sida	Swedish International Development Cooperation Agency
ZANU-PF	Zimbabwe African National Union – Patriotic Front
ZCTU	Zimbabwe Congress of Trade Unions
ZESN	Zimbabwe Electoral Support Network
ZIMCET	Zimbabwe Civic Education Trust
ZIMCODD	Zimbabwe Coalition on Debt and Development
ZimRights	Zimbabwe Human Rights Association
ZINASU	Zimbabwe National Students Union
ZLHR	Zimbabwe Lawyers for Human Rights
ZWLA	Zimbabwe Women Lawyers' Association

1 Introduction

This is a Final Report on the evaluation of the National Constitutional Assembly (NCA) of Zimbabwe. The evaluation was commissioned by the Swedish International Development Cooperation Agency (Sida), the Royal Norwegian Embassy (RNE) and the Canadian International Development Agency (CIDA) in Zimbabwe. The purpose of the evaluation was to ‘provide a framework for and establish the NCA’s record of achievement in relation to its objectives, the impact it has made and relevance, its strategies given the current developments in Zimbabwe’. The aim was to assess whether funding support provided by Sida, RNE and CIDA ‘has yielded sustainable results that benefit the poor.’ The evaluation was conducted by a team of two consultants who are external to the NCA and the three donors: Dr Cephass Lumina (Lead Consultant)³ and Ms Sekai Saungweme (Sub-Consultant).⁴ The requirement in clause 6.4 of the Terms of Reference that both consultants be external to and have no prior involvement with the NCA and its donors was designed to ensure their independence and objectivity.

1.1 TERMS OF REFERENCE

The detailed Terms of Reference are contained in Appendix A to this report. Based on our understanding of your requirements as reflected in the terms of reference, we were expected to: (a) assess the performance and management of the NCA programme for the period 1 January 2003 to December 2007; (b) evaluate the NCA’s institutional effectiveness; (c) make recommendations based on the achievements and lessons learned; and (d) critically assess possible requirements for donor support to the NCA to enable it respond to new opportunities for effecting meaningful constitutional and legislative improvements.

In accordance with the above specification, the report outlines the main findings,

³ LLB (Zambia) LLM (Essex) PhD GradCertHEd (Griffith) AdvDiplntHR (Abo Akademi); Advocate of the High Court for Zambia; Extra-Ordinary Lecturer, Centre for Human Rights, University of Pretoria; Director, HURICON – The Human Rights & Governance Consultancy, South Africa. This report and all previous drafts were authored by Dr Lumina.

⁴ LLB (Fort Hare). Ms Saungweme was not involved in the later phases of the project (i.e. from presentation of the Second Draft Report to completion of the Final Report).

highlights the constraints and limitations to the evaluation and makes recommendations to the NCA and its donors based on the findings.

1.2 A NOTE ON METHODOLOGY

As specified in the terms of reference, the evaluation was to be conducted primarily through a desk review of available documents, interviews with selected stakeholders including the NCA structure, project beneficiaries, academia, civil society organisations and donors and a number of field visits. We undertook the following activities:

- review of various documents including the NCA Constitution, annual reports, funding proposals, grant agreements, correspondence between the NCA and some donors, the KPMG Report on the Financial and Compliance Review of the NCA for the period 1 July 2004 to 31 December 2007 ('the 2008 KPMG Audit Report'), the NCA Strategic Plan Synthesis Workshop Report of April 2004, the NCA Strategic Plan 2004-2006, the NCA Management Systems Manual, the 2003 NCA Evaluation Report, a sample of NCA Workshop Evaluation Forms and newspaper accounts of events. The documents reviewed for this evaluation are listed in Appendix C to this report.
- interviews with various stakeholders, including NCA structures at the national, regional and constituency levels,⁵ NCA Secretariat staff, a selection of involved donors, civil society organisations (selected from a list of institutional members made available by the NCA), and a senior government official (see Appendix B). The interviews, which we conducted in person, took about an hour. We emphasised the confidentiality of the information collected during the interviews, that we would not attribute any information to anyone without their express consent, and that the purpose of the evaluation was to learn from the past and improve for the future. The questions were designed to elicit information around the issues outlined in the terms of reference. A matrix was used to analyse the responses of individuals within each informant group (i.e. donors, NCA structures, government and civil society organisations) in order to identify common trends.

In addition, we attended an NCA briefing for parliamentarians at the Holiday Inn in

⁵ Interviews were conducted with the NCA leadership from all provinces, except Masvingo and Harare. For these two regions, we used questionnaires which the NCA kindly sent to its offices in the two regions for completion by the relevant individuals and subsequent return.

Harare on 9 April 2009 and observed a meeting of the NCA Taskforce on 11 April 2009.

We had anticipated that we would also use focus group discussions or interviews with target beneficiaries in order to obtain testimonials to how they changed as a result of participating in the NCA programmes / activities and observations of NCA activities. However, this was not possible because there were no ongoing activities during the period of data collection and field visits. Although we had requested the NCA Secretariat to facilitate access to project beneficiaries, it was unable to do so. We attempted to address this limitation by reviewing a sample of Workshop Evaluation Forms that had been completed by participants in previous NCA workshops. We also relied on the results of a survey on 'Constitutional Reform Interventions and Democratisation in Zimbabwe' conducted by the Mass Public Opinion Institute (MPOI). We are grateful to the Institute for permission to use the results of the survey.

Although the Terms of Reference required us to undertake an 'impact evaluation', we considered that five weeks is not a feasible time frame to carry out an impact assessment of a programme spanning a five year period (January 2003 to December 2007). Impact is the most difficult type of evaluation to undertake due to the amount of time and resources necessary to adequately assess the impact of a programme. It also involves a complex set of methodological tools and numerous challenges. Typically, an impact evaluation requires two surveys: (1) a **baseline** survey designed to establish the appropriate comparison group and to control for observable programme selection criteria; and (2) a subsequent survey which tracks the achievements / benefits to the group under observation as a result of their involvement with the programme in order to ascertain the impact of the programme. The two surveys are usually separated by a defined time period. Given the available time frame, it was impossible for us to conduct a typical 'impact' evaluation.⁶ In the absence of a baseline survey, we relied extensively on secondary data to buttress information obtained through interviews with various stakeholders.

1.3 CONSTRAINTS AND LIMITATIONS

We encountered a number of problems which adversely impacted on the evaluation,

⁶ It should be noted that the Lead Consultant raised this concern at a meeting with representatives of CIDA on 8 April 2009 who acknowledged that the issue had been discussed among the clients. However, the issue was never addressed conclusively.

particularly with regard to the quality of the data collected. These included:

- the poor state of preparedness for the evaluation by the NCA and its tardiness in responding to our requests for information /clarifications. Although we had anticipated that the NCA would have collated all the key documents ahead of the evaluation, this was not the case. Consequently, an inordinate amount of time was spent on preparing for the field visits and on organizing the relevant information. This took away valuable time from the evaluation.
- the lack of comprehensive records and the poor quality of available information including outdated membership lists (which we attribute to poor records management within the NCA) and poorly prepared annual reports made it difficult to obtain accurate information. For example, large portions of the 2006 annual report are substantially similar to the 2005 annual report and while the 2007 annual report ostensibly covers the period 1 January to 31 December, it mentions events that occurred in 2008 (i.e. the 29 March and 27 June 2008 elections). Similarly, the Bridge Funding Report for April-June 2003 includes activities that were conducted beyond the cut-off date, namely, July 2003.
- Gaps in terms of information, including incomplete statistical information concerning attendances at workshops which made it very difficult for us to properly assess the NCA's programme offerings and key organizational development activities. For example, the 2005 annual report contains statistics concerning attendances at grassroots workshops for the period January to December 2005 but only attendance figures concerning gender and youth workshops and public meetings for the period July to December 2005 (see appendices 2 and 3 to the report). There is no indication that any gender / youth workshops and public meetings were held during the period January to June 2005 nor is there an explanation for the lack of the relevant statistics if these events did take place. This lacuna makes it difficult, if not impossible, to compare attendances for the preceding and succeeding years and therefore to assess whether the NCA activities in these categories reached more beneficiaries during the period under review.

1.4 STRUCTURE OF THE REPORT

The report is set out in four main sections. Section 1 is the introduction. Section 2 outlines the main findings of the evaluation in five main areas: governance and

structure; management and administrative systems; gender sensitivity and social inclusion; implementation of recommendations (from external evaluations and audits); and compliance with the requirements of funding agreements. The section also reviews the programmes and activities undertaken during the period 1 January 2003 to 31 December 2007 and provides an assessment of the financed activities during this period. Section 3 sketches the perceptions and views of the various stakeholders interviewed for the evaluation. Section 4 summarises the main conclusions of the evaluation and offers an overall assessment of the NCA in accordance with the criteria stipulated in the Terms of Reference: relevance, effectiveness, impact, efficiency, coordination, strategic coherence and coverage. The section also sets out some recommendations directed to both the NCA and its donors.

1.5 ACKNOWLEDGMENTS

We are grateful to Sida, CIDA and the RNE for affording us the opportunity to undertake this consultancy. We also record our gratitude to the NCA, Sida and the Royal Netherlands Embassy in Harare for making available to us the various documents that we reviewed for this evaluation. We further gratefully acknowledge the assistance of the NCA in arranging the interviews and the field visits. Finally, we would like to offer our profound thanks to the Mass Public Opinion Institute for granting us permission to use the results of its 2008 survey on constitutional reform interventions in Zimbabwe and to all the key informants for the time they gave to the evaluation.

2 Evaluation of the NCA: Main Findings

The evaluation has generated a number of findings. As noted earlier, this section is confined to summarising the main findings in five key areas: governance and structure, management and administrative systems, gender sensitivity and social inclusion, implementation of recommendations, and compliance with grant agreements. The section also outlines the financed activities undertaken by the NCA during the period 1 January 2003 to 31 December 2007, and provides an assessment of the impact of these activities.

2.1 GOVERNANCE AND STRUCTURE

Overview of the NCA

According to information available on its website, the NCA is an NGO formed in 1997 as a grouping of individual Zimbabwean citizens and civil society organizations, including labour unions, student and youth groups, women's groups, churches, business groups, human rights organizations and political parties.⁷ The NCA was formed to campaign for constitutional reform culminating in a new, democratic constitution designed to address the country's political, social and economic problems which it attributed to the 'defective' Lancaster House Constitution in force since independence in 1980.

The vision of the NCA is 'a peaceful, prosperous, democratic and united country founded on human dignity and social justice'. Its goal is for Zimbabwe to have a new, democratic and 'people-driven' constitution. The NCA considers a democratic constitution the 'basis of good governance' and that good governance, in turn, leads to social and economic development.

The aims and objectives of the NCA are set out in the Preamble to and section 3 of its Constitution. In terms of section 3, the 'further objectives' of the NCA are:

⁷ See <http://www.ncazimbabwe.org> (accessed 20/04/09).

- To strive to protect, promote, deepen and broaden the concepts and practice of democracy, transparency, good governance, justice and tolerance in the Republic of Zimbabwe;
- To strive for the initiation of a Constitutional making process in Zimbabwe (including: (a) engaging in the process or processes of enlightening the general public on the deficiencies and weaknesses of the current constitution of Zimbabwe and advocating for a new Constitution of Zimbabwe; (b) participating in any fora organised to discuss the current Constitution of Zimbabwe and issues to be covered in the new Constitution of Zimbabwe; and (c) preparing a draft or drafts of a new Constitutional order for Zimbabwe);
- To strive to protect, deepen and foster a human rights culture and the rule of law in Zimbabwe;
- To implement, incorporate and protect in Zimbabwe international human rights norms, as contained in important conventions such as, but not limited to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the United Nations Convention on the Elimination of all forms of Discrimination against Women, the United Nations Convention on the Rights of the Child, and the African Charter on Human and Peoples' Rights;
- To work with other similarly minded organisations or individuals in Zimbabwe in establishing or striving to establish in Zimbabwe: (a) a new tolerant, transparent and democratic, legal, political, social and economic order and (b) a new Constitutional framework upon which governance can be founded.

The core business of the NCA centres around:

- arranging meetings, seminars, debates and training workshops consistent with its objectives;
- issuing public statements on important national issues;
- monitoring social, political and legal developments in Zimbabwe and submitting position papers to relevant bodies or authorities;

- organising and participating in public campaigns including peaceful demonstrations, protests, boycotts or stay-aways or any other such activities;
- organising and authoring publications including leaflets, newspapers, journals or petitions;
- creating regional and local subcommittees or working groups with an interest in or concern with the aims and objectives of the NCA Constitution;
- engaging in local and international networking;
- creating archives, data bases and resources for its activities, any other related activities or developments in Zimbabwe;
- assisting litigants and/or participating in any litigation including representative actions in which important human rights or constitutional issues are being raised;
- doing all such things as are necessary to achieve the aims and objectives of the NCA.

Institutional Structure

According to the undated NCA Constitution made available to us, the NCA has five main organs: the Congress, the Annual Consultative Assembly, the National Taskforce, the Region and the Constituency. However, the Constitutional provisions concerning these organs are somewhat ambiguous. For example, the Annual Consultative Assembly while stated to be a separate organ is referred to in section 7.2 of the Constitution as 'the Congress'.

Based on the information contained in the NCA Strategic Plan: 2004-2006 (which is described as the Strategic Plan for the period 2004-2007) and other NCA documents as well as interviews with the NCA Secretariat, we ascertained that the NCA has structures at national, regional (provincial), constituency and ward levels. The organizational structure has two main components; namely, the 'political' structure consisting of the various elected bodies at the various levels and the Secretariat which comprises employees of the organization.

At the national level, the organs of the NCA are the Congress (which meets every five years), the Annual Consultative Assembly, the National Taskforce, national committees and the Secretariat. The Annual Consultative Assembly was converted from the Annual General Assembly of all members following the 2006 amendments to the NCA Constitution.⁸ It is the supreme governing organ of the NCA comprising the Taskforce, Standing Committees and the Regional Committees. It meets annually to formulate policies and principles of the NCA, review and supervise the work of the National Taskforce, approve audited financial statements of the NCA, elect members of the National Taskforce and repeal and amend the Constitution.

Below the Annual Consultative Assembly, is the National Taskforce consisting of 33 members elected in accordance with the procedures prescribed by the Constitution to serve for five years.⁹ The Taskforce is responsible for managing the affairs of the NCA and has a broad range of powers which include promoting and implementing the aims, objectives and policies of the NCA, controlling the financial affairs of the NCA, employing any person to manage or assist in the management of the objects of the NCA and to remunerate such employee from the funds administered by the Taskforce, and to create sub-committees of its members. The NCA Constitution provides that the Taskforce meetings are to be held at least every two months and that the quorum of all Taskforce meetings shall be 17 members. According to the 2008 KPMG Audit Report, however, the requirement for meetings at least every two months was not met.

The NCA Constitution provides for eight standing committees of the Taskforce (elsewhere within the Constitution referred to as 'Statutory Committees') to assist it in carrying out its functions. These include the Local Regional Committees, Management Committee, the Media and Information Committee, the Gender Committee, the Youth Committee, the Advocacy and Action Committee, the Disciplinary Committee and the Legal Committee. Three additional committees have been created pursuant to the power of the Taskforce under the Constitution to create sub-committees of its members and to prescribe terms of reference for these sub-committees. The additional committees are the Political Parties Liaison Committee, the Human Rights Committee and the Editorial Committee. Each of these committees is chaired by a member of the Taskforce.

⁸ See *Agenda*, Vol. 1, February 2007, p 13.

⁹ See Appendix E for the list of current Taskforce members as provided by the NCA.

The functions of all the committees, except the last three mentioned above, are provided for in the Constitution. It is notable, however, that the Constitution contains contradictory provisions concerning the composition of the Management Committee. While one provision states that it consists of the Chairperson, Vice-Chairperson, chairpersons of standing committees and four other members of the Taskforce (a total of 14 members), another states that it 'shall be chaired by the Chairperson and shall consist of not more than five members of the Taskforce' (a total of six members). The Taskforce is responsible for, among other things, the day to day supervision of the Secretariat, recruitment of staff, fundraising and financial management.

The Secretariat is composed of all paid employees of the NCA. It is headed by a National Director. The Director is assisted by a number of senior staff below whom are other administrative and support staff (see Appendix D). Apart from a rather ambiguous reference to the Secretariat holding 'regular meetings of its own to discuss, set goals, and targets and any other office matters', the Constitution does not spell out the role of the Secretariat. We are of the view that this is a serious lacuna as it may lead to confusion about the role of the Secretariat, thereby threatening the institutional effectiveness of the NCA. It is therefore necessary for the Constitution to clearly spell out the role of the Secretariat.

The provisions concerning the regional committees and constituency committees are confusing. For example, while section 9.2 clearly provides that the chairpersons of each constituency in the region are members of the regional executive committee, section 9.3 provides that the regional executive committee 'shall be elected at a Regional Assembly meeting'. In similar vein, while section 10.2 makes it clear that the 'Chairperson of each Ward shall be a member of the Constituency Committee', section 10.3 states that 'the constituency executive committee shall be elected at a Constituency Assembly'. This implies that the constituency chairpersons and ward chairpersons are also subject to election to committees of which they are members by virtue of their positions in the constituencies and wards.

In 2004, the NCA reported that it had adopted an organogram which separated 'purely administrative activities from programme implementation' and separated the 'political structures' from the day to day administration of the organisation. However, interviews with NCA staff indicate that this has not occurred. For example, the Chairperson, who is a member of the Taskforce (a political structure) appears to be intimately involved in the day to day administration of the organisation, including financial administration.

Some members of staff contended that the National Director has 'no real power' and does not make administrative decisions. As an example, they cited a memorandum dated 3 April 2009 from the Chairperson to the Director concerning staff leave which effectively overruled an earlier memorandum by the Director on the same issue. The Chairperson's memorandum instructed the Director to 'submit to the Chairperson's office by close of business on Tuesday 14 April 2009 a schedule of the periods of leave for the employees affected' and to 'ensure that this form of intervention by the Taskforce is avoided' in the future. In the view of the staff members concerned, the Chairperson's memorandum, which was copied to all members of the Secretariat, the Management Committee and Regional Chairpersons, clearly demonstrated that the Director lacked administrative control. Another example given is the approval of the Secretariat's 'petty cash plan' by the Chairperson rather than by the Director or the Finance Manager. In our opinion, such a state of affairs may undermine the Director's authority.

We observed that the Chairperson maintains an office at the NCA Secretariat to be more 'closely involved' in the organisation's activities. It is our considered view that this state of affairs is undesirable, especially in view of the widespread perception that the NCA is virtually indistinguishable from its Chairperson – a view shared by at least one senior NCA member:

There is a big difference between the NCA as it was six years ago and as it is today. ... Employees now only consider the Chairperson to be the NCA. There is need for the NCA to come back to its original form.

The presence of the NCA Chairperson at the Secretariat on a daily basis may also unduly interfere with the operational autonomy of the Secretariat and does not bode well for accountability and oversight within the NCA. It is important that the 'political' or policy making structures be kept separate from the Secretariat.

Membership

The NCA Constitution provides for two categories of membership: (a) institutional and (b) individual members. Both types of members must subscribe to the aims, objectives and spirit of the Constitution. In addition, they must pay the requisite subscription fees except where they were already registered as members as at 28 February 1999.

From discussions with the NCA Secretariat and other structures of the NCA, we established that the organisation recruits members through public meetings and door-to-door campaigns and that it plans to continue to recruit members through these avenues. The responsibility for maintaining membership records rests with the Field Officers at the regional level and with the Advocacy and Youth Officer at the national level. We observed that the membership record keeping is chaotic and the records do not appear to be up to date. In this regard, it is notable that under clause 9.1 (viii) of the Management Systems Manual the National Coordinator (a position which, it must be noted, no longer exists within the NCA¹⁰) is enjoined to 'ensure that a separate file is kept for membership registers including a full list of National Taskforce, Regional Taskforces and Constituency Committee members'.

In 2003, the NCA reported that plans were at 'an advanced stage to establish an easy to access electronic membership database' and that the plans would 'reach fruition once the system for payment of subscriptions and issuing of membership cards (was) implemented'.¹¹ According to the 2003 NCA Evaluation Report, the membership of the organisation was approximately 500,000 individual members and 150 institutional members as at the date of the evaluation. In 2004, the NCA reported that 'membership consolidation remains an outstanding problem'.¹² It attributed the lack of progress on this issue to 'huge costs' and the 'enormous amount of work involved in compiling membership lists and distributing cards'. In 2005, it reported that:

The outstanding issue under membership consolidation is the creation of the national membership database, which is subject to the availability of funds.¹³

The following year, the NCA reported that a total of 3526 new members were recruited.¹⁴ However, from the undated registers made available to us, we determined that the total individual membership of the NCA is 1648. Of this number, 37 percent are female and 63 percent are male. Table 1 below provides the relevant membership figures.

¹⁰ The position of National Coordinator has been replaced with that of the National Director.

¹¹ NCA, *Bridge Funding Report*, July-December 2003.

¹² NCA, *Annual Report 2004*, p 2.

¹³ NCA, *Annual Report 2005*, p 21.

¹⁴ NCA, *Annual Report 2006*, p 12.

Table 1: NCA Individual membership

Region	Male	Female	Total
Bulawayo	45	15	60
Harare	127	141	268
Manicaland	93	18	111
Mashonaland Central	64	15	79
Mashonaland East	120	82	202
Mashonaland West	282	199	481
Masvingo	44	85	129
Matebeleland North	63	12	75
Matebeleland South	42	8	50
Midlands	159	34	193
TOTAL	1039	609	1648
Percentage	63%	37%	100%

In addition, a number of organisations that the NCA listed among its institutional members (see Appendix F) indicated either that they were not members or that their relationship with the NCA was an 'informal' one. As noted in the 2003 Evaluation Report, the decreased involvement of institutional members has reduced the NCA's access to the constituencies of these organisations. In turn, this reduced access has deprived the NCA of the opportunity to integrate its agenda into the agendas of the member organisations - an opportunity that could save the NCA costs and time of administering activities. The NCA has acknowledged this and it has signalled its intention to call a meeting with these organisations in an attempt to reach out to them to resume their involvement in the activities of the NCA. We consider that this is an initiative that is worthy of support as it can help forge a coordinated civil society approach to the current constitutional reform process.

It should be noted that in its annual reports for the period under review, the NCA stated that it was working on updating its membership database but was constrained by the lack of funds. The absence of up to date membership registers clearly indicates that this has not been achieved to date.

2.4 MANAGEMENT AND ADMINISTRATIVE SYSTEMS

General

The NCA's management and administrative systems and procedures are set out in the Management Systems Manual which was initially adopted in 1998 by the Finance and Management Committee of the Taskforce. The Manual was revised in 2006 following the recommendation of the AGM and adopted by the Management Committee the same year. This (undated) document contains guidelines on the day to day management of the organisation which apply to both the Secretariat and the Taskforce. The guidelines cover issues such as recruitment and appointment of employees, termination of employment, records, remuneration and hours of work, administration of finances, and allowances.

We noted that the Management Systems Manual is repetitive in some parts and contains some provisions which are either unclear or tend to cause confusion. For example, clauses 4.2 and 4.3 concerning temporary employees and clauses 9.1 and 14 concerning office records are substantially similar. Clause 5.1 concerning the supervision of employees may lead to confusion in terms of lines of reporting and responsibility. It provides:

In relation to Head Office staff, Taskforce members shall relate to the secretariat through the National Director, provided that the Taskforce chairperson or the chairperson of the Management Committee or some other authorized member of the Taskforce may, where necessary, *give appropriate instructions to an employee*. The Management Committee shall supervise the National Director and this shall normally be done through the Taskforce Chairperson (emphasis added).

It goes on to provide that, '[f]or avoidance of doubt, these employees are supervised and directed by the National Director'. Similarly, clause 5.1 provides with regard to matters at the regional level that:

The Regional Taskforce, through the Regional Chairperson, *may assign any tasks* to the Field Officer and if the latter is unable to perform the said task for reasons related to commitments to which he/she is answerable to National Director, he/she shall immediately make the point to the Regional Chairperson who shall either alter the allocation or contract (sic) the National Director and/or the Management Committee (emphasis added).

These provisions may lead to confusion in circumstances where, for example, the National Director and a member of the Taskforce give contradictory instructions to an

employee concerning the same matter. It is important that these ambiguities are addressed. Detailed job descriptions for Secretariat staff and clear constitutional provisions concerning the duties of the various office bearers can help address this confusion. However, we noted that the NCA does not appear to have job descriptions for its Secretariat staff.

Financial System

Financial matters are governed by the Management Systems Manual. Clause 7 of the Manual provides for a centralised financial administration system with the main bank accounts being administered from the national office. Financial controls include the requirement that a cheque must be signed by two signatories and that all expenditure should be supported by appropriate documentary proof. The Manual provides that, at the national level, the signatories 'shall be the National Coordinator¹⁵ and Taskforce members appointed by the Taskforce on the recommendations of the Finance and Management Committee'. Although the Manual prescribes the procedure for the signing of cheques at the head office, this does not appear to be followed and, in practice, the signatories are the National Chairperson and at least one of the five members of the Management Committee. No member of the NCA Secretariat is a signatory to the accounts. At the regional level, cheques must be signed by at least two signatories.

Our discussions with Secretariat staff revealed that, in addition to local bank accounts, the NCA operates an offshore account with Barclays Bank in Botswana.¹⁶ The signatories to this account are the Chairperson (Dr Madhuku) and a Mrs Farai Cherera (a member of the Management Committee).

The provisions concerning petty cash are rather ambiguous. However, the NCA Secretariat informed us that the administration of the cash float has been suspended because of hyperinflation. According to the National Director, 'it is not easy to set limits as these figures had to be changed every day. A new system is being developed in view of the dollarization of the economy'.

¹⁵ Now known as the National Director.

¹⁶ According to the NCA Chairperson, this account became operational in October 2008.

In an interview with a member of the evaluation team, an NCA staff member raised concerns relating to the possible misuse of funds through the organisation's bank signatory and petty cash arrangements. According to this member of staff, the National Chairperson personally travels to Botswana to draw funds from the account and disburses these funds to NCA activists in a manner suggestive of patronage. In a written response and at a meeting of all stakeholders on 25 September 2009 to discuss the second draft report on the present evaluation, the NCA leadership strongly denied the claims about possible misuse of funds.¹⁷ The NCA intimated as follows:

Only a signatory can withdraw cash from Barclays Bank in Botswana. The letter requesting cash is prepared and signed by the NCA Finance Manager, who retains a copy. The chairperson and the other signatory then sign the request. One of the signatories takes it to Botswana and returns with the cash which is handed to the Finance Manager. That signatory need not be the National Chairperson. Thereafter, it is used in the normal way. There are no circumstances where the chairperson "disburses" funds... The NCA will not tolerate a patronage system ... The use of "off-shore" accounts makes organizations vulnerable to cheap allegations of financial abuse. It is a dangerous terrain which can divert attention and destroy institutions and reputations. The methods used were not the best. They created room for all sorts of possibilities. Everybody could end up being accused of financial mismanagement. This is why the NCA was among the last organisations to use an off-shore account.¹⁸

We have not had occasion to examine any financial records relating to the bank account in question. Consequently, we cannot test the veracity of the claims concerning financial irregularities nor can we draw any conclusions on them. However, these concerns may stem from the rather unusual arrangement where the Chairperson and members of the Taskforce, rather than the National Director and the Finance Manager, are signatories to the organisation's bank accounts. In view of the fact that the Taskforce plays an oversight role in relation to the Secretariat and that it is accountable to the Congress which meets once every five years, this arrangement may raise questions about the efficacy of the organisation's financial controls.

Conversely, we have established that the maintenance of an off-shore bank account is neither unusual nor unique to the NCA. Our discussions with both the NCA and the core donors indicate that a number of Zimbabwean civil society organisations operate or have operated off-shore bank accounts, often at the behest of the donors. It is also important to recall that the 2008 KPMG Audit Report noted that 'funds appear to have been utilised in accordance with project plans and there is no reason to believe that

¹⁷ NCA Comments on One Aspect of the Draft Report, 25 September 2009 (on file with the evaluation team).

¹⁸ Ibid, pp 3-4.

there has been misappropriation of funds', although it makes no mention of the Barclays Bank account in Botswana (the auditors do not appear to have been aware of the existence of this bank account).¹⁹ Nevertheless, the audit report also observed that although the NCA Constitution enjoins the Management Committee to draft, advise and recommend proposed budgets to the Taskforce and the latter is supposed to receive monthly financial reports from the Committee, no budgets or monthly financial reports were submitted to the Taskforce as required by the Constitution during the 42 months preceding December 2007.²⁰ The audit report noted that such a situation posed the risk that financial irregularities may not be uncovered timeously if the Taskforce does not regularly fulfil its financial oversight role. While this state of affairs may generate some concern, it does not provide sufficient basis for a conclusion that there has been financial mismanagement as alleged.

In our estimation, the NCA's financial management system is unsatisfactory and is bound to give rise to the concerns of the kind adverted to above. It is notable that the NCA Constitution does not contain any substantive financial provisions relating to matters such as bank accounts, responsibility for signing cheques and auditing of the organisation's accounts. This omission is rather unusual and it raises questions about the financial accountability of the organisation's office bearers to the general membership. As a membership based organisation and to ensure greater transparency and accountability to its membership, it is important that the NCA Constitution contain clear provisions on the organisation's finances. In particular, the Constitution should specify which office bearers are the signatories to the organisation's bank accounts and outline the auditing process.

Finally, it is worthy of note that in response to the 2008 KPMG audit findings, the NCA management had intimated that it would implement 'all the recommendations meant to improve the organisation's internal control system' by 31 March 2009. However, no evidence was presented to us that this had been done as at the time of our evaluation of the NCA in April 2009. However, it might be in the NCA's own interests to consider reviewing its financial system in order to avert the possibility of similar concerns arising in the future. It is also in the organisation's interests to take measures to address the weak internal controls identified in the KPMG audit.

¹⁹ KPMG Audit Report 2008, p 9. According to the NCA, the Botswana bank account is not mentioned in the KPMG audit covering the 42 months ending December 2007 because the account was first used in October 2008 – a date outside the period of the KPMG review. See note 15 above at p 3.

²⁰ Ibid.

Use of Organisational Resources

The Management Systems Manual contains provisions regulating the use of NCA assets, especially motor vehicles. Clause 13 of the Manual provides that the acquisition of new vehicles 'shall be authorised by the NCA Taskforce on the recommendation of the Director'. All new vehicles are to be entered into an Asset Register. In terms of clause 13.2, the Programmes Coordinator, Director, Administrator and the Finance Manager are entitled to use NCA vehicles for private purposes. No member of the Taskforce may use an NCA vehicle for private purposes, except with the authority of the Management Committee and only 'in cases of emergency or other clearly compelling cases'. However, the Manual provides that 'the Chairperson shall normally have access to an NCA vehicle on a more flexible basis'. We established that the NCA Chairperson uses an NCA motor vehicle on a personal to holder basis.

There were concerns around the use and inequitable distribution of organisational resources, especially motor vehicles. For example, one senior NCA member reported as follows:

In 2007, there was a vehicle, a white Pajero meant for Mashonaland West. This vehicle was never delivered. The Regional Chairperson for Mashonaland West often requests a vehicle to visit the rural structures but this never happens unless the NCA Chairperson is also attending.

It is important that the organisation's resources are distributed in an equitable manner and used judiciously. We find the use of official motor vehicles for private purposes by staff and members of a non-profit organisation that is entirely dependent on donor funding for its activities rather unusual. The NCA may wish to reconsider its policy in this regard.

Records Management

Records management within the NCA is governed by clauses 9 and 14 of the Management Systems Manual. These provisions seem to replicate each other. In terms of the two provisions, a separate file is kept at head office for each of the following: minutes and other documents for each Standing Committee (one such file for each standing committee), minutes and other documents for the National Taskforce meetings, minutes and other documents for each regional committee, minutes and other documents of the Annual General Assembly, NCA Constitution and policy

statements, project proposals, employee records, and membership registers (including a full list of National Taskforce, Regional Taskforces and Constituency Committees). While clause 9 assigns responsibility for record keeping at head office to the National Coordinator, clause 14 is silent on this issue.

At each regional office, the relevant Field Officer is responsible for ensuring that a separate file is kept for each of the following: minutes of the Regional Taskforce, minutes of the National Taskforce, minutes of the Annual General Meeting, NCA Constitution and policy statements, minutes of Constituency Committee meetings, and regional membership registers.

However, our experience with both the national office and the regional offices that we visited is that records management in the NCA is in a chaotic state. As indicated earlier in this report, the Secretariat was unable to provide us with several documents that we requested, including minutes of Taskforce meetings, updated membership lists, reports to donors and project proposals. This state of affairs is borne out by other external assessments. For example, the 2003 NCA Evaluation Report observed that 'records management was cause for serious concern'. Similarly, the 2008 KPMG Audit Report noted that 'storage of records was not seen to be systematic and supporting documents were not easily retrievable'.

2.3 GENDER SENSITIVITY AND SOCIAL INCLUSION

Although its Constitution provides for a Gender Committee of the Taskforce and it has officials responsible for gender issues at the national and regional levels and within its Secretariat, the NCA has no gender policy which could inform gender mainstreaming in its structures, processes and programmes. In its annual report for 2006, the NCA stated that it continued to operate a quota system that is designed to ensure that women actively participate in the organisation's decision-making structures. However, an assessment of the NCA structures on which information is available indicates that women generally constitute about 25 percent of the organisation's leadership structures at all levels. This is confirmed by the interviews with the NCA Chairperson and Secretariat staff. In our estimation, under-representation of women results in limited space for women in decision making within the NCA.

While we acknowledge that the NCA has endeavoured to enhance equal representation of women and that it has held a number of workshops specifically focused on gender mainstreaming and youth issues, we have not been able to establish whether this has had a visible impact. Nevertheless, the interviews that we conducted with various NCA members (including those responsible for the gender function) and members of staff indicate that the concept of gender is not fully understood by the various NCA structures. It seems to be misunderstood as the promotion of women only rather than as referring to how socially constructed roles affect the expectations, rights, power and opportunities of men and women. Further, gender mainstreaming appears to be understood as equivalent to assigning the gender function within the organisation to women (as opposed to a process of creating knowledge about the impacts and awareness of – and responsibility for – gender). In this regard, it should be noted that all of the gender chairpersons at the national, regional and constituency levels are women. Further and significantly, none of the gender chairpersons that we interviewed appeared to understand the concept. It is notable that a number of women who have been assigned responsibilities as gender chairpersons have little formal education with little capacity to understand this complex concept.

It will be recalled that the 2003 Evaluation Report noted that the ‘organization culture’ of the NCA is characterised by, among other things, lack of respect for women. This does not appear to have changed much as can be gathered from some of the responses in the present evaluation. Citing events at a meeting to discuss the Global Political Agreement, one interviewee said:

We actually protested at one meeting where only men were speaking. The NCA is generally intolerant of women's views.

The gravity of the problem is perhaps aptly summed up by a member of the NCA Taskforce interviewed for the present evaluation who did not wish to be identified:

Disrespect for women is part of the NCA culture. This has had a negative impact on membership and demoralised people generally.

In our estimation, the lack of a gender policy and the assignment of the gender function solely to women undermine gender mainstreaming in the activities of the organisation. As the 2003 Evaluation Report noted, ‘lack of adequate integration of gender will result

in diminished relevance, quality, effectiveness and efficiency of NCA programmes'. It is therefore vital that the NCA revisit this issue and take measures to address it.

In regard to other social inclusiveness, attempts have been made to accommodate various interest groups (such as trade unions, political parties, student movements, residents associations, youth groups, human rights organisations, women's organisations and religious organisations) through constitutional prescription of their participation within the NCA structures. However, there are concerns about the lack of effective and meaningful participation by ordinary members in the organisation's decision-making processes. This appears to extend to the making of key decisions reflecting the official position of the NCA on public issues. According to a member of the Taskforce:

At times you open the newspaper and you see the position of the NCA. Yet we, as Taskforce members, were not consulted or informed about the issue. There are no consultations on NCA positions.

These concerns were confirmed by the field interviews during which a number of respondents, including some regional chairpersons who are part of the Taskforce, were unaware of the decision of the NCA not to participate in the meeting of civil society organisations with the Minister for Constitutional and Parliamentary Affairs in April 2009.

2.4 IMPLEMENTATION OF RECOMMENDATIONS

The NCA has a poor record of implementing recommendations arising from external evaluations and financial and compliance audits. For example, some of the recommendations arising out of the 2003 evaluation and identified in the organisation's Strategic Plan: 2004-2006, including those concerning the membership base, gender and HIV/AIDS policies and human resources development do not appear to have been implemented. Out of the 11 recommendations arising out of the 2003 evaluation, only five appear to have been implemented.

Further, the 2008 KPMG Audit Report indicated that management did not implement some of the recommendations related to international control weaknesses that had been identified in previous audits. According to the report, out of 8 recommendations, only 3 had been implemented and one had been partially implemented.

In our estimation, this poor implementation record does not bode well for the NCA's organisational development and institutional effectiveness. It is therefore important that the NCA take immediate steps to implement recommendations arising out of previous evaluations and audits, and that the organisation makes a firm commitment to implementing these recommendations.

2.5 COMPLIANCE WITH GRANT AGREEMENT REQUIREMENTS

Over the years, the NCA has received significant funding support from a range of donors, including Sida, RNE, CIDA, the Humanist Institute for Cooperation with Developing Countries (HiVOS), the Open Society Initiative for Southern Africa (OSISA) and the Royal Netherlands Embassy in Zimbabwe. Sida, CIDA and RNE have provided the core funding for the NCA's programme and activities. The funding has been provided in terms of agreements entered into between the NCA and each of its donors. The grant agreements that we have reviewed (see Appendix C) vary in terms of content but most contain requirements that the NCA should report at specified intervals to the donor,²¹ that a separate bank account be opened for the grant in question,²² and that interest accruing on the funds provided under such grant agreements be accounted for and returned to the relevant donor.

Although most grant agreements with the core donors that we reviewed required the NCA to maintain a separate bank account for each donor, the NCA operates a pool account for all donor funding. In response to the findings of the KPMG audit in this regard, the NCA undertook to seek donor approval for this arrangement. However, there is no evidence available to us that such approval has been secured. It should be noted, however, that the maintenance of a pool account does not appear to have resulted in the misappropriation of funds. Indeed, the 2008 KPMG Audit Report concluded that 'funds appear to have been utilised in accordance with project plans and there is no reason to believe that there has been misappropriation of funds'.

²¹ See, for example, cl. 4 of the Agreement between the Royal Netherlands Embassy and the NCA of 2004 which enjoins the NCA to furnish the donor with financial and narrative reports describing the results achieved. See also art. 7(1) and (2) of the Agreement between Sida and the NCA on Support to Promote Awareness, Critical Debate and Participation of the Making of Zimbabwe's Constitution during January 2005 – December 2005 (Sida Contribution No. 2700023201).

²² See, for example, cl. 2.2 of the Contribution Agreement between CIDA and the NCA dated 26 January 2005 which provides that 'the Organisation shall open a separate bank account into which the contribution under this agreement shall be deposited and operated as per budget and activities set forth in Annex "A".'

The evaluation has also established that NCA does not seem to have a track record of reporting satisfactorily and in a timely manner to its donors. Although all of the donors interviewed indicated that, in general, the NCA has complied with the requirements of the grant agreements, including the reporting requirements, they expressed some concerns with regard to the late submission of reports and the quality of some of the reports, including inconsistencies between narrative and financial reports. Illustratively, in September 2008, the Royal Netherlands Embassy in Harare expressed concern about some perceived shortcomings of the NCA's narrative and financial reports concerning a project which it had funded. These included that the narrative report only covered activities for part of the project period and that it offered no explanation for the variation in the number of workshops planned and the number of workshops actually held; that the report replicated an earlier report; that the report failed to explain deviations from the project proposal; and that it failed to give sufficient information. In relation to the financial report, the donor noted that this was 'not compatible with the narrative report' and that the NCA did not seek prior approval from the donor to move funds between different budget lines' in accordance with the grant agreement.

Another donor stated that it was 'not entirely satisfied' with the NCA reports as they usually lacked sufficient detail and they were often submitted late. This dissatisfaction is also implicit in article 3(4) of the Agreement between Sida and the NCA on Support to Promote Awareness, Critical Debate and Participation of the Making of Zimbabwe's Constitution during January 2005 – December 2005 (Sida Contribution No. 2700023201) in terms of which the NCA undertook to 'provide a *proper revised* financial report for the bridging funding period covering July – September 2004 with *variance explanations*' (our emphasis) and article 4 of the Agreement which made disbursements conditional on the NCA presenting Sida with a financial variance report on the bridge funding for the aforementioned period.

While we identified some variations between the projected NCA activities under one or two of the few grant funding agreements that we reviewed and the actual activities carried out, these do not appear to be very significant. For instance, in terms of the 2005 Agreement between Sida and the NCA, the latter had planned to conduct 678 grassroots workshops but conducted only 581. The NCA had also planned to train 120 facilitators during the year but does not appear to have done so. We could not identify the reasons for these variations from our review of the 2005 annual report nor were we provided with any NCA reports to donors explaining the variations.

2.6 PROGRAMMES AND FINANCED ACTIVITIES: 2003-2007

During the period under review (1 January 2003 to 31 December 2007), the NCA undertook numerous activities in furtherance of its objectives and broadly in accordance with the funding agreements between the NCA and its donors. These included advocacy and civic education to raise public awareness of the need for a constitution that would facilitate a lasting solution to the country's political, social and economic problems; mass pressure through public protests to force the government to yield to demands for a democratic dispensation; and organisational development. The following review of financed activities is based on information contained in the NCA bridge funding reports for 2003 and the annual reports for the period 2004-2007.

Programme goals and financed activities in 2003

The main activities undertaken during 2003 fell under two categories: advocacy/ civic education and organizational development. Between January and March, the NCA embarked on 'a massive civic education' campaign to raise popular awareness on the need for a new constitution that would help resolve the country's problems. The campaign was undertaken through a range of constituency workshops focusing on gender and youth issues as well as on the general constitutional situation in the country. A total of 172 workshops were held in nine provinces.

A number of peaceful demonstrations and stay-aways were held in the main urban centres in order to exert pressure on the Zimbabwean Government to accede to demands for a democratic constitutional order. The organization also embarked on a publicity campaign through the issuance of press statements, holding of press conferences, media interviews, newspaper advertisements and distribution of fliers, placards, posters and banners.

During the period April to June, the NCA undertook a number of activities designed to strengthen its institutional capacity. These followed an evaluation that had been conducted in March and were made possible by bridge funding provided by Sida. A number of Taskforce and constituency meetings, as well as one national consultative meeting, were held to address the institutional challenges identified in the evaluation. A series of workshops concerning gender and youth issues were also held during the same period.

In the period July to December, the NCA's activities focused generally on advocacy and civic education on a new constitution and organisational development. Activities that were carried out included coordination meetings at the national, regional and constituency levels, constituency workshops on the vision and mission of the NCA, public meetings, and establishment of ward committees. Other advocacy activities undertaken included the distribution of fliers, issuance of press statements, networking with civil society organisations and hosting of conventions attended by institutional members and participants from the NCA structures.

Organizational development activities carried out included two strategic planning workshops in response to the March evaluation, enhancing the capacity of some regional offices, and training of Secretariat staff.

Programme goals and financed activities in 2004

The activities carried out in 2004 fell under two broad categories: (1) advocacy and civic education on a new constitution and (2) organisational development. In response to the 2003 evaluation which concluded that the organisation's vision and mission had not been 'clearly grasped by its membership', the NCA continued its advocacy and civic education activities with the training of 100 facilitators to conduct grassroots workshops on the organization's mission and vision. These workshops were held concurrently with seminars on membership consolidation and gender mainstreaming.

The NCA's vision and mission were also the focus of the four conventions that the organisation held during the year: the Youth Convention (16-19 June), Gender Convention (27-29 June), Political Parties Convention (5-7 March and 4-6 July) and the Human Rights Convention (25-27 September).

A total of 2,369 advocacy workshops attended by 7099 participants (42 percent female and 58 percent male) were held throughout the country (see Table 2 below).

Table 2: Advocacy Workshops (January - December 2004)

Region	Number of Workshops	Total number of Participants	Attendance %	
			F	M
Bulawayo	195	533	41	59
Harare	461	1413	38	62
Manicaland	321	593	43	57
Mashonaland Central	105	77	32	68
Mashonaland East	201	162	39	61
Mashonaland West	198	357	41	59
Masvingo	283	1287	61	39
Matebeleland North	97	505	37	63
Matebeleland South	143	695	39	61
Midlands	365	1477	49	51
Total / average*	2369	7099	42*	58*

Source: NCA Annual Report 2004

A total of 564 gender workshops attended by 2050 participants (70 percent female and 30 percent male) were held during the year. Table 3 below shows the number of workshops and attendance figures by region.

Table 3: Gender Workshops (January - December 2004)

Region	Number of Workshops	Total number of Participants	Attendance %	
			F	M
Bulawayo	108	340	60	40
Harare	48	136	93	7
Manicaland	84	462	-	-
Mashonaland Central	48	79	68	32
Mashonaland East	12	47	57	43
Mashonaland West	72	88	68	32
Masvingo	24	127	100	0
Matebeleland North	12	50	2	98
Matebeleland South	48	130	92	2
Midlands	108	591	86	14
Total / average*	564	2050	70*	30*

Source: NCA Annual Report 2004

A total of 426 youth workshops were held across the ten regions. Of the 2,065 participants, 71 percent were female and 29 percent were male. Table 4 below shows the number of workshops and attendances.

Table 4: Youth Workshops (January - December 2004)

Region	Number of Workshops	Total number of Participants	Attendance %	
			F	M
Bulawayo	48	142	29	71
Harare	108	451	52	48
Manicaland	84	581	-	-
Mashonaland Central	18	127	0	100
Mashonaland East	24	51	35	65
Mashonaland West	12	218	30	70
Masvingo	24	17	12	88
Matebeleland North	12	25	28	72
Matebeleland South	36	180	28	72
Midlands	60	273	43	56
Total / average*	426	2065	71*	29*

Source: NCA Annual Report 2004

A total of 244 public meetings were held throughout the country. These were attended by 16,136 people, of which 47 percent were female and 53 percent were male. Table 5 below shows the number of meetings and attendances.

Table 5: Public Meetings (January - December 2004)

Region	Number of Meetings	Total number of Participants	Attendance %	
			F	M
Bulawayo	16	1483	39	61
Harare	19	6632	53	47
Manicaland	29	1346	53	47
Mashonaland Central	4	228	28	72
Mashonaland East	32	966	58	42
Mashonaland West	26	1080	33	67
Masvingo	54	1517	48	52
Matebeleland North	22	891	55	45

Matabeleland South	26	1022	64	36
Midlands	16	971	40	60
Total / average*	244	16136	53	47

Source: NCA Annual Report 2004

According to the NCA's annual report for 2004, the activity concerning the organisation's 'reaffirmation of its vision and mission 'had an immense impact' in that 'it developed and consolidated the NCA's identity in the face of accusations by the government that the organisation (was) pursuing opposition politics'.

Although the NCA also embarked on a publicity campaign during the year, government restrictions on the operation of the private media negatively impacted on the organisation's publicity campaign.²³ According to the organisation's report for the year, the government-controlled media was hostile to the NCA and failed to report on most of its activities.

In regard to organisational development, the NCA held its AGM on 11 October. This meeting, which was attended by 1,200 people, approved amendments to the Constitution providing for the establishment of ward structures and the restructuring of the National Advocacy Committee. A new leadership at the national and regional levels was also elected.

The NCA also attempted to update its membership records and to distribute membership cards but did not complete the exercise because of the amount of work involved and the associated costs.²⁴ According to the NCA, this activity did not achieve the full impact originally envisaged'.²⁵

Other notable organizational development activities included the adoption of a Strategic Development Plan following a series of strategy development workshops. The main focus of the plan was the strengthening of the NCA's mass membership base and the promotion of efficient management. In furtherance of the latter aspect, the NCA adopted an organogram which separated 'purely administrative activities from programme implementation'. The Plan also separated the organisation's political

²³ NCA, *Annual Report 2004*, p 10.

²⁴ *Ibid*, p 2.

²⁵ *Ibid*, p 3.

structures from day to day administration. Two new posts – that of Programme Coordinator and that of Finance and Administration Manager – were also established.

Programme goals and financed activities in 2005

The activities carried out in 2005 included grassroots civic education on the link between good governance and human rights, the NCA proposed draft constitution of Zimbabwe, and gender and youth issues, as well as mobilization for mass pressure, and media and publicity. These activities are consistent with the funding Agreement between Sida and the NCA on support to promote awareness, critical debate and participation in the making of Zimbabwe's constitution during January – December 2005.

Grassroots civic education was conducted through workshops, theatre and public meetings. Discussions centred on three main questions:

- What is a constitution?
- What is good governance and how does the constitution contribute to it?
- What are human rights and how are they protected and to what extent will a new constitution improve the protection of human rights in Zimbabwe?

The main objective of the workshops was to mobilise grassroots support for constitutional reform. Participants in the workshops were drawn from NCA wards and were identified on the basis of a number of factors including 'interest', 'proximity to the workshop venue', 'demand' and 'gender balance'.²⁶

A total of 581 grassroots workshops were held during the year. Table 6 below shows that 49 percent of the 28,859 participants in these workshops were female and 51 percent were male.

²⁶ NCA, *Annual Report 2005*, pp 5-6.

Table 6: Grassroots Workshops (January - December 2005)

Region	Number Of Workshops	Total Number Of Participants	Attendance %	
			F	M
Bulawayo	62	3342	51	49
Harare	62	2935	48	52
Manicaland	87	4981	48	52
Mashonaland Central	43	1737	49	51
Mashonaland East	44	2325	48	52
Mashonaland West	48	2099	50	50
Masvingo	54	2997	51	49
Matebeleland North	41	1680	45	55
Matebeleland South	52	2251	51	49
Midlands	88	4512	44	56
Total / average*	581	28,859	49*	51*

Source: NCA Annual Report 2005

A total of 107 gender and youth workshops were held between January and December 2005. These were attended by 3769 participants, of which 56 percent were female and 44 percent were male (see Table 7 below). According to the 2005 annual report, these workshops were organised under the NCA's gender mainstreaming project which was based on the need to promote 'gender sensitive constitutional reform'.

Table 7: Gender & Youth Workshops (July – December 2005)

Region	Number of Workshops	Total number of Participants	Attendance %	
			F	M
Bulawayo	9	360	66	34
Harare	28	1148	58	42
Manicaland	7	359	67	33
Mashonaland Central	8	156	44	56
Mashonaland East	9	329	43	57
Mashonaland West	14	197	56	44
Masvingo	1	40	55	45
Matebeleland North	5	101	71	29
Matebeleland South	14	245	49	51
Midlands	12	417	53	47
Total / average*	107	3769	56*	44*

Source: NCA Annual Report 2005

According to the NCA's annual report for 2005, these workshops 'provided participants with a platform to learn about how and why the constitution is important with regard to the promotion of democracy, good governance development and human rights'.²⁷ The report further states that participants were 'able to raise pertinent political and socio-economic issues' which they linked to the 'need for a democratic constitution'.²⁸

During the year under review, a total of 35 public meetings were held across the country. These were attended by a total of 4736 people of which 56 percent were female and 44 percent were male. Table 8 below provides the relevant statistics.

Table 8: Public Meetings (July - December 2005)

Region	Number of Meetings	Total Number Of Participants	Attendance %	
			F	M
Bulawayo	4	726	58	42
Harare	4	655	53	47
Manicaland	4	469	46	54
Mashonaland Central	-	-	-	-
Mashonaland East	-	-	-	-
Mashonaland West	4	702	55	45
Masvingo	5	583	60	40
Matabeleland North	3	321	55	45
Matabeleland South	2	277	58	42
Midlands	9	1003	64	36
Total / average	35	4736	56	44

Source: NCA Annual Report 2005

The NCA also mounted a media campaign around issues such as the country's parliamentary elections and the controversial *Operation Murambatsvina*. Publicity was generated through fliers, a musical album and community theatre. A number of public protests were organised in the main urban centres to push for constitutional reform.

In September, the NCA organised an All Stakeholders Constitutional Conference in conjunction with Crisis in Zimbabwe, Zimbabwe Lawyers for Human Rights, Zimbabwe Congress of Trade Unions (ZCTU), Zimbabwe National Students Union (ZINASU) and the churches.

²⁷ Ibid, p 6.

²⁸ Ibid.

Organisational development activities undertaken during the year included the adoption of a new Finance and Management Systems Manual, the training of staff and Taskforce members on administrative systems and the establishment of ward structures in most regions. However, the establishment of the national membership database remained an unfulfilled objective due to the lack of funds.

Programme goals and financed activities in 2006

The activities carried out in 2006 were largely a continuation of those carried out the previous year. They included grassroots workshops, gender workshops, youth workshops, public meetings, protests and publicity campaigns. These were all part of grassroots civic education on the link between the constitution, good governance and human rights.

As in 2005, the grassroots workshops were facilitated by trained individuals who led discussions on the linkage between the constitution, good governance and human rights. The workshops also focused on the NCA proposed draft constitution for the country. The workshop participants were drawn from the wards. A total of 366 workshops attended by 19,608 participants (51 percent female and 49 percent male) were held between January and December. The attendance figures for the workshops are given in Table 9 below.

Table 9: Grassroots Workshops (January - December 2006)

Region	Number Of Workshops	Total number Of Participants	Attendance %	
			F	M
Bulawayo	29	1565	58	42
Harare	28	1628	53	47
Manicaland	25	1597	47	53
Mashonaland Central	40	1864	53	47
Mashonaland East	24	1201	52	48
Mashonaland West	63	3243	50	50
Masvingo	37	2205	53	47
Matabeleland North	35	1600	47	53
Matabeleland South	51	2595	49	51
Midlands	34	2110	49	51
Total / average*	366	19608	51*	49*

Source: NCA Annual Report 2006

According to the 2006 annual report, the gender and youth workshops were 'aimed at ensuring the propagation of a gender-sensitive constitutional reform agenda and utilising issues affecting gender and youths as a gateway to reach out to a broader mass of people with the constitutional reform message'.²⁹ The workshops discussed issues 'affecting gender relations and the youths in relation to the need for a new and democratic constitution in Zimbabwe'. Other issues discussed included unemployment and the need for a constitutional framework that would guarantee the right to health, including access to treatment for those affected by HIV/AIDS.

A total of 35 gender workshops attended by 1346 participants, of which 65 percent were female and 35 percent male, were held during the year. Table 10 below shows that the majority of the participants in the gender workshops across all provinces, with the exception of Mashonaland East, were women.

Table 10: Gender workshops (January - December 2006)

Region	Number Of Workshops	Total Number Of Participants	Attendance %	
			F	M
Bulawayo	3	125	73	27
Harare	3	125	58	42
Manicaland	6	238	78	22
Mashonaland Central	3	97	59	41
Mashonaland East	4	189	42	58
Mashonaland West	3	84	68	32
Masvingo	3	123	65	35
Matabeleland North	3	110	70	30
Matabeleland South	3	121	64	36
Midlands	4	134	69	31
Total / average*	35	1346	65*	35*

Source: NCA Annual Report 2006

Twenty-five youth workshops were held throughout the country. These were attended by 1,018 participants of which 45 percent were female and 55 percent were male.

²⁹ NCA, *Annual Report 2006*, p 4.

Table 11: Youth workshops (January - December 2006)

Region	Number Of Workshops		Attendance %	
			F	M
Bulawayo	2	85	38	62
Harare	2	79	66	34
Manicaland	5	253	47	53
Mashonaland Central	2	78	38	62
Mashonaland East	3	116	39	61
Mashonaland West	2	85	48	52
Masvingo	2	66	42	52
Matebeleland North	2	79	44	56
Matebeleland South	2	67	46	54
Midlands	3	110	43	57
Total / average*	25	1018	45*	55*

Source: NCA Annual Report 2006

A total of 48 public meetings were held as part of the civic education and mobilisation campaign for a new constitution under the theme: 'Only a New Constitution Will Save Zimbabwe'. The aim of the meetings was to raise public awareness on the need for a new constitution and to afford citizens a platform through which they could express their views on the various political, social and economic issues underscoring the need for a new democratic constitutional order. Table 12 below shows that of the 6068 attendees at the public meetings, 56 percent were female and 44 percent were men.

Table 12: Public meetings (January - December 2006)

Region	Number Of Meetings	Total Number Of Participants	Attendance %	
			F	M
Bulawayo	7	1147	64	36
Harare	6	925	54	46
Manicaland	6	614	59	41
Mashonaland Central	1	52	77	23
Mashonaland East	-	-	-	-
Mashonaland West	5	696	41	59
Masvingo	6	757	60	40
Matebeleland North	7	755	53	47
Matebeleland South	5	586	59	41
Midlands	5	536	51	49
Total / average*	48	6068	56*	44*

Source: NCA Annual Report 2006

Due to the restrictive environment created by legislation such as POSA and AIPPA, the media and publicity campaign was confined to the distribution of promotional materials such as T-shirts, wrappers and fliers. As during the previous year, the NCA organised a number of public protests in the major urban centres to push for constitutional reform.

A key event relating to organizational development during the year was the AGM which approved a number of amendments to the Constitution. Prior to its amendment in 2006, the NCA Constitution provided for a maximum of two terms of two years each for its leadership. However, the amendment extended the term of office of the leadership from two to five years. Elections held pursuant to the amended Constitution generated a great deal of controversy. The incumbent chairperson (Madhuku), who had already served two terms, was elected unopposed under an amendment which deemed his previous two year terms to be one. Although supporters of the amendment and re-election of Madhuku contended that the continuation of leadership was necessary to prevent the threat of 'infiltration of the NCA by ZANU-PF', critics argued that the amendments and the elections held pursuant thereto went against the good governance principles for which the NCA stood. One NCA founder member, Professor John Makumbe, reportedly said that the election set 'a very embarrassing precedent for civic society because civic society is urging politicians not to overstay'³⁰. Douglas Mwonzora, a former NCA chairperson, also criticised the re-election of Madhuku, arguing that 'we need to build democracy from within our organisation' and that the extension of Madhuku's term of office through the amendment was 'incompatible with good governance and democratic constitutionalism'.³¹

These criticisms were echoed by a number of interviewees for the evaluation, including some within the NCA structures. In the view of some of these interviewees, the events of 2006 have undermined the credibility of the NCA as a good governance advocacy organisation and may have led to the reduced involvement of some of the NCA's institutional members in the organisation's activities. We are inclined to share this view.

Other notable organisational changes brought about by the 2006 amendments to the NCA Constitution included the conversion of the AGM of all members of the NCA into an Annual Consultative Assembly (ACA) comprising the Taskforce, Standing Committees and Regional Committees and the establishment of a Congress to be held every five years. In our view, these changes have the unfortunate consequence of

³⁰ See *Financial Gazette*, June 1-7, 2006.

³¹ *Ibid.*

limiting the participation of ordinary members in the organisation's decision making to once every five years.

According to the NCA annual report for 2006, the activities undertaken during the year 'laid a solid foundation for an intensified grassroots mobilisation campaign for a new democratic and people driven constitution.'³²

Programme goals and financed activities in 2007

The main objectives of the NCA's activities in 2007 were raising awareness about the virtues and values of democracy, promoting civic responsibility and popularizing the constitutional reform agenda. To achieve these objectives, the NCA continued its grassroots civic education campaign on the need for a new constitution. Specific activities in this regard included grassroots civic education workshops and distribution of promotional materials.

According to the NCA's annual report for the year, a total of 301 grassroots workshops, 115 gender workshops and 105 youth workshops were conducted. The grassroots workshops were undertaken to enlighten the NCA's grassroots constituencies on the need for a new, democratic and people-driven constitution. The discussions centred on the questions used in previous years (see activities for 2005 above). Other issues discussed were the food shortages in the country, the HIV/AIDS pandemic, the SADC initiated dialogue between ZANU-PF and the MDC, the high cost of living and the 2008 elections.

The NCA also organised a number of public meetings around the country to afford grassroots communities the opportunity to discuss the political, social and economic challenges they faced.

The NCA's assessment of its activities for the year was that the activities had helped in:

- maintaining the constitutional reform issue as a key agenda item in national public opinion;
- forging a united front in the push for constitutional reform;

³² NCA, *Annual Report 2006*, p 13.

- upholding the critical role of civil society in ensuring public accountability; and
- laying the basis for constructive engagement with government and political parties.

As it had done in previous years, the NCA reported that a number of external factors, including the restrictive political environment, repressive legislation and an unstable economic environment, continued to affect the implementation of its activities.

2.7 ASSESSMENT OF THE IMPACT OF FINANCED ACTIVITIES: 2003-2007

General Considerations

We faced a number of challenges in our attempt to undertake a comprehensive assessment of the impact of the financed activities outlined above. As indicated elsewhere in this report, the lack of access to NCA 'programme beneficiaries' as we had anticipated meant that we were unable to ascertain whether or not they had benefited from the programme. In addition, gaps and inconsistencies in the information contained in some of the documents that we reviewed, especially the NCA's annual reports, made it difficult for us to assess the impact of the NCA's activities. For example, in comparison with the reports for the preceding and succeeding years, the 2005 annual report only contains attendance figures for gender/youth workshops and public meetings for the second half of the year (i.e. July to December) and not for the first (i.e. January to June), although it does contain attendance figures for grassroots workshops for the whole year. Similarly, the 2007 annual report confusingly states that 'thirty (202) public meetings' were held during the year. The 2004 annual report indicates that a total of 2369 advocacy workshops attended by 7099 people were held. This translates into an average attendance of 3 people per workshop – which is hardly indicative of a growing programme. In order to address these challenges, we utilised the data triangulation approach which enabled us to rely on other sources of information to enhance the validity of the information contained in the NCA's annual reports.

It is also important to acknowledge the challenges posed by the environment in which most of the activities sketched above were undertaken. The NCA annual reports for the period under review indicate that the organisation's programmatic activities were undertaken in a restrictive political environment and amidst deteriorating economic

conditions in the country. In particular, legislation such as the POSA and the AIPPA made it difficult for the organization to implement some programmes and to generate media publicity for its activities. For example, in 2003, the NCA reported that some programmes could not be implemented because of police restrictions on public gatherings under the POSA and restrictions on media freedom imposed by the AIPPA. In similar vein, the annual report for 2006 noted that:

The existence of POSA makes it difficult to hold public meetings and demonstrations as it gives the police powers to ban meetings or any associations that they deem to cause alarm and despondency. AIPPA has paralysed the operations of the media to the point of diminishing the media's role in the promotion and sustenance of democracy.

A deteriorating socio-economic environment characterised by a high incidence of HIV/AIDS and hyperinflation also negatively impacted on the NCA's planned activities during the period under review. Thus, for example, the 2007 annual report observed that the activities during the year were undertaken in an environment characterised by surging inflation, shortage of basic commodities, high unemployment (estimated at 80%) and unavailability of foreign currency. In particular, the depreciation of the Zimbabwean dollar constrained many suppliers (including those that the NCA dealt with) to charge prices in US dollars. For the NCA, the high prices meant that it was unable to achieve the 'whole spectrum of budgeted programmes'.³³ Together with a restrictive political environment and repressive laws, the foregoing factors made it difficult for the NCA to achieve its programme objectives.

Assessment

We reviewed a total of 28 post-workshop evaluation forms completed by participants. These present a mixed picture. Workshop participants were asked to respond to a number of questions including the following: (1) how would you assess the overall quality of workshops; and (2) how did you find the agenda and structure of the programme? Thirty-six percent of the respondents found the overall quality to be 'excellent' while none found it 'poor'. Twenty-nine percent of the respondents found the agenda and structure of the programme to be 'excellent' while none found it to be poor. The responses to both questions are summarised in the figures below.

³³ NCA, *Annual Report 2007*, p 11.

Figure 1: Overall Quality of Workshops

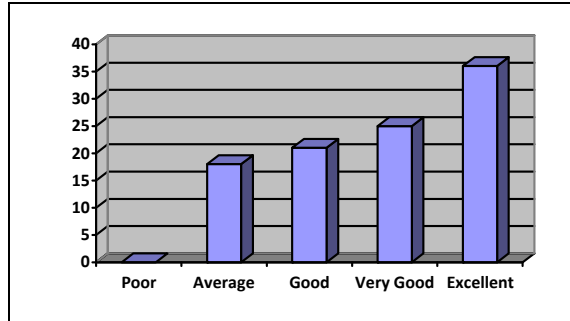
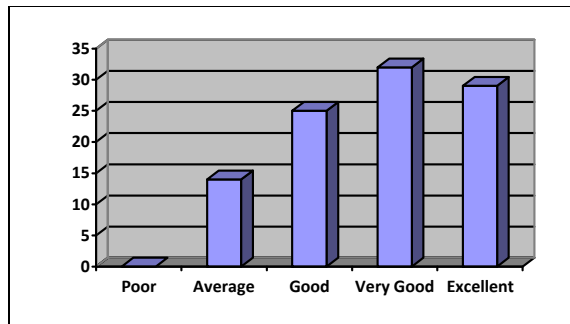


Figure 2: Agenda and Structure of the Programme



However, the qualitative comments offered by the participants in response to three further questions relating to the same workshop provide some interesting insights. The questions were: (1) did you get deeper understanding of the issues raised in relation to constitutional making process; (2) were there any areas that you felt were not adequately addressed; and (3) will this workshop have any impact on your future work?

In response to the question as to whether the workshop would have any impact on their future work, one participant stated that they would 'take part in the writing of our constitution as Zimbabwe'. Another stated that the workshop would 'enable (them) to get a job in the civil society'. Twelve out of the 28 respondents indicated that the workshop would not have any impact on their future work.

A number of respondents questioned how an all stakeholders' commission to draft the constitution would be selected if the politicians would not be involved in the writing of the constitution. Others lamented the lack of attention to 'women's issues' in the workshop.

However, some of the post-workshop evaluation responses that we reviewed raise questions about the ability of the workshop participants to understand the purpose of the workshops and the issues discussed. The following comment in response to suggestions for any improvements to the workshop offering is instructive:

Changing the theme of all workshops, encourage people to write their own constitution because we do not eat constitution, we need food and money to send our children to school.

We also asked the NCA members and staff that we interviewed how they would rate their knowledge of constitutional issues and human rights *before* and *after* their involvement with the NCA. Sixty-two percent said their knowledge of constitutional issues *prior* to their involvement with the NCA was 'poor', 22 percent said it was 'fair' and 16 percent said it was 'good'. As to their knowledge of constitutional issues and human rights after their involvement with the NCA, 13 percent said it was 'excellent', 41 percent said it was 'very good', 34 percent said it was 'good', 9 percent said it was 'fair' and 3 percent said it was 'poor' (see Figures 3 and 4 below). Most of the respondents were able to name some of the rights in the constitution. Interestingly, most also mentioned excessive presidential powers under the Lancaster House Constitution as the main aspect they were unhappy with.

Figure 3: NCA staff and members' knowledge of constitutional issues and human rights prior to their involvement with the NCA

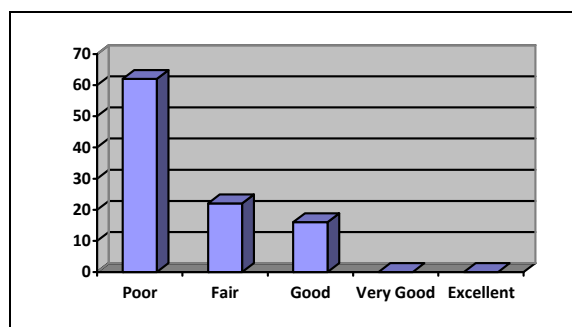
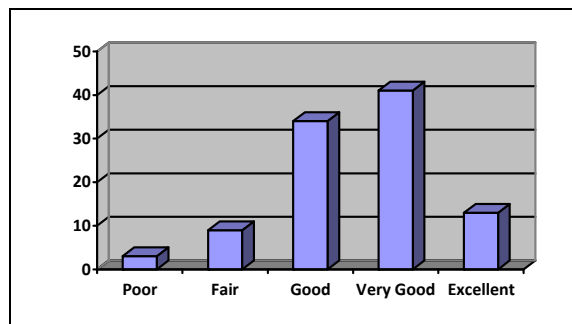


Figure 4: NCA staff and members' knowledge of constitutional issues and human rights after their involvement with the NCA



These findings indicate that NCA staff members and participants in NCA activities have benefited, at least, through gaining enhanced knowledge of constitutional issues and human rights. Based purely on the available documents, however, not much can be said as to whether the funding support provided to the NCA during the period under review 'has yielded sustainable results that benefit the poor.'

In order to assess the claim made in the 2003 Evaluation Report that the NCA programme had 'grown significantly over time', we compared the available attendance figures at various events for the period 2004 to 2006. The comparison indicates that the number of workshops/meetings and the attendance figures declined progressively. For example, a total of 244 public meetings attended by 16,136 people were held in 2004 and, in 2006, only 48 public meetings attended by 6,068 people were held. Similarly, in 2005, 581 grassroots workshops attended by 28,859 participants were held and in 2006, only 366 workshops attended by 19,608 participants were held. In 2007, the number of grassroots workshops conducted had reduced further to 301. A total of 990 gender and youth workshops attended by 4115 participants were held in 2004 but, in 2006, only 60 such workshops attended by 2364 participants were held. Although we recognise that the diminished number of events and attendance figures could be attributed to the restrictive environment in which these events were organised, there is no indication that attendances have improved in the current, improved political environment. There is also no evidence suggesting that the number of events had reduced due to a scaling down of donor funding.

Despite the restrictive environment in which it operated during the period under review, however, the NCA succeeded in keeping the constitutional reform issue on the national

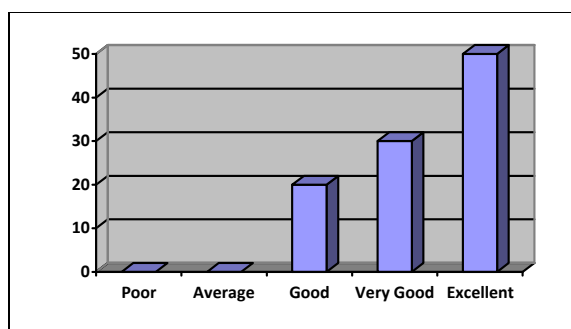
agenda and in forging a united front among various civil society actors in the constitutional reform campaign. In particular, the events of 11 March 2007 where a number of NCA leaders were beaten by the police appeared to have generated international publicity which forced SADC to take the initiative to resolve the Zimbabwean crisis. This assessment is confirmed by the interviews with key informants.

3 Perceptions and Views

As stated in the preceding section, it is difficult to draw firm conclusions concerning the impact of the NCA, based exclusively on the available documents. Consequently, we have devoted space in this section to share the perceptions and views of various stakeholders concerning the impact of the NCA.

There is general agreement among various stakeholders that the NCA has contributed to the raising of public awareness of constitutional issues and human rights in Zimbabwe. Among the representatives of civil society organisations that we interviewed for this evaluation all indicated that the NCA had contributed to enhancing public awareness of constitutional issues and human rights in Zimbabwe although some of them had never participated in NCA activities. In response to the question concerning their assessment of the NCA's contribution to raising public awareness of constitutional issues and human rights in Zimbabwe, 50 percent of the informants rated it as 'excellent', 30 percent rated it as 'very good' and 20 percent rated it as 'good' (see figure 5 below).

Figure 5: The NCA's contribution to public awareness of constitutional issues and human rights in Zimbabwe



However, some respondents stated that they were unsure whether the NCA's activities had had an impact on the rural constituencies.

There is also general agreement that the organisation is still relevant and will be relevant even after a broadly accepted national constitution is adopted. Eighty percent of the informants for this evaluation (including donors and civil society organisations) stated that the NCA is still relevant. According to one civil society organisation:

We still need an organisation like the NCA to monitor the observance of a new constitution – to be a watchdog – after the adoption of a new constitution.

Nevertheless, a number of civil society organisations and at least one donor expressed concern about what they perceived to be the failure of the NCA to recognise the opportunities proffered by the inclusive government to take its agenda forward. Further, there are perceptions that the NCA has a crisis of identity – something that the 2003 evaluation also noted. One interviewee stated:

'The NCA needs to be seen to be critically engaged and less confrontational particularly in regard to its relations with the unity government. There is also need for leadership renewal since there is a public perception that the NCA is stuck with Madhuku. Its credibility has been compromised by perceptions of lack of transparency. The organisation is close to being 'NCA (Pty) Limited!'

Similar sentiments were expressed by other respondents. For example, one donor referred to the NCA Chairperson's 'strong ego'. Another interviewee, a representative of a civil society organisation that has worked with the NCA in the past, stated: '

The NCA has a lot of potential but it has a number of systemic and to some extent a leadership crisis. An institution needs to move beyond its leadership. Madhuku has failed to de-personalise the NCA. While one can accept that the NCA emerged in a crisis environment and it had to adopt a confrontational approach, it has failed to recognise that the political landscape has changed and to escape its mindset. The organisation needs to change its strategy and to avoid a confrontational approach. If you want to influence policy as a pressure group, you must find a way to interact with the policy makers. There is simply no rational basis for continuing the confrontational approach in the current political environment where some members of the government and the overwhelming number of parliamentarians are former members of the NCA. The NCA cannot continue to behave as if nothing has changed.

Another interviewee representing a women's organisation stated:

The NCA needs to change its extreme position which has led to polarisation of civil society on the constitutional issue. The NCA must move away from protests to dialogue and adopt a less confrontational approach. There is also need for membership renewal. There are also questions about governance. It is not clear who is the director and who is part of the board. There is need for more clarity on roles and an improvement in the representation of women in decision making.

In similar vein, all Members of Parliament who attended the NCA briefing on 9 April 2009 expressed the view that the NCA needed to compromise on some issues concerning the constitution making process.

These sentiments are also reflected in the findings of the research on 'Constitutional Reform Interventions and Democratic Reform in Zimbabwe' which was conducted by the Mass Public Opinion Institute (MPOI) in October 2008.³⁴ According to one respondent (a young female in Harare):

Madhuku and the NCA should work together with the new inclusive government to come up with a new constitution.

Another research informant (a young male in Manicaland rural) stated as follows:

It (the NCA) should also united with other independent organisations in the push for a new constitution ... This will help the NCA to make use of other organisations in certain areas where it cannot reach out to.

However, a representative of an organisation which is closely involved with the NCA expressed different sentiments in an interview with us. According to this interviewee, perceptions that the NCA is indistinguishable from its chairperson are misguided:

Personally, I have not seen anything that suggests that the NCA cannot survive without Madhuku. The problem seems to arise from the fact that Madhuku has been more active and visible than any other NCA chairperson. People forget that the NCA has a Taskforce that manages the affairs of the NCA.

In an interview with us, the NCA Chairperson attributed these perceptions to the 'principled position' that he has always maintained publicly and his 'hard and fast' stance during Taskforce meetings.

Nevertheless, as the report on the 2003 NCA evaluation noted, the 'perceptions that the NCA was one person, the National Chairperson ... has serious implications for inclusiveness and sustainability of the operations of the NCA'. These perceptions need to be addressed as a matter of urgency.

³⁴ The Institute used an urban based snap survey of a sample of 1000 adult Zimbabweans aged 18 years and above as well as focus group discussions and key informant interviews.

4 Conclusions and Recommendations

4.1 SUMMARY OF KEY CONCLUSIONS

While it is difficult to assess the achievements of the NCA during the period under review based purely on the available documents, the fact that the organisation has managed to keep the issue of the adoption of a new constitution through a broad-based, inclusive and participatory process, on the national agenda over the years is in and by itself a significant achievement. It is important to caution, however, that the level of awareness of constitutional issues in Zimbabwe may not be entirely attributable to the NCA since other civil society organisations and the political developments in the country have also played an important role in keeping the issue on the national agenda. This is confirmed by the findings of the MPOI research which lists the achievements of constitutional reform organisations as follows:

- Managing to highlight flaws in the electoral system
- Campaigning successfully on the need to reject the 2000 draft constitution
- Managing to keep the constitutional question on the national agenda
- Managing to highlight the deficiencies of the current constitution
- Maintaining the constitutional issue as a key priority in the country's public opinion

Nevertheless, there is no doubt that the NCA has been the leading constitutional reform advocacy organisation in Zimbabwe since its formation and particularly during the period under review and that it figures prominently in the mass media. Indeed, the results of the MPOI research indicate that few of the participants in the survey were aware of the existence of constitutional reform advocacy organisations other than the NCA. According to the MPOI survey, 52 percent of the respondents had heard of the NCA while 48 percent had not. It is interesting to note, however, that 85 percent of the respondents with tertiary education had heard of the NCA while 15 percent had not, and that among the respondents with no formal education only 23 percent had heard of

the NCA while 77 percent had not. The results also differed across gender and the provinces.

There is general agreement that the NCA has contributed to public awareness of the constitution and human rights in Zimbabwe.

While our overall assessment is a positive one, there are some important caveats. There are a number of concerns about the governance and structure of the NCA, weak financial controls and imperfections in programme design and implementation. The widespread perception that the NCA is dominated by its chairperson may potentially undermine the credibility of the organisation. Whether the NCA will continue to be the central player in the debate on the constitution remains to be seen and will depend to a large extent, on how the NCA positions itself within the current constitutional reform process. In the view of most respondents in the present evaluation, unless the NCA recognises the changed political circumstances in the country and revises its strategy for engagement with both the inclusive government and other civil society organisations in the constitution making process in the context of article 6 of the GPA, it risks being redundant and failing to achieve its long-term goals.

4.2 OVERALL ASSESSMENT OF THE NCA PROGRAMME

In accordance with the specification in the terms of reference, this section provides an overall qualitative assessment of the NCA programme. Where possible, it also offers a numerical score based on the following scale: 1 – poor; 2 – fair; 3 - good; 4 – very good; 5 – excellent.³⁵ This scale is based on an assessment of the interviewees' responses to questions focusing on the criteria stipulated in the terms of reference.

Relevance

Despite the limitations identified in this report, including a restrictive political and economic environment in which it has operated, lack of human resources and weak financial controls, there is no doubt that the NCA has contributed to raising public awareness of constitutional issues and human rights in Zimbabwe. The NCA's vision

³⁵ Section 5.2 of the Terms of Reference states that 'the Consultant/s should offer a numerical score and a qualitative evaluation'. At our meeting with representatives of CIDA, we adverted to the difficulty of using this scale and we were informed that this was in our discretion.

and mission are not only relevant to the context, the organisation also has the capacity to continue to play a key role in the constitution making process (subject to some changes in its strategy) and to play a monitoring role once a new constitution for the country has been adopted through a participatory and inclusive process.

However, while civil society organisations generally acknowledge the relevance of the NCA and its programme purpose and objectives, many are concerned about its failure to recognise the opportunities proffered by the current political environment and the article 6 constitution making process. There is also concern about its perceived monopolisation of the constitutional debate and marginalisation of other civil society organisations on the constitutional reform issue. In particular, there appears to be a sense of frustration among civil society organisations, including those which had previously been involved with the NCA, that the NCA's hardline stance on the article 6 process was undermining civil society efforts to make a meaningful contribution to the constitutional reform process. For example, one civil society representative at the NCA briefing for parliamentarians organised on 9 April 2009, stressed the 'need to balance principled position with the movement of the process.'

These issues threaten to undermine the strategic relevance of the NCA and must be addressed as a matter of urgency. As stated above, unless the NCA recognises the opportunities offered by the new political context in the country and revises its strategy for engagement accordingly, it is unlikely to achieve its long-term goals.

Rating: 4.

Effectiveness

The 2003 NCA Evaluation Report observed that programme design was one of the organisation's major challenges and that this was reflected by 'poor program definition and ad hoc and seemingly unconnected elements'. We are of the view that this remains the case. Our review of the annual reports, sample workshop evaluations and the template for the NCA's presentations at workshops and meetings (Appendix G) reveals a lack of appreciation of the difference between programmes, strategies and activities and the connections between these. The template is used for both workshops and public meetings which are clearly different events and should have different objectives. We were not provided with a template relating to the gender/youth workshops.

Although the NCA has demonstrated a capacity to adopt a broad range of strategies that have been responsive to the context, there have been some concerns about the rational use of resources with regard to some of these strategies. For example, the payment of allowances to participants in demonstrations has not only been difficult to justify, it has also undermined the NCA's claims of broad-based support.

It is our considered opinion that the effectiveness of the NCA has been adversely affected by a number of factors including a poor governance structure, lack of / weak operational control by the Secretariat, persistent identity crisis evidenced by the public perception that the organisation and its chairperson are indistinguishable, involvement of the chairperson in the day to day administration of the organisation, lack of consultation in regard to strategic decision-making, tokenism in the form of assignment of the gender function to women, incoherent or inconsistent policy frameworks, inequitable distribution of resources (such as motor vehicles) and perceived loss of credibility as a consequence of the controversy surrounding the 2006 NCA constitutional amendments and elections. These factors have been outlined in the preceding pages and do not bear repetition.

We believe that the NCA can improve its effectiveness by engaging in genuine consultation, respecting the diversity of views among its members (individual and institutional), depersonalising the constitutional issue and resolving the governance issues identified in this report. Its demonstrated capacity to adopt strategies that respond to the context is a strength that should enable the NCA revise its advocacy strategy in a manner that is responsive to the current political environment.

Rating 3.

Impact

As indicated above, programme design has been a major challenge for the NCA over the years. A key problem appears to be that the objectives of activities undertaken are not defined nor are the expected outcomes stated. Unless the NCA devotes more attention to programme design and implementation, it is unlikely to achieve its objectives.

As indicated above, the gaps and inconsistencies in the available documentary information, together with the lack of access to the programme beneficiaries during the evaluation exercise, renders it difficult for us to draw firm conclusions about the impact of the NCA programme. In particular, there is no evidence available to us that would enable us draw a firm conclusion that the funding support provided by the core donors to the NCA over the years is one that 'has yielded sustainable results that benefit the poor'.

Nevertheless, it can be argued that the NCA's enduring campaign for constitutional reform has contributed to an improved political commitment to constitutional reform which is reflected in the GPA signed by ZANUP-PF and the two MDC formations in September 2008 as well as the timetable for constitutional reform adopted by the inclusive government. Article 6 of the GPA seems to acknowledge the need for a 'people-driven' and democratic constitutional reform process as demanded by the NCA over the years. In language that is reminiscent of the NCA's constitutional reform campaign message, article 6 provides that 'it is the fundamental right and duty of the Zimbabwean people to make a Constitution by themselves and for themselves' and that 'the process of making this constitution must be *owned and driven by the people* and must be *inclusive and democratic*' (our emphasis). It further refers to public consultation, an All Stakeholders' conference and a referendum on the new draft constitution.

Efficiency

Based on the information from our interviews with the various NCA structures, we conclude that the NCA lacks sufficient financial and human resources capacity particularly at the regional level which has affected its ability to effectively implement its programmes. There is a need for skills development in order to enhance the human resource capacity of the organisation.

The NCA is entirely dependent on donors to fund its programmes and activities as well as staff salaries. Over the years, it has received significant funding from various donors. However, the difficult economic environment in which it has operated has also impacted negatively on its ability to effectively implement its programmes.

The NCA has identified the lack of a long-term approach to funding support by donors as a major obstacle to programme consistency. The dependency of the regional structures on the national office for funds and educational resources which are approved and provided on an ad hoc basis has also affected their ability to implement programmes responding to the local contexts.

Coordination

As stated earlier in this report, the NCA relies exclusively on donor funding for its activities and over the years, it has received vast amounts of funds in terms of funding agreements that it has signed with various donors. These agreements provide the framework for donor support to the NCA and the latter's obligations to its funders.

Most of the funding agreements that we reviewed provide for periodic meetings between the NCA and its donors as well as opportunities for donors to visit project sites and to undertake reviews and evaluations of the projects that they funded.³⁶ In addition, most contain a requirement that the NCA furnishes the donor with a narrative report describing the activities undertaken.

In our interviews with the NCA's three core donors (Sida, CIDA and RNE), we established that the donors have often initiated meetings with the NCA but have over the years tried to encourage the NCA to take the initiative, albeit unsuccessfully. For its part, the NCA has acknowledged the need for better coordination with donors and other like-minded civil society organisations. In this regard, it has indicated a preference for more structured (periodic) meetings with donors to assess progress and address concerns.

In regard to funding, donors have indicated that a basket fund approach and one proposal to all donors have proved unworkable with the exception of the three core donors since the NCA tended to submit several proposals to different donors at different times. In our view, donor funding support should be provided in a coordinated manner. Donors should, in cooperation with the relevant civil society organisations, also consider devising and implementing a composite work plan which assigns responsibility for particular areas to each NCA institutional member or civil society

³⁶ See, for example, the NCA's agreements with Sida 2003, art. 7; CIDA 2003, art. 5.2; NORAD, art. 3.3; the Royal Netherlands Embassy, cl. 11; OSISA 2004, cl. 9; Sida 2005, art. 7; MFA 2007, cl. 7.2

organisation working on constitutional reform or related issues. For example, under such a plan, MISA could coordinate all media related issues while ZLHR could coordinate the human rights aspects. In this regard, it is worthy of note that UNDP is in the process of organizing a pooled fund in order to finance civic education around the constitution.

With respect to the NCA's relations with other civil society organisations, there has been a gradual decline in institutional membership involvement in the NCA's activities since 2006. This appears to stem from disquiet over the controversial 2006 constitutional amendment and subsequent elections which are perceived to have entrenched the power of the NCA leadership. As indicated above, the NCA has signalled its intention to reach out to its institutional membership. However, recent events suggest that there is a degree of mistrust between the NCA and its institutional membership which stems from the NCA's hardline position on the article 6 constitutional reform process and the other organisations' preparedness to engage with the inclusive government.

Strategic coherence

Our review suggests that the scope of the work of the NCA is not too broad. Nevertheless, it is clear that the NCA neither has the expertise in all the relevant areas nor the capacity to fill all the roles in the constitutional reform process. There are a number of other organisations that have expertise in particular areas, such as human rights or gender issues, which could add value to the constitutional debate and constitution making process. Some of these have been institutional members of the NCA and so were able to offer their expertise in that context. However, many are no longer involved with the NCA, thereby depriving it of a valuable resource and constituency. The NCA needs to work with these organisations to make a meaningful input into the constitution making process and to enhance citizen participation in the article 6 process.

Coverage

The NCA documents indicate that the organisation has structures that cover the breadth of the country. During the period under review, these structures were closely

linked to the opposition MDC. It also used the local level structures of better established organisations such as ZimRights. However, the decreased involvement of institutional members in the activities of the NCA and apparent differences between the NCA and the MDC leadership³⁷ over approaches to constitutional reform has provided the space for other organisations pursuing constitutional reform, such as Bulawayo Agenda, to spring up.

The competition for donor resources fostered by the emergence of these organisations may undermine civil society efforts to make a meaningful input into the constitutional reform process. This can be addressed by donors adopting a coordinated approach to funding civil society organisations to ensure the efficient and targeted use of resources.

4.3 RECOMMENDATIONS

Based on the findings in this report and the above conclusions, we make the following recommendations which are addressed to both the NCA and its donors:

Recommendations to the NCA

- The NCA should review its Constitution in order to resolve the ambiguities and inconsistencies identified in this report and to incorporate clear and detailed financial provisions and to spell out the role of the Secretariat.
- The NCA should review its Management Systems Manual to resolve ambiguities and inconsistencies as well as clarify the lines of authority.
- The NCA should adopt a gender policy to inform gender mainstreaming in its programmes and activities.
- The NCA should devise and implement a strategy to monitor the impact of its programmes and activities, especially at the regional level. This would assist the

³⁷ On 9 April 2009, the NCA organised a briefing for parliamentarians concerning the NCA position on the constitutional reform process provided for under article 6 of the GPA. Only one Member of Parliament from MDC-T and two from MDC-M attended the briefing. No ZANU-PF attended. All MDC parliamentarians in attendance stated that the NCA needed to revise its strategy and to compromise on some issues.

NCA prepare appropriate funding proposals and donors in making appropriate funding decisions.

- The NCA should review its records and information management system and implement a proper records management system with proper filing procedures.
- There should be a clear delineation between the operational function performed by the Secretariat and the policy making function performed by the 'political structures'. In particular, the chairperson should not be involved in the daily functions of the Secretariat. The role of the chairperson and the Taskforce should be to oversee the operational function of the Secretariat.
- The NCA should consider revisiting its financial system and devolving the financial management function from the Taskforce to the Secretariat with the Taskforce playing an oversight role as contemplated by the organisation's Constitution.
- The NCA should review the design of its programmes in order to ensure that the programme offerings are appropriate for the type of activity being undertaken.
- The NCA should implement the outstanding recommendations concerning its organisational development and should commit more seriously to implementing recommendations from external assessments and audits.
- The NCA should rethink its advocacy strategy in view of the opportunities for constructive engagement offered by the current political environment.
- The NCA should endeavour to re-engage with its institutional members in order to benefit from their capacities in different areas of relevance to the constitutional reform process and to more strategically engage in the opportunities offered by article 6 of the GPA.

Recommendations to Donors

- Donors should coordinate their funding support in relation to the NCA and the activities of the various civil society organisations participating in the constitutional reform process order to ensure coherence and efficient use of resources. In this regard, a pooled fund which assigns specific areas of focus to different

organisations (based on each organisation's expertise and capacities) in order to reduce tensions among them would be helpful.

- Donors should establish a mechanism or mechanisms to track compliance, by the NCA, with the terms of grant agreements on a regular basis.

Appendix A

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TERMS OF REFERENCE FOR AN IMPACT EVALUATION OF THE NATIONAL CONSTITUTION ASSEMBLY (NCA)

1. Background

The National Constitution Assembly, NCA, was formed in 1997 and is a voluntary association of civil society organisations and individual civic groups, including human rights organisations, churches and other religious organisations, student organisations, youth organisations, resident associations, pressure groups, political parties women's organisations, disabled persons' organisations and individual citizens. Its main objectives are the promotion of awareness, critical debate and participation in the making of Zimbabwe's constitution through an open, transparent and accountable and people driven process. The Swedish International Development Cooperation Agency (Sida), together with the Royal Norwegian Embassy (RNE) and the Canadian International Development Agency (CIDA), have, as core donors supported the NCA over a number of years. In addition, HIVOS (a Dutch NGO), Open Society for Southern Africa (OSISA), the European Commission (EC) and the Netherlands Embassy have provided support to specific activities.

Sida will play the role of lead evaluation coordinator responsible for consultant contractual issues and payments. Sida, RNE and CIDA agreed to co-fund this evaluation equally.

2. Rationale

Zimbabwe is in a prolonged political and economic crisis. The GDP has shrunk by a third in the past eight years and made worse by poor economic management, drought and a decline in direct foreign investment. Fiscal and monetary management has weakened, with the latest annual inflation rate of over 11 million percent as of August 2008. The Zimbabwe dollar continues to loose value on the parallel market and the economy is being increasingly, although not formally, dollarized. On the political scene, Morgan Tsvangirai won the Zimbabwe election in the March 29th presidential election with 47,9% of the total vote as compared to Robert Mugabe's 43,2% according to official results announced by the Zimbabwe Election Commission (ZEC). However, since none of the candidates got more than 50% plus one of the total vote, a run-off took place in June which Morgan Tsvangirai pulled out of citing unequal grounds due to political violence. The MDC backers won control of the House of Assembly with a combined 110 seats against ZANU's 99 and an MDC-T speaker has recently been elected. The drawn out power-sharing talks between the MDC-factions and the ruling ZANU-PF finally resulted in an Agreement for an Inclusive Government that was formally signed on 15 September 2008. The Agreement retained Mugabe as President with supposedly reduced executive powers some of which were placed in a new Prime Minister position designed for Tsvangirai. The negotiations are still ongoing on the key contention of distribution of government Ministries among the three political parties.

3. Programme Description

Since its establishment the NCA has had the aim of achieving a new democratic and people-driven constitution. At the time of the founding the NCA had the following objectives:

- identify shortcomings of the Lancaster House Constitution and organise a debate on a possible constitutional reform;
- in the organising of the constitutional debate allow for a broad-based participation and access by all Zimbabweans;

- subject to the constitution-making process to popular will and scrutiny, entrenching the principle that constitutions are made for the people;
- in general encourage a culture of popular participation in decision making.

For the past seven years the NCA has been the most important actor in the constitutional reform campaigns in Zimbabwe. The NCA campaigned successfully for a rejection of the Government commissions draft constitution in the February 2000 referendum. NCA has since then continued to demand and lobby for a transparent constitutional making process.

4. Objectives

The purpose of the evaluation is to: provide a framework for and establish NCA's record of achievement in relation to its objectives, the impact it has made and relevance, its strategies given the current developments in Zimbabwe. The aim is also to ascertain whether the cooperation between NCA and donors, namely Sida, CIDA and RNE is one that produced sustainable results that benefits the poor. Specific objectives: To -

- To evaluate performance and management of the programme for the last four years between 1st January 2003 and 31st December 2007.
- Evaluate the NCA's institutional effectiveness.
- Make recommendations based on accomplishments and lessons learned.
- Critically assess possible requirements for donor support to the NCA to enable it to respond to new opportunities – including any demonstrated political commitment for reform – for effecting meaningful Constitutional and legislative improvements.

5. Scope of the Evaluation

5.1 The evaluation shall include several specific activities, as follows:

- To assess the extent to which the NCA as an organisation is achieving its main programmatic objectives in relation to NCA's overall mission.
- To assess the efficiency and effectiveness of the NCA in managing the programme and to identify the obstacles and catalyzing factors faced by the target group in the programme implementation.
- To assess the extent that the activities of NCA have contributed to civic awareness on constitutional issues and the promotion of human rights in Zimbabwe and whether the activities have encouraged the growth and strengthening of human rights at all levels of Zimbabwean society. In addition, an assessment shall be made on which activities have directly or indirectly led to an increase in civil participation in governance. "What difference has the NCA really made?" Is it still relevant? Who benefits and to what degree from the project outputs? Do the beneficiaries regard the outputs as relevant to the needs and demands the project initially wished to fulfil? Specify for men, women, male and female youths. Provide concrete illustrations by quantifying and or expressing qualitative results.
- To assess the extent to which members and or target groups are involved in the development strategies and planning of activities. Have there been any changes over the last four years? Have the activities of NCA impacted on the social relations within these groups (traditional leaders, local authorities, men, women, female and male youths including those who are more vulnerable). To what extent has NCA integrated the interests of women in its activities?
- To assess what tools and methods the NCA has been using when collecting data and

inputs from citizens from the 120 constituencies and have they been the same. Who within NCA is responsible for compiling this information and how has it been utilized and/or disseminated into useful programming?

- To determine whether donor funds were used for activities agreed upon by Sida, RNE and CIDA. Does NCA have a coherent financial control (or internal audit) system including clear financial policies and procedures? Are these in writing, available, understood and followed by staff? To what extent can NCA prove that the costs of its activities are efficient in relation to produced outputs? Does NCA follow up auditors recommendations?
- To evaluate whether the NCA is in compliance with the terms of the respective grant agreements and to conduct an audit of the NCA's material and educational resources to establish how they are managed.
- To ascertain whether the NCA has consistently complied with the reporting requirements of its donors in terms of timing and quality.
- To evaluate the relevance of the revised organisational structure. (During 2004 and 2008 Sida commissioned an external mid-term financial and compliance audit of the organisation. The organisational related recommendations of the audit should be part of the now planned evaluation). In addition, since NCA is a membership-based organisation. how is membership recruited, managed and coordinated? Are membership figures up to date? Has there been an evaluation of NCA's strengths and weaknesses with respect to membership participation on how up to date the membership figures are? What are the current plans for membership recruitment and engagement?
- To give recommendations with regards the strategic approach, organisational structure, implementation, and management of the programme. For example, how are the internal structures for decision making and governance organised and what is their effectiveness. Do the structures appreciate the impact of inequalities between women and men in relation to the constitution? How are decision-making bodies linked within NCA? How does the control or management process function within NCA? What is the information/communication system within NCA – does it promote exchange, dialogue and openness?

5.2 Issues to be covered in the evaluation

General

Under each of the following headings the Consultant/s should offer a numerical score and a qualitative evaluation and the evaluation should focus but need not be limited to the following areas. Recommendations as to how the NCA's performance can be improved in future should be made.

Relevance - Are the programme purpose and objectives relevant to the situation and to needs of the beneficiaries? Briefly examine the environment in which the NCA operates and discuss its impact on activity goals, objectives and implementation. How do civil society and other relevant groups view the NCA?

Effectiveness - Is the programme being effectively planned, delivered and managed?

Impact – Judging by the way the programme is set up and implemented, will it achieve its purpose and is it likely to have meaningful impact on the beneficiaries' lives?

Efficiency – Does NCA have sufficient financial and human resource capacity to effectively implement the programme, and is the programme showing itself to be cost effective, i.e. is there value for money?

Co-ordination – How effectively is NCA co-ordinating the programme activities internally and externally (i.e. with donors, liaison partners and other civil society organisations)?

Strategic coherence – Is the scope of the work too broad to have significant impact on the core objectives NCA is addressing? Is NCA capable of filling all roles?

Coverage - Is the geographical focus and coverage appropriate i.e. is it effectively identifying and targeting the most needed clients? What other organisations, if any, are engaged in similar work and how does the coverage provided by NCA relate to the work of these other organisations?

5.3 Organisational considerations

- Assess organisational changes due to the recent re-structuring and its links to organisational development processes, and the organisational effects of these. What organisational changes have been done the past four years? Assess the appropriateness of these organisational changes in light of Zimbabwe's ever-changing socio-political and economic situation.

- How have recommendations from financial and compliance audits carried out by KPMG and others been adopted?

- Analyse reporting to donors, fulfilment of requirements vis-à-vis transparency and confidentiality

5.4 Programmatic considerations

- assess the general quality of awareness training workshops and public meetings.
- have the evaluated interventions been managed with reasonable regards for efficiency? What measures have been taken during planning and implementation to ensure that resources are efficiently used?
- were the interventions economically worthwhile, given possible alternative uses of the available resources? Should the resources allocated to the interventions have been used for other, more worthwhile, purposes?
- How have the conditions of the beneficiaries changed due to the support. How has the intervention affected the well being of the beneficiaries? What can be done to make the interventions more effective?

6. **METHODOLOGY**

6.1 The consultant/s shall review the following NCA documents:

- a) This evaluation will be conducted primarily through desk review of available documents, interviews of selected stakeholders including the NCA structure, project beneficiaries, academia and CSOs, donors and a few field visits.
- b) The consultant/s shall review the following NCA documents:
 - Project documents for the programmes supported

 - Reports and related documents

 - Logical Framework of the programme

 - Monitoring and evaluation tools and ToR
- c) The consultant shall also review other relevant assessments and analyses of the constitutional question in Zimbabwe, institutions of higher learning and by SADC's Mbeki Mediation Initiative, the Government of Zimbabwe, donor and UN agencies, private sector as well as NGOs/CSOs.
- d) In addition, field visits shall be undertaken.

6.2 Deliverables

- Work Plan – two days after commencement of assignment
- 1st Draft Report – after 20 days
- 2nd Draft Report – within 7 days after submission to NCA and the 3 donors separately for comment/input and to be presented to NCA and donors in Harare
- Final Report – within 4 days after presentation of the 2nd draft report

6.3 Time Frame

A total of 5 weeks is ideal and shall include the literature review, preparation of work plan as well as the substantive assignment consisting of analytical interviews and field visits, drafting and presentation of the evaluation report.

6.4 Evaluation Team

It is expected that the evaluation consists of a team of two persons; the lead consultant with regional and/or international expertise and a local one. The team shall have the strong proven know-how in the area of constitutional reforms and project management/finance and organisational development and analytical skills and experience in producing well written reports. Both of them are required to have a strong understanding of the Constitutional problem of Zimbabwe and the operations of the NCA (without being a member or associate of the NCA).

7. BUDGET

The budget shall be divided into lead consultant's fees USD/day x no. of days, local consultant's fees USD/day x no. of days, other expenses such as travel costs and accommodation and contingencies (10% of total costs).

Payment will be done in stages:

33% will be paid upon presentation of the workplan

33% will be paid after presentation of 1st draft

17% will be paid after presentation of 2nd draft

17% will be paid after submission of final report.

Appendix B

List of interviewees / respondents

Name	Institutional affiliation	Date
Jessie Majome	Deputy Minister of Justice & Legal Affairs	01.04.09
Jonah Gokova	Chairperson, PADARE	02.04.09
Eldred Masunungure	Director, Mass Public Opinion Institute / Professor, University of Zimbabwe	02.04.09
Emilia Muchawa	National Director, Zimbabwe Women Lawyers' Association (ZWLA)	02.04.09
Dakarayi Matanga	Executive Director, ZIMCODD	02.04.09
Alois Chaumba	National Director, CCJP	02.04.09
Masimba Nyamanhindi	Coordinator, Student Solidarity Trust	03.04.09
Joy Mabenge	Programme Manager, IDAZIM / NCA Advocacy Chairperson	03.04.09
Earnest Mudzengi	National Director, NCA	03.04.09
Deborah Barron	National Director, Legal Resources Foundation	03.04.09
Esnath Kadzomba	Accounts Clerk, NCA Secretariat	03.04.09
Patience Nhliziyo	Programme Coordinator, NCA Secretariat	03.04.09
Japhet Moyo	Deputy Secretary-General, ZCTU	03.04.09
Shupikayi B Chimhini	Policy Advisor (Legal), UNDP	04.04.09
Lovemore Madhuku	National Chairperson, NCA	04.04.09
Thomas Bangira	Chairperson, Guruve South constituency, Mashonaland Central Region, NCA	06.04.09
Simon Mandiwanzira	Chairperson, Mashonaland Central Region, NCA	06.04.09
James Kwangwa	Chairperson, Mbare East constituency, NCA	06.04.09
Tsitsi Mikitai	Gender Chairperson, Harare Region, NCA	06.04.09
Allan Tshuma	Advocacy & Youth Officer, Harare Region, NCA	06.04.09
Wilson Matamande	Finance Manager, NCA Secretariat	06.04.09
Taurai Maravanyika	Vice-Chairperson, Harare Region, NCA	06.04.09
Tapiwa Bhunu	Chair, Bindura constituency, Mashonaland Central Region, NCA	06.04.09
Georgina Nyamutsamba	Chairperson, Chitungwiza constituency, NCA	06.04.09
Chipo Suka	Chairperson, Kambuzuma constituency	06.04.09

Honest Muzeza	Chairperson, Harare Constituency, NCA	06.04.09
Hans-Petter Hergum	First Secretary, Royal Norwegian Embassy, Harare	06.04.09
Gibson S Moyo	Chairperson, Bulawayo Region, NCA	07.04.09
Robert Machona	Chairperson, Mkoba Constituency, Midlands Region, NCA	07.04.09
Edward Fika	Chairperson, Midlands Region, NCA	07.04.09
Sungano Zvarebwanashe	Field Officer, Midlands Region, NCA	07.04.09
Shamiso Nyathi Mhlekwa	Gender Chairperson, Midlands Region	07.04.09
Fazo Nkiwane	Chairperson, Bulawayo South constituency, NCA	07.04.09
Thalitha Dube	Field Officer, Bulawayo Region, NCA	07.04.09
Morinah Sibanda	Chairperson, Matopo Constituency, NCA Matebeleland South Region	08.04.09
Jester Ndlovu	Chairperson, Tsholotsho Constituency, Matebeleland North Region, NCA	08.04.09
Nawu Ndhlovu	Chairperson, Hwange West Constituency, NCA	08.04.09
Sithumiso Moyo	Gender Chairperson, Bulawayo Region, NCA	08.04.09
Obert Zulu	Assistant Field Officer, Matebeleland North Region, NCA	08.04.09
Artwell Dube	Vice-Chairperson & Advocacy Chairperson, Matebeleland South Region, NCA	08.04.09
Hingani Mkandla	Chairperson, Matebeleland North Region, NCA	08.04.09
Joylyn Ndoro	Programme Officer, Royal Netherlands Embassy, Harare	09.04.09
Elijah Tafangombe	Senior Democracy Advisor / Fund Manager, ZCSF-RDG, CIDA	09.04.09
Godfrey Mpande	Director, Project Support Unit, CIDA	09.04.09
Ian Goredema	Fund Officer, ZCSF-RDG, CIDA	09.04.09
Tapera Kapuya	Coordinator, NCA South Africa Branch	14.04.09
Okay Machisa	National Director, ZimRights	15.04.09
Takura Zhangazha	National Director, MISA	*
Elisha Makuyana	Chairperson, Manicaland Region, NCA	*
Johannes Kwangari	Chairperson, Mutare Central Constituency, NCA	*
Jane Magwaza	Chairperson, Mutare South Constituency, NCA	*

Appendix C

List of Documents Reviewed in the Evaluation

Reports

Chari, U and Njovana, National Constitutional Assembly Evaluation Draft Report, April 2003

NCA, Annual Report 2004

NCA, Annual Report 2005

NCA, Annual Report 2006

NCA, Annual Report 2007

NCA, Bridge Funding Report, 1 January to 30 March 2003

NCA, Bridge Funding Report, April to June 2003

NCA, Final Report for Activity 16072 (September 2007-August 2008), prepared for the Royal Netherlands Embassy by the NCA Secretariat

Funding agreements

Agreement between Sida and the National Constitutional Assembly on Support to Promote Awareness, Critical Debate and Participation of the Making of Zimbabwe's Constitution during January 2005-December 2005

Agreement between Sida and the National Constitutional Assembly on Support of One Year Bridge Funding during July 2003-June 2004

Agreement between the Royal Netherlands Embassy and the National Constitutional Assembly, 31 August 2004 (Ref. 04.71.PRD.10042)

Amendment to the Agreement on Support to NCA 2006-2007 (Sida Contribution No. 2700023201)

Amendment to the Agreement on Support to NCA November 2007 – December 2008 (Sida Contribution No. 2700023201)

Contract between HiVOS and the National Constitutional Assembly (NCA Bridging Fund July 2003 to June 2004), 9 September 2003 (Project No. ZI044031)

Contract between HiVOS and the National Constitutional Assembly (Institutional Building and Lobby), 9 July 2004 (Project No. ZI044041)

Contract between the Norwegian Agency for Development Cooperation (NORAD) and the National Constitutional Assembly regarding support to Organisational development and one year programme bridging, 14 August 2003 (822.1 ZIB22, 2002/122-3)

Contract between the Norwegian Ministry of Foreign Affairs (MFA) and the National Constitutional Assembly (NCA) (ZIB 2214, ZIB-07/0034)

Contract for Financing of Projects between the Netherlands Institute for Southern Africa (NiZA) and the National Constitutional Assembly (Project No. 1.1.523), 9 February 2005

Contribution Agreement between the Canadian International Development Agency and the National Constitutional Assembly, 30 July 2003 (Agreement No. RDG III-02 [2003/04])

Contribution Agreement between the Canadian International Development Agency and the National Constitutional Assembly, 26 January 2005 (Agreement No. CSFG #17 [2004-05])

Grant Agreement between the Open Society Initiative for Southern Africa (OSISA) and the National Constitutional Assembly, October 2004

Other

Agreement between the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the Two Movement for Democratic Change (MDC) Formations on Resolving the Challenges Facing Zimbabwe, 15 September 2008

Constitution of the National Constitutional Assembly (as amended)

Kariba Draft Constitution

Letter from the Director, National Constitutional Assembly to the Royal Netherlands Embassy, Harare, 25 September 2008

Letter from the Royal Netherlands Embassy, Harare to the Director, National Constitutional Assembly (Ref. 09.15.PRD.17683), 8 April 2009

Letter from the Royal Netherlands Embassy, Harare to the Director, National Constitutional Assembly (Ref. 08.82.PRD.16072), 19 September 2008

Mass Public Opinion Institute, 'Results Presentation on "Constitutional Reform Interventions and Democratisation in Zimbabwe" '(2009)

Memorandum from the NCA Taskforce Chairperson to the Director of the NCA Secretariat, 3 April 2009

NCA Proposed Draft Constitution for Zimbabwe

Appendix D

NCA Staff Profiles

	NAME	TITLE	QUALIFICATIONS
1.	Esnath Kadzomba	Account Clerk	LCCI, Diploma in Accounting, IAC
2.	Patience Nhliziyo	Programmes Coordinator	Bachelor of Commerce Degree, Current studies: Project Management
3.	Wilson Matamande	Finance Manager	B. Acc, CIS, MBA
4.	Eddie Sithole	Field Officer, Mashonaland East	'O' Level
5.	Earnest Mudzengi	National Director	B.A, M.A. Media & Communication Studies (UZ), Diploma, Project Planning & Management, Institute of Cultural Studies
6.	Isabel Kupahurasa	Personal Assistant	Top Flight Secretarial Diploma
7.	Allan Tshuma	Advocacy Officer	Diploma Networking IT, Diploma Cisco Reuters IT
8.	Tsungirirai Dhewa	Field Officer, Harare	Studying ZAAT (Final Part), Secretarial
9.	Clemence Chavarika	Office Orderly	'O' level
10.	Joseph Kazisi	Field Officer, Mashonaland Central	Certificate in Quality Management Systems, 7 'O' Levels
11.	Sungano Zvarebwanashe	Field Officer, Midlands	5 'O' Levels
12.	K. Masunda	Driver, Masvingo	Class 4, Driver's Licence
13.	Thalitha Dube	Field Officer, Bulawayo	'O' Levels, Secretarial, Computer Course
14.	Patience Nyangara	Information Officer	B.A. Hons Media & Society Studies
15.	Obert Zulu	Assistant Field Officer	'O' Levels, Diploma in Personal and Industrial Relations, Computers
16.	Matthew Mafuta	Officer Orderly	'O' Levels
17.	Thabani Mhlanga	Field Officer, Manicaland	Diploma
18.	Bernard Tizayi Dube	Driver	Class 4, Driver's Licence
19.	Paul Nechishange	Field Officer, Mashonaland West	'O' Levels
20.	Thokomelang Dube	Field Officer, Matebeleland South	'O' Levels

Appendix E

List of NCA Taskforce Members

Name	Occupation	Sex	NCA Position	Years on the board
Lovemore Madhuku	Lecturer	M	Chairperson (E)	7
George Mkhwanazi	Lecturer	M	Vice Chairperson (A)	3
Madock Chivasa	Social Scientist	M	Spokesperson (E)	3
Tsitsi Mariwo	Lawyer	F	Deputy Spokesperson (A)	1
Felix Mafa	Teacher	M	National Advocacy Chairperson (E)	5
Joy Mabhenge	Social Scientist	M	National Advocacy Committee Vice Chairperson (A)	6
Tsitsi Mutongi	Social Scientist	F	National Gender Chairperson (E)	3
Wellington Chibhebhe	Secretary-General ZCTU	M	Trade Unions representative (A)	6
Alois Dzvairo	Engineer	M	National Youth Chairperson (E)	3
Sikhumbuzo Dube	Engineer	M	Political Parties representative (E)	3
Patience Nhliziyo	B Com degree	F	Programs Coordinator	
Hingani Mkandla	Teacher	F	Matebeleland North Regional Chairperson (E)	3
Amos Phiri	Engineer	M	Harare Regional Chairperson (A)	5
Lionel Chiimba	Business person	M	Mashonaland East Regional Chairperson (A)	3
Artwell Dube	Full time activist	M	Vice regional Chair	
Edward Fika	Politician/former soldier	M	Midlands Regional Chairperson (E)	3
Possent Msimanga	War Veteran/paralegal officer with Legal	M	Matebeleland South regional Chairperson(E)	3

Name	Occupation	Sex	NCA Position	Years on the board
	Resources Foundation			
Elisha Makuyana	Social Scientist (?)	M	Manicaland regional Chairperson (E)	4
Simon Mandiwanzira	Politician/activist	M	Mashonaland Central regional Chairperson (E)	3
Justin Ndlovu	Teacher	M	Media/arts representative (A)	1
Itai Takana	Technician	M	Youth Representative (E)	2
Rev Paul Neshangwe	Pastor	M	Religious organisations` representative (E)	3
Canfred Pambuka	Social Scientist	M	Residents Associations` Representative (E)	2
Busani Ncube	Activist	M	Human Rights Organisations` Representative (E)	2
Edson Chihota	Prisoners` Rights Activist	M	Human Rights Organisations` Representative (E)	2
Dorothy Bhebhe	Women Rights Activist	F	Deputy Gender Chairperson (E)	2
Tapera Kapuya	Lawyer	M	NCA Coordinator South Africa	2
T Musiwa	Zimcett officer	M	Regional Chair	
Farai Cherera	President of National Council for Disabled Persons	F	Member	
Earnest Mudzengi	National Director	M	Ex-Officio	

*(E) - Elected

*(A) - Appointed

Appendix F

NCA Institutional Members

(as provided by the NCA Secretariat)

No.	Organisation	Address	Telephone
1.	Zimbabwe Congress of Trade Unions (ZCTU)	9th and 10th Floor, Chester House, 3rd Street/Speke Ave, Harare	+263-(0)4-794702, 794742, 793093
2.	ZimRights	Alverston Court, Cnr 4 th & Baines Ave, Harare	+263-(0)4-707278, 705898
3.	ZESN	10 Rochester Crescent, Belgravia, Harare	+263-(0)4-250735/6, (0)23-277140
4.	Media Institute of Southern Africa (MISA)	84 McChlery Drive Eastlea Harare	04 776165, 746838
5.	Zimbabwe Lawyers for Human Rights (ZLHR)	6th Floor Beverley Court, 100 Nelson Mandela Ave, Harare	+263-(0)4-251468, 705370, 708118
6.	Progressive Teachers Union Zimbabwe (PTUZ)	14 Maclaren Rd, Milton Park, Harare	+263-(0)4-741937
7.	ZINASU	353 Samora Machel Avenue, Eastlea, Harare	+263-(0)4-793246, (0)913 022 456, (0)913 010369
8.	Bulawayo Agenda	Suite 602, 6th Floor Pioneer House, Fife St / 8th Ave, Bulawayo	09-888211
9.	Women of Zimbabwe Arise (WOZA)	P.O. Box FM701, Famona, Bulawayo	+263-(0)912-300456, (0)912-898110
10.	Women's Coalition	17 Fife Ave Harare	
11.	Christian Alliance	Central Ave, Harare	
12.	Students Solidarity Trust (SST)	4th Floor, Left Wing, Construction House, Leopold Takawira Ave, Harare	+263-(0)912-251384, (0)912-974435, (0)912-973294
13.	Zim Crossborderers Traders Association	Harare	
14.	Zimbabwe Poets for Human Rights	5 Normandy Road Alexandra Park Harare, Zimbabwe	+263-(0)4-744593
15.	ISO	Alverston Court Cnr 4 th & Baines Ave Harare	+263-(0)4-704209, (0)912-370554, (0)912-908847
16.	ZIMCODD	5 Orkney Road, Eastlea, Harare	+263-(0)4-776830/1
17.	NANGO	1 st Floor Mass Media House Cnr/Selous Ave Harare	+263-(0)4-708761, 732612, 703579
18.	Zimbabwe Civic Education Trust (ZIMCET)	217 Samora Machel Ave, Harare	+263-(0)4-740505, 747427, 778324
19.	Transparency International Zimbabwe (TIZ)	96 Central Ave, Harare	(0)4-793246/7

20.	Mass Public Opinion Institute	4 th Floor Robison House Harare	(0)4-758700, 771358, 756484
21.	Legal Resources Foundation	5th Floor Blue Bridge, Eastgate, Sam Nujoma St, Harare	+263-(0)4-251170-4
22.	Student Christian Movement of Zimbabwe	Harare	0)4-738920, 703474, (0)912-415401
23.	Zimbabwe Women Lawyers Association (ZWLA)	17 Fife Ave, Harare	+263-(0)4-706676, 703766/771, 708491
24.	Catholic Commission of Peace and Justice (CCJP)	29-31 Selous Ave / Fourth Street, Harare	+263-(0)4-704415
25.	Combined Harare Residents' Association (CHRA)	Exploration House, Third Floor, 145 Robert Mugabe Way, Harare	+263-(0)4-705114, (0)11-862012
26.	Matebeleland AIDS Council (MAC)	97a Josiah Tongogara St, Bulawayo	+263-(0)9-62370, 61540
27.	Post Independence Survivors Trust (PIST)	C/o Mr. F M Mafa	0912 322 912
28.	ZACRO	12922 Ndelela Way, Mbare	
29.	GALZ	35 Colenbrander Road, Milton Park, Harare	+263-(0)4-741736, 740614, 2906609 or 2906610
30.	Padare	83 Central Avenue	+263-(0)4-799047, 2927424/5 738920, (0)912-262627,
31.	Zimbabwe Liberators Platform (ZLP)	Harare c/o Mr Ray Muzenda,	0912 272485
32.	Zimbabwe Peace Project (ZPP)	4 Athol Close, Northwood, Mt Pleasant, Harare	+263-(0)4-301790, 2930180, 2930182
33.	Umkhonto Kamthwakazi	C/o Bulawayo Agenda Office Bulawayo	0912 570 942
34.	Habakuk Trust	C/o Bulawayo Office	
35.	Evangelical Fellowship of Zimbabwe (EFZ)	2 Maitland Ave, Arcadia, Harare	+263-(0)4-750949, 751927
36.	Zimbabwe Union of Journalist (ZUJ)	57 Whitecroft Building, Cnr Central and Sixth Avenue, Harare	+263-(0)4-795670, 795609
37.	National Children's Organisation of Zimbabwe (NCOZ)	C/o Bulawayo Office	
38.	Bulawayo Upcoming Traders Association (BUTA)	C/o Bulawayo Office	
39.	Mgqomo Performing Arts	C/o J J Ndlovu BYO	0912 873 054
40.	Artists for Democracy in Zimbabwe Trust	123 Leopold Takawira, 807 Dolphin House, adztrust@yahoo.co.uk , www.adzt.org	0912 903 386 or 0912 872 292 or 0912 614 272
41.	WOZA	J Williams	0912 300 450
42.	ISO	C/o Mr A. Mutero	023 295 722
43.	Youth Forum	C/o Mardock Chivasa	0912 904492
44.	CHRA	C/o Mr B. Mangodza	04 746 019
45.	Movement For Democratic Change (MDC)	Harvest House, Harare	04 781138
46.	ZANU NDONGA	C/o Mr Semwayo	0912 308 262
47.	Democratic Party	C/o Mr Urayai Zembe	0912 342 707
48.	National Alliance for Good Governance (NAGG)	C/o Mr S. Chihambakwe	04 706 898

Appendix G

National Constitutional Assembly

Standard Presentation for a Grassroots Workshop/Public Meeting

1. What is NCA?

- Stress its non-partisanship
- Say when the NCA was formed.
- Membership of the NCA: individual and institutional.

2. What is the vision and mission of the NCA?

- To understand the vision and mission of the NCA, you must understand the essence of a constitution. At this stage explain what a constitution is.
- What is the link between a democratic constitution and good governance and social progress and development?
- Emphasize the “people driven aspect” of constitution making: here refer to the 2000 referendum and why the NCA campaigned for a NO vote.

Defend the NO Vote and criticize the government stance of:

- (i) Claiming that in voting NO, Zimbabweans rejected an opportunity to get a new constitution.
- (ii) Attributing the NO vote to the land cause.

3. What are the weaknesses of the current constitution?

Refer to, among other things:

- (i) 17 amendments to serve the interests of the governing elite.
- (ii) Presidential Powers.
- (iii) Lack of accountability of the government.
- (iv) Electoral framework.
- (v) Narrow Bill of Rights.

- Under this section, refer to some of the provisions of the NCA Draft as comparisons. Where relevant, refer to constitutions of other countries in Southern Africa e.g. South Africa
- Illustrate how the weaknesses of the current constitution have had effects in practice e.g.:
 - (i) Referring to the 2000, 2002 and 2005 elections.
 - (ii) Abuses by the President.
 - (iii) Human Rights abuses showing lack of accountability by government.

4. What is the way forward?

- (a) Zimbabweans must continue to educate each other on the importance of a new constitution.
- (b) Zimbabweans must prioritize the issue of a new constitution.
- (c) Indicate the role of the NCA and its two main programmes:
 - (i) Civic education
 - (ii) Putting pressure on government.
 - Explain and defend the NCA programmes of peaceful demonstrations.
 - Explain the structure of the NCA and how ordinary people may participate in it.
 - Say something about unjust laws like POSA.
- (d) Link the NCA initiatives with other initiatives.
- (e) Indicate the risks involved in the struggle for a new constitution.
- (f) Invite people to join NCA.

