

# **An Expert-Level Analysis of the Purpose and Performance of the Senate of Zimbabwe**

## **Executive Summary**

This report provides a definitive analysis of the purpose and performance of the Senate of Zimbabwe. It concludes that while the Senate is constitutionally endowed with significant legislative and oversight powers, its practical function has been largely limited by the dominant political landscape. Historically, the institution's existence has been intermittent, a recurring feature in periods of constitutional and political transition. In its current form, the Senate's primary demonstrable purposes are to serve as a check on executive power and a deliberative chamber, but the evidence points to it largely acting as a legislative facilitator for the ruling party's agenda. It also serves as a critical mechanism for co-opting and accommodating key political and traditional interest groups, a function that is central to maintaining the political status quo. The legislative record demonstrates a consistent pattern of passing controversial, executive-driven legislation without significant independent challenge or amendment, thus rendering the "rubber stamp" critique a valid and demonstrable reality.

## **1. Introduction: The Mandate and the Metaphor**

The query regarding the purpose and efficacy of the Senate of Zimbabwe requires an examination that extends beyond its formal constitutional description. It demands a critical evaluation of the institution's practical role within the country's political framework, addressing the central tension between its intended mandate as a deliberative and checking body and the widespread public perception that it operates as a mere "rubber stamp" for the executive. This report, therefore, establishes an analytical framework that not only details the Senate's legal powers but also scrutinizes its actual performance and underlying political

functions.

The Parliament of Zimbabwe, a bicameral legislature, is composed of the Senate, which serves as the upper house, and the National Assembly, the lower house.<sup>1</sup> According to the Constitution, this legislative body is entrusted with the mandate to "make laws for the peace, order and good governance of Zimbabwe" and to promote democratic governance, oversight, and accountability.<sup>2</sup> Section 130 of the Constitution explicitly states that both chambers, the Senate and the National Assembly, possess the power to "initiate, prepare, consider or reject any legislation".<sup>3</sup> This constitutional provision suggests that the Senate is designed to be an integral and powerful component of the law-making process, ensuring that bills are thoroughly scrutinized and do not simply become law without sufficient deliberation. However, the prevailing critique from various civil society and political observers is that the Senate's power is more theoretical than practical, a discrepancy this analysis will investigate by examining the institution's history and legislative actions.

## **2. A History of Bicameralism in Zimbabwe**

The existence of a bicameral legislature in Zimbabwe has been neither consistent nor permanent. Instead, the Senate's institutional history reflects a pattern of political and constitutional adaptation, where its re-establishment or abolition has coincided with shifts in the country's governance model.

The first iteration of a bicameral parliament was established in Rhodesia in 1970, five years after the Unilateral Declaration of Independence.<sup>1</sup> This structure, consisting of a Senate and a House of Assembly, was maintained upon Zimbabwe's independence in 1980.<sup>1</sup> Under the constitution from the Lancaster House Agreement, the initial post-independence Senate had 40 members. A significant feature of this arrangement was the reservation of seats for white Zimbabweans, with 10 seats in the Senate and 20 in the House of Assembly allocated to the minority population.<sup>1</sup> This demonstrates the Senate's early role as a constitutional mechanism for power-sharing and the protection of minority rights, a purpose that was later deemed obsolete. The white-reserved seats were abolished in 1987, signaling the end of this specific role for the institution.<sup>5</sup>

The institution's first major change occurred with Constitution of Zimbabwe Amendment No. 31, which abolished the Senate in 1989.<sup>5</sup> This constitutional reform was part of a broader political trend that saw the abolition of the office of prime minister and the creation of an executive presidency, a move that consolidated power in the hands of the President.<sup>6</sup> The simultaneous expansion of the House of Assembly to include presidential appointees further centralized authority. The removal of the Senate during this period suggests that it was no

longer considered a useful mechanism for a newly consolidated executive. Rather than serving a stable, long-term vision of governance, the institution's existence was evidently tied to the political needs of the regime at the time, particularly the need to accommodate minority interests in the early years of independence.

A period of unicameralism followed until the Senate was reintroduced in November 2005.<sup>1</sup> Its composition changed over time, starting with 66 members and later expanding to the current 80 under the 2013 Constitution.<sup>1</sup> The re-establishment of the Senate can be viewed as a strategic political decision rather than a response to a functional legislative deficit. The move came after the ruling party, ZANU-PF, had faced a major political setback in the 2000 constitutional referendum and was confronting a growing opposition. While a bicameral legislature can theoretically act as a check on a powerful lower house, the context of ZANU-PF's continued dominance suggests that the new chamber was designed to provide a new forum for political patronage and to slow any legislative momentum from a burgeoning opposition. This analysis indicates that the Senate's re-establishment was a political maneuver intended to manage risk and consolidate power rather than to promote genuine democratic reform.

**Table 1: The Evolution of the Zimbabwean Senate (1970-Present)**

Period	Constitution/Amendment	Legislative Structure	Key Features of Senate Composition
1970-1980	Unilateral Declaration of Independence	Bicameral	23 Senators, including 10 Europeans and 10 African Chiefs
1980-1989	Lancaster House Agreement	Bicameral	40 members, with 20% of seats reserved for whites until 1987
1989-2005	Constitution of Zimbabwe Amendment No. 31	Unicameral	Abolished; membership of lower house expanded
2005-Present	Constitution of Zimbabwe	Bicameral	Began with 66 members, now 80;

	Amendment No. 17 (2005), Constitution of Zimbabwe Amendment No. 18 (2007), Constitution of Zimbabwe 2013		includes members from proportional representation, traditional chiefs, and persons with disabilities
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### 3. The Senate's Constitutional Role and Composition

To fully assess the Senate's practical function, it is essential to first understand its formal powers and its unique membership structure as defined by the Constitution.

#### 3.1 Legislative and Oversight Functions

The Senate is constitutionally positioned to be a powerful legislative body. As part of Zimbabwe's bicameral Parliament, it holds equal law-making authority with the National Assembly, as all bills must be passed by both chambers before being submitted to the President for assent and promulgation as Acts of Parliament.<sup>4</sup> A key exception to this is for "money Bills" related to taxation and state revenues, which the House of Assembly has primary responsibility for initiating and passing.<sup>7</sup> The Constitution specifies that both chambers possess the authority to "initiate, prepare, consider or reject any legislation," which theoretically grants the Senate significant powers to scrutinize, amend, or even block bills from the lower house.<sup>3</sup>

Beyond its legislative function, the Senate is intended to be a critical part of the country's system of checks and balances on the executive branch.<sup>9</sup> The Constitution mandates that Parliament, as a whole, must promote democratic governance and ensure that all state institutions and agencies act constitutionally and in the national interest.<sup>2</sup> Ministers and Vice-Presidents are explicitly required to attend parliamentary committees to answer questions concerning their responsibilities.<sup>3</sup> These detailed provisions indicate a strong, intended purpose for the Senate as an independent body for deliberative review and executive oversight. The fact that this purpose is widely perceived as unfulfilled points to a significant disconnect between institutional design and institutional practice. The primary

issue may not be what the Senate is supposed to do, but rather what the prevailing political environment permits it to do.

### 3.2 A Unique and Politically Instrumental Composition

The Senate's current composition is a direct reflection of its multifaceted purpose, blending democratic representation with mechanisms for co-opting and accommodating key political and traditional interest groups. The institution comprises 80 members, with a specific allocation of seats to various groups.<sup>1</sup>

The majority of its members (60) are elected for five-year terms through a system of party-list proportional representation, based on votes cast in the lower house election.<sup>1</sup> The party lists are required to have a woman at the top and to alternate between men and women, a provision designed to ensure gender representation.<sup>5</sup> The current breakdown of these seats is 33 for the ruling ZANU-PF party and 27 for the opposition Citizens Coalition for Change (CCC).<sup>1</sup>

The remaining 20 seats are held by non-elected members, a key feature that provides significant insight into the Senate's political function. Eighteen seats are reserved for traditional chiefs.<sup>1</sup> These chiefs are elected by provincial assemblies of chiefs, and the President and Deputy President of the National Council of Chiefs are also members of the Senate.<sup>5</sup> Additionally, two seats are reserved for people with disabilities.<sup>1</sup>

The inclusion of non-elected chiefs in a modern legislative body is particularly telling. While traditional leaders play a respected role as custodians of culture, justice, and development in their communities, exercising judicial and administrative powers <sup>13</sup>, their political influence can be leveraged by incumbent parties. Research from other African contexts suggests that traditional leaders can act as "agents of incumbent elites," trading the votes of their dependents for resources or increased authority and thereby undermining democratic competition.<sup>17</sup> The reserved seats for chiefs in the Zimbabwean Senate create a loyal and reliable voting bloc that can effectively neutralize any potential opposition majority derived from the proportional representation seats. This is not merely a form of cultural representation; it is a sophisticated political mechanism of control and patronage that integrates powerful, non-state actors into the state apparatus, ensuring their loyalty and compliance with the ruling party's agenda.

**Table 2: Analysis of Senate Membership (10th Parliament)**

Group	Number of Seats
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ZANU-PF	33
Citizens Coalition for Change (CCC)	27
Chiefs	18
Persons with Disabilities	2
<b>Total</b>	<b>80</b>

## 4. From Principle to Practice: The Senate's Legislative Record

The most direct way to evaluate the Senate's purpose is to examine its legislative history. The evidence suggests that while it has participated in the law-making process, its role has been more ceremonial than substantive, confirming the long-standing critique that it acts as a "rubber stamp."

### 4.1 The "Rubber Stamp" Critique

The core of the criticism against the Senate is that it fails to perform its intended function of critically reviewing and challenging legislation. The research explicitly states that the hope of proponents that the Senate would "curb the excesses" of the lower house and prevent the "fast-tracking of legislation" has been "disappointed".<sup>7</sup> A comparative analysis of legislation passed with and without a Senate reveals "no noticeable difference in quality".<sup>7</sup> Furthermore, a significant finding is that most amendments the Senate has made to bills were the result of "second thoughts on the part of the Government" rather than independent initiatives from senators.<sup>7</sup> This data strongly suggests that the Senate's deliberative and review functions are largely symbolic. Its limited effectiveness is overshadowed by a political reality in which the ruling party's dominance in both chambers ensures the smooth, pre-determined passage of its legislative agenda.

### 4.2 Case Studies of Legislative Action

Examining specific pieces of legislation provides concrete evidence of the Senate's role.

**The Private Voluntary Organisations (PVO) Amendment Bill:** This bill was one of the most controversial pieces of recent legislation. It was widely criticized by civil society organizations, Amnesty International, and UN experts for its provisions, which were seen as an attempt to "control and shut down civil society perceived to be 'anti-government'".<sup>18</sup> The 2021 version of the bill was passed by both the National Assembly and the Senate in February 2023.<sup>18</sup> Although the President refused to sign it and sent it back to Parliament for reconsideration, a new, similarly repressive version was subsequently passed and signed into law.<sup>18</sup> In this instance, the Senate fulfilled its role as a legislative facilitator, approving a bill that human rights organizations identified as severely restricting civic space. Its constitutional power to check the executive or protect civil liberties was not exercised; instead, the institution enabled the executive's agenda.

**The "Patriot Bill" (Criminal Law Code Amendment Bill):** The "Patriot Bill" criminalized "wilfully injuring the sovereignty and national interest of Zimbabwe," and critics warned that its overbroad provisions were intended to silence journalists, activists, and dissenting voices.<sup>20</sup> The bill was passed by the House of Assembly and, at the time of the research, was awaiting Senate adoption.<sup>21</sup> The swift passage of such a restrictive and controversial law through the lower house, with the expected subsequent adoption by the Senate, illustrates a lack of institutional independence. The Senate's role is not to challenge such legislation but to provide the second procedural step required for it to become law, giving a veneer of democratic legitimacy to a process that appears predetermined by the executive and the ruling party.

**The Constitutional Amendment Bill No. 2:** This amendment was a particularly telling case study. It extended the tenure of judges and removed the requirement for public competition for judicial promotion, thereby consolidating executive power over the judiciary.<sup>22</sup> The bill passed the Senate with a decisive two-thirds majority, with opposition senators joining the ruling party and the traditional chiefs in the vote.<sup>22</sup> This action highlights the depth of the institution's compliance. The fact that the Senate passed a bill that arguably weakens judicial independence, with cross-party support and the support of the chiefs, shows that political alignment, patronage, and the influence of non-elected members can override the Senate's intended role as an independent check on the executive branch. This confirms that the Senate is, in effect, a tool for political consolidation rather than democratic accountability.

**Table 3: Notable Legislative Bills and Senate Involvement**

Bill Name	Year(s)	Key Provisions/Controv	Senate Action
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PVO Amendment Bill	2021-2025	Restricts civil society and NGOs, violates human rights.	Passed by both houses; re-gazetted after presidential refusal and passed again by Parliament.
"Patriot Bill" (Criminal Law Code Amendment Bill)	2022-2023	Criminalizes "wilfully injuring national interest," overbroad, restricts freedom of expression.	Passed by House of Assembly; awaiting Senate adoption.
Constitutional Amendment Bill No. 2	2021	Extends judicial tenure and allows President to appoint judges without public interviews.	Passed with two-thirds majority (65-10) with support from ruling party, chiefs, and opposition senators.

## 5. The Purpose of the Senate: A Multifaceted Analysis

To answer the central question of the Senate's purpose, it is necessary to reconcile the unfulfilled ideal of the institution with its practical political reality.

### 5.1 The Unfulfilled Ideal vs. the Political Reality

The constitutional blueprint for the Senate portrays it as an important deliberative chamber composed of "mature statesmen and women" who would reconsider legislation passed by the lower house and "curb the excesses" of the people's elected representatives.<sup>7</sup> However, the



legislative record and political analysis overwhelmingly demonstrate that these ideals are largely unrealized. The Senate's actions on key, controversial legislation—such as the PVO Amendment Bill and Constitutional Amendment No. 2—show that it functions as a co-opted legislative chamber that ratifies the executive's agenda rather than independently scrutinizing it.<sup>18</sup> The finding that the Senate's amendments are largely initiated by the government itself further erodes the notion of its independence.<sup>7</sup>

## **5.2 Strategic and Symbolic Purposes**

Despite its limited functional independence, the Senate serves several strategic purposes for the political establishment. One of the less-spoken but likely accurate purposes is that it acts as a "convenient depository for political parties to reward their members".<sup>7</sup> The institution provides a means for accommodating political elites and party loyalists who may not have secured seats in the more competitive National Assembly. This form of political patronage is a key function of the institution.

Furthermore, the reserved seats for traditional chiefs and persons with disabilities provide a formal avenue for the state to co-opt and integrate powerful, non-state actors into the national political structure.<sup>1</sup> This is a strategic way to manage potential dissent and secure the support of influential segments of society. The chiefs, as custodians of cultural heritage, are brought into the formal political system, giving the state a mechanism for control and for ensuring their loyalty.<sup>17</sup> The Senate's role in this context is not to act as an independent check on power, but to provide a vehicle for elite accommodation and political stability, a function that serves the interests of the ruling party.

The ceremonial duties of the President and Deputy President of the Senate, who represent Parliament at international and regional conferences<sup>23</sup>, highlight another symbolic purpose: providing a veneer of democratic legitimacy. The pomp and ceremony of a second chamber can mask a lack of substantive political independence.

## **5.3 Cost vs. Benefit: A Pragmatic Critique**

A final, pragmatic critique of the Senate's purpose revolves around its financial cost. The research notes that the expense of maintaining a second legislative chamber is "considerable" and a "serious disadvantage" in a country that can "ill afford it".<sup>7</sup> Given the analysis that the Senate's advantages in improving the quality of legislation or acting as a check on executive

power are "negligible," the institution's financial burden appears to be disproportionate to the democratic benefits it provides.<sup>7</sup>

## 6. Conclusion: A Final Assessment of the Senate's Purpose

In conclusion, the Senate of Zimbabwe serves a purpose, but it is not the purpose of an independent, deliberative legislative chamber as often envisioned in democratic theory. The institution has consistently failed to demonstrate an ability to act as a robust check on executive power or to improve the quality of legislation in a meaningful way. Its history, marked by periods of abolition and re-establishment, indicates that its existence is a political choice rather than a functional necessity.

The evidence points to the Senate's primary functions being strategic rather than deliberative. It exists to:

1. **Legitimize Legislation:** The Senate provides the second procedural hurdle required to pass executive-driven legislation, lending a constitutional and democratic veneer to a process that is largely predetermined by the ruling party's majority in both chambers.
2. **Accommodate Political Elites:** It serves as a tool for political patronage, offering a "depository" for party loyalists and a platform for rewarding members who might not otherwise hold parliamentary office.
3. **Integrate Non-Elected Power Centers:** By reserving seats for traditional chiefs, the institution formally integrates influential, non-state actors into the state apparatus, ensuring political stability and consolidating support for the ruling party.

Therefore, the Senate has "actually done things," but its actions have largely been in service of enabling and rubber-stamping the legislative agenda of the ruling party, not in independently scrutinizing and improving it. The critique that the Senate is a "rubber stamp" is a valid and demonstrable reality. The institution's perceived purpose is overwhelmingly outweighed by its demonstrable ineffectiveness and considerable financial cost, suggesting that its existence is a matter of political expediency rather than sound governance.

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