





**NATIONAL SECURITY COUNCIL BILL, 2022**

MEMORANDUM

This Bill makes further provision in respect of the National Security Council established by section 209 of the Constitution. The Bill provides for additional members and functions of the Council to those provided for in the Constitution. It also sets out a general framework for the operations of the Council.

In more detail, the Bill provides as follows:

PART I: PRELIMINARY

This Part provides for preliminary matters: the title of the Bill which is the National Security Council Bill, 2022 (**clause 1**) and the interpretation of some of the terms used in the Bill (**clause 2**).

PART II: NATIONAL SECURITY COUNCIL

In this Part, **clause 3** of the Bill adds the commanders of the security services, the Chief Secretary to the President and the Cabinet, the Ministers responsible for intelligence, security, defence, police, prisons and finance to the Council, with power granted to the President to appoint any other Minister to the Council. All the members are *ex officio* and therefore their membership terminates when they cease to hold office. Membership of any Minister appointed in terms of **clause 3** may also be terminated at the discretion of the President. **Clause 4** provides for additional functions of the Council to include various matters whose destabilisation could result in the disturbance of peace. The listed matters are not exhaustive as national security concerns could arise with respect to any other matters. The Council has power to seek advice on any matter from experts. **Clause 5** provides for meetings of the Council and its committees. Meetings are chaired by the President who is the chairperson of the Council and in his absence, by the Acting President.

PART III: OPERATIONS OF COUNCIL

In this Part, **Clause 6** requires reports from the commanders to be submitted to the Council for its consideration. **Clause 7** gives the Council power to issue security-related directives to the security services or to any person. Necessary support must be afforded any person issued with any directive to enable them to comply with it. Directives must be subject to the fundamental rights and freedoms guaranteed by the Constitution.

PART IV: GENERAL

This Part provides for general matters. Under **clause 8**, members of the Council are bound by confidentiality during and after termination of their membership. In addition, any other person who acquires any security related information by whatever means is under obligation to keep it confidential. **Clause 9** provides for annual reports to Parliament.



**NATIONAL SECURITY COUNCIL BILL, 2022**

---

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

*Section*

1. Short title.
2. Interpretation.

PART II

NATIONAL SECURITY COUNCIL

3. Composition of Council.
4. Exercise of functions by Council.
5. Meetings of Council.
6. Reports.

PART III

OPERATIONS OF COUNCIL

7. Directives
8. Confidentiality.

PART IV

GENERAL

9. Annual report.



# BILL

An Act to provide for additional membership and functions of the National Security Council established by section 209 of the Constitution; national security and intelligence capability; to ensure effective co-ordination of security-related and intelligence functions of the State; and to provide for matters connected with or incidental to the foregoing.

WHEREAS section 206 of the Constitution provides as follows—

*“206 National security*

*(1) The national security objectives of Zimbabwe must reflect the resolve of Zimbabweans to live as equals in liberty, peace and harmony, free from fear, and in prosperity.*

*(2) The national security of Zimbabwe must be secured in compliance with this Constitution and the law.*

*(3) In particular, the protection of national security must be pursued with the utmost respect for—*

*(a) the fundamental rights and freedoms and the democratic values and principles enshrined in this Constitution; and*

*(b) the rule of law.”;*

AND WHEREAS section 209 of the Constitution provides as follows—

*“(1) There is a National Security Council consisting of the President as chairperson, the Vice-Presidents and such Ministers and members of the security services and other persons as may be determined in an Act of Parliament.*

H.B. 2, 2022.]

(2) *The functions of the National Security Council are—*

- (a) *to develop the national security policy for Zimbabwe;*
- (b) *to inform and advise the President on matters relating to national security; and*
- (c) *to exercise any other functions that may be prescribed in an Act of Parliament.* 5

(3) *The commanders of the security services must provide the National Security Council with such reports on the security situation in Zimbabwe as the Council may reasonably require.”:*

NOW, THEREFORE, be it enacted by the Parliament and the President of Zimbabwe as follows— 10

## PART I

### PRELIMINARY

#### **1 Short title**

This Bill may be cited as the National Security Council Bill, 2022. 15

#### **2 Interpretation**

In this Act—

“Council” means the National Security Council established by section 209 of the Constitution;

“member” means a member of the Council. 20

## PART II

### NATIONAL SECURITY COUNCIL

#### **3 Composition of Council**

(1) The Council consists of the following members—

- (a) the President; 25
- (b) the Vice-Presidents;
- (c) the Ministers responsible for national intelligence, defence, the police, prisons and finance;
- (d) the Chief Secretary to the President and Cabinet;
- (e) the Commander Defence Forces and of each service of the Defence Forces; 30
- (f) the Commissioner General of Police Service;
- (g) the Commissioner-General of Prisons and Correctional Service;
- (h) the Director-General of intelligence services; and
- (i) any other Minister who the President may, from time to time appoint in consultation with any of the Ministers referred to in paragraph (c). 35

(2) A person ceases to be a member of the Council upon termination of his or her office or, in the case of any member referred to in subsection (1)(i), at the discretion of the President.

#### **4 Exercise of functions by Council**

In the exercise of its functions, the Council must— 40

- (a) regularly review national security policies in view of any prevailing national, regional and international security developments and direct the taking of appropriate action;
- 5 (b) have regard to the functions of any agency of the State or person relating to or is involved in the implementation of any legislation which has national security implications;
- (c) consider and, as necessary, approve proposals by any security service relating to security or defence strategy;
- 10 (d) consider national security reports submitted to the Council in terms of section 6 and give such general or specific directions to the security service concerned in connection therewith;
- (e) have regard to Zimbabwe's security obligations under international agreements;
- 15 (f) generally keep the State in a state of preparedness to meet any threat to its security;
- (g) exercise any other function which the Council or the Cabinet considers to be necessary in the interests of national security or which may be conferred or imposed on the Council by or under any other enactment.

## 5 Meetings of Council

- 20 (1) On the day or days fixed by the President, the Council must meet at such times and places as the President may determine:

Provided that the Council must meet at least once every three months.

- 25 (2) Meetings of the Council and of its committees are not public but the council may inform the public of any resolution of the Council where it is necessary in the public interest to do so.

## PART III

### OPERATIONS OF COUNCIL

## 6 Reports

- 30 (1) The heads of each security service must cause to be prepared for submission to meetings of the Council security reports from their security service in such form as may be prescribed covering any of the matters referred to in section 4 and any other security-related matter.

- 35 (2) Without limiting the generality of subsection (1), reports must address weaknesses, risks, threats, mitigation of any of the foregoing, strategic plans and implementation of any of the resolutions or directives of the Council.

## 7 Directives

- (1) The Council may issue to any security service or to any person such specific or general directives in writing in connection with any matter of national security and the security service or person concerned must comply with any such directive.
- 40 (2) For the purposes of this section, any person issued with any directive must be provided with all the State support necessary to comply with the directive.
- (3) Directives issued to any person in terms of this section must at all times be subject to sections 206(2) and (3) of the Constitution, containing appropriate safeguards for the protection of fundamental rights of individuals.

PART IV

GENERAL

**8 Confidentiality**

(1) No member or former member of the Council may communicate to any person, whether in or outside Zimbabwe, any information obtained by him or her in his or her capacity as a member of the Council. 5

(2) No person may, without the written authority of the Council, disclose any security-related information acquired by such person by whatever means where the person concerned is under an obligation in terms of this or any other Act not to disclose the information. 10

**9 Annual report**

The President in his State of the Nation Address, delivered in terms of section 140 of the Constitution may also report on the state of security.