



YOUTH POSITION PAPER ON THE ZIMBABWE YOUTH BILL PRINCIPLES

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Shared Partnership Agreement (SPA) Project.

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Introduction

This policy paper comes to potency following the approval of the Zimbabwe Youth Bill Principles setting in motion the repeal of the Zimbabwe Youth Council Act (ZYC A) by the Cabinet. It is part of the effort by government to improve the welfare of youth in Zimbabwe among the various efforts made by other non-state actors. The principles which have been passed by cabinet and yet to be rectified as law gives a chance for the nation to prioritize the youth sector and draft a youth bill that will address all gaps that seek to limit the full realization of the needs and aspirations of youth in Zimbabwe. Youth in Zimbabwe constitute the largest demographic component of approximately 65% and yet they remain in the periphery in the developmental agenda. The youth bill principles despite giving life to the development of youth, many are not aware of the existence of such legislation. This is attributed to lack of participation of youth in decision making, elite policy making, and apathy among the youth on democratic process or deliberate information gaps by bureaucrats within government and institutions that deal with youth affairs. This paper will unpack the limitations of the current legal, political, social and economic order in the full realization of youth rights as prescribed in the Zimbabwe constitution. Whilst also igniting pro youth frameworks that will assist parliament and youth to have a full-fledged youth bill that captures young people's aspirations and provided for by the law of Zimbabwe.

Limitation of the current youth legal framework

The youth bill principles is applauded to address deep legal structural impediments by the Zimbabwe Youth Council Act [Chapter 25:19] so that it will be aligned to the new constitution especially section 20 of the Zimbabwean constitution. The cabinet in proposing the youth bill principles take into cognizance the fact that the Act is not conclusive and it impedes the well-functioning of the Zimbabwe Youth Council. The bill of principles sought to address the governance and mandate of the ZYC as it is ambiguous and have been resisted by most youth associations who turned to register their institutions as trust rather than with the ZYC. The ZYC Act in its current form give unfettered Ministerial powers in the governance of the council compromising the council's oversight role to its parent ministry of youth. On composition of the Board of the youth council the Zimbabwe Youth Council Act [Chapter 25:19] state that

'The Council shall consist of (a) a chairman appointed by the Minister after consultation with the President and in accordance with any directions the President may give him; and (b) fourteen other members, of whom (i) seven shall be appointed by the Minister after consultation with the President and in accordance with any direction the President may give him; and (ii) seven shall be elected by registered national associations in terms of subsection (2).

This compromise the independence of the Youth Council and erodes the democratic nature and good governance of the organization since the Minister with the directive from the President can appoint people based on political affiliations not through meritocracy. Some of the provisions of the Youth Council Act encroach into the independent functioning of youth association as it interfere in areas of donations and general administrative function.

Review of the youth bill principles

Zimbabwe Youth Council is a core entity to Government's agenda for youth economic, social empowerment and development, its mandate is of strategic importance towards achieving the Government of Zimbabwe's policy on youth development and creating an environment conducive for the empowerment and prosperity of the Zimbabwean youths. The bill of principles seek to strengthen the Zimbabwe Youth Council by clearly defining the terms of reference of the ZYC which is regarded as ambiguous and not meeting 21st century democratic values. Secondly it speak on creating a conducive and enabling legal framework that promotes youth empowerment, participation and development in Zimbabwe.

The current legal framework of Zimbabwe Youth Council Act [Chapter 25:19] is not adequate in meeting the aspirations of the youth and it is not aligned to the Zimbabwean constitution. Third aspect is on ensuring an implementation and monitoring framework of the national youth policy so that it don't become a white elephant. The bill of principles implies that the state must ensure and creates a legally binding framework that stipulates a periodic review of national policy and specify the steps it will take to implement the national youth policy. It brings about the aspect of accountability by the state and ensuring that the youth are able to claim the right to policy intervention as prescribed in the national youth policy. The fourth principle is on empowerment, participation and development this include establishing a financial youth facility, creating an enabling environment for meaningful participation of youth in development. The other area is on youth development which include employment, the bill of principle pushes for deliberate programs that encourage youth employment such as national

action plan on youth employment, provide basic infrastructure and additional incentives to support a vibrant private sector as the engine of economic growth and job creation for youth in Zimbabwe i.e. empowerment levies in mining, agriculture, tourism and youth employment tax incentives. Also on measures to build employment opportunities for the youth, the bill of principles suggest that the government protect and assist youth as groups with special compensatory and well targeted programmes like volunteerism.

The bill prescribe supporting VTCs as institutions for second chance learning to build communities, economic development and skills development of youth and be the hubs for local community economic development. On empowerment measures the principles seek to intervene through the quota system and designing program whole supported to advance young people such as junior parliament and youth forums. The fifth aspect is the desire to foster participation of youth in all spheres of their live that include politically, economically, socially and technological. This include bridging the information gap and create youth centered initiative through platform as the youth desk, education, devolution of funds and other measures that seek to address apathy among the youth demography.

Opportunities

The youth bill principles is an opportunity to address the structural challenges that youth are facing by enacting legislations and policies that speak to all Zimbabweans. This is an opportunity to unite and unify all youth from a decade of polarization, mistrust, lack of faith in government initiatives and participatory development. Whilst it is also a chance for youth organization to dialogue with government and collectively drive a youth agenda for development. The initiatives that have been in existence before had been seen as partisan and advances partisan agenda and equally the policies were not reflective of the position of youth in Zimbabwe. This also has been acknowledged on the perception by cabinet to the ZYC which other youth organizations have failed to acknowledge its existence despite the crucial role it plays in driving government policy on youth in Zimbabwe. The youth associations have also been accused of harboring political agendas and in some cases being disenfranchised from participation in key government initiative.

This bill of principles knows no political ideology or preference but seek to appeal to all youth in Zimbabwe to drive the youth agenda that will live for posterity. The other critical opportunity is to dialogue and come up with a bill that will address the deep divide, poverty, political

tension, disenfranchisement and employment that face the youth demographic group. The divide among the youth and the use of youth in furthering the interest of powerful groups have led to the limitation of youth to pro-actively think of their development in influencing policies and legislations. The advocacy efforts that sought to address youth issues have been opened by government through the cabinet endorsement of the youth bill of principles.

South Africa Model of the Youth Council

The South African model of the Youth National Council is called the National Youth Development Agency. The NYDA was established by an Act of parliament, Act no 54 of 2008. The institution was established to be a single, unitary structure, established to address youth development issues at National, Provincial and Local government level. The process for board membership are done in such a way that they go through a selection process and later selected list are appointed by the President. This ensures that nepotism and affiliation don't find themselves in the selection of the board but members are selected on merit. The number of the NYDA board members is seven whilst it has a total population of 59, 6 million and Zimbabwe has a total population of 14, 44 million but with a board membership of 14. The issue of funding of the organization and investments must be clear to ensure the functionality of the council and equally to ensure funding of youth activities and projects. As for the NYDA the government has made the source of funding clear that is the funds of the Agency consist of (a) money received from the Umsobomvu Fund in terms of the Demutualization Levy Act; (b) money appropriated by Parliament for that purpose; (c) interest on investments of the Agency; (d) money lawfully received from any other source; and (e) donations and contributions lawfully received by the Agency from any other source. In terms of ensuring accountability the act spell out the responsibility of the executive to action on the Act. This include The President may, after consultation with the Board, make regulations regarding (a) any matter which in terms of this Act must be prescribed; (b) any action in order to promote compliance with this Act; and (c) any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act. In terms of functions the NYDA have a legal framework that clearly spells its role and it focus on both political and economic emancipation of young people.

The Agency must in order to achieve its objective, (a) establish competencies and capabilities in its operations including the following functional areas (i) National Youth Service and Social

Cohesion; (ii) Economic Participation; (iii) Policy, Research and Development; (iv) Governance, Training and Development; (v) Youth Advisory and Information Services; and national youth fund. The functions of the agency has key elements that has been in the cabinet proposed youth bill principles that include the issue of governance that seek to give clarity in the function of the ZYC, aspects on VCT trainings and the setting up of a youth fund.

Strengthening of the Zimbabwe Youth Council

Section 3A. Grants the Minister excessive power to direct the operations of the Council making it susceptible to abuse especially political arm-twisting. The Council which is already under the directive of the Minister grant much power to "supervise" the operations of National Associations. It should merely be a conglomeration of national association who operate at an equal footing in unity but with respect for independence of each institution.

Section 3B. Appointment of the Chair of the Council must be by public interviews not a unilateral decision by the Minister. Instead of electing only seven, all 15 members should undergo public interviews and the President should play a minimal role. All members should be nominated by national associations and undergo public interviews. There should be term limits and most importantly age limits that are specified in youth age range. The discretion of the Minister to fire members of the Council are blatantly dictatorial. A general meeting of the Youth Council board made up of Associations must have such power. Directions to policy must not come from the Minister. Rather, ministerial policy must be guided by the Council which is a reflection of the national associations of youth. Section 8 must be peremptory that there be Provincial and district Youth Council. It should be a statutory requirement not subject to the discretion of the Council. Section 9(3). The Minister must not direct how the finances are utilized. Rather a General meeting of the Council must decide and utilize guided by Council policies, resolutions and accountability. Section 16 is susceptible to abuse and political handholding. National interest especially in times like these must be properly defined and the Minister should not have the power to appoint the Board of the council. In general, the powers of the Minister are unfettered and must be seriously cut to ensure youth run the youth council with minimal political interference. A strengthened Youth Council board is able to objectively advice the Ministry whilst also ensuring accountability to the Executive and to parliament.

Recommendations

1. Establishment of an independent, competent council seconded by National Associations subject to public interviewing (Commission model)
2. The quota system must ensure a legal requirement to ensure political parties field 30% of youth in parliament and council elections reflective of the 50% gender parity. Including the proposed 10 seats for youth.
3. The bill must ensure the provision of 25% stake of all public and private tenders are offered to young people with a deliberate effort to empower and grow youth.
4. All state and private board of governance must have at least two youth members
5. A national youth fund must be established with focus on supporting entrepreneurship, trainings and Association members.
6. The bill must make deliberate effort to protect and promote human rights by putting in place legislative instruments that safeguard the youth.