

**REPORT OF THE PARLIAMENTARY SELECT COMMITTEE APPOINTED TO SCRUTINISE THE CONSTITUTION OF ZAMBIA (AMENDMENT) BILL, N.A.B. NO. 10 OF 2019, FOR THE FOURTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY APPOINTED ON FRIDAY, 2<sup>ND</sup> AUGUST, 2019**

**1.0 COMPOSITION OF THE COMMITTEE**

The Committee consists of Mr R M Nakacinda, MP (Chairperson); Mrs P G M Jere, MP (Vice-Chairperson); Hon B M Mundubile, MP; Hon T S Ngulube, MP; Prof G Lungwangwa, MP; Ms G Katuta, MP; Mr S Miti, MP; Mr B Kambita, MP; Dr S C Kopulande, MP; Mr A Kasandwe, MP, Dr M Malama, MP; Dr C K Kalila, MP; Mr T J Kasonso, MP; Mr S K Kakubo, MP; and Mrs M Mwanakatwe, MP.

The Honourable Mr Speaker  
National Assembly  
Parliament Buildings  
P O Box 31299  
**LUSAKA**

Sir

The Parliamentary Select Committee was appointed on Friday, 2<sup>nd</sup> August, 2019, to scrutinise the Constitution of Zambia (Amendment) Bill, N.A.B. No. 10 of 2019.

**2.0 TERM OF REFERENCE**

The term of reference of the committee was to scrutinise the Constitution of Zambia (Amendment) Bill, N.A.B. No. 10 of 2019.

**3.0 MEETINGS OF THE COMMITTEE**

The Committee held a total of twenty-six (26) meetings to consider the Constitution of Zambia (Amendment) Bill, N.A.B. No 10 of 2019.

**4.0 PROCEDURE ADOPTED BY THE COMMITTEE**

In considering the Bill, the Committee requested written submissions from various stakeholders, some of whom also appeared before it and made oral submissions.

**5.0 BACKGROUND TO THE BILL**

The process to amend the *Constitution of Zambia, Chapter 1 of the Laws of Zambia*, began in November, 2016, when the National Assembly approved a Private Member's motion moved by Mr R Mwewa, Member of Parliament for Mwansabombwe Parliamentary Constituency, urging the Government to amend the Constitution in order to reinstate Members of Parliament on councils and address the lacunae that had arisen following the 2016 amendment to the Constitution.

Thereafter, the Government called for submissions from stakeholders from a cross-section of society. The Ministry of Justice converted the submissions into a draft Bill which was subjected to further scrutiny by stakeholders and subsequently approved by Cabinet for introduction in the National Assembly. However, before the Bill could be introduced in the National Assembly, the Government received a request from the Zambia Centre for Inter-party Dialogue (ZCID) for the Bill to be deferred to allow political parties and the church mother bodies conclude an ongoing dialogue process.

The Government, therefore, postponed the introduction of the Bill in the National Assembly. What followed were discussions between the church and ZCID on the focus areas of the national dialogue. The Government then developed a roadmap, which included the Bill being considered at a national validation meeting of all stakeholders.

Thus, in April 2019, Parliament passed *the National Dialogue (Constitution, Electoral Process, Public Order and Political Parties) Act, No. 1 of 2019*, which established the National Dialogue Forum (hereinafter called “the Forum”), a body constituted to validate the draft Constitution of Zambia (Amendment) Bill among other things. At the conclusion of its deliberations, the Forum was obliged by section 14(6) of the Act to adopt the draft Constitution of Zambia (Amendment) Bill and submit it to the Hon Minister of Justice. Consequently, upon the conclusion of its deliberations, the Forum submitted a draft Constitution of Zambia (Amendment) Bill to the Hon Minister of Justice.

Further, section 14 (7) of the Act obliged the Hon Minister of Justice to publish the Bill in the *Gazette* within thirty (30) days of receiving it from the Forum. This was in compliance with Article 79 of the Constitution, which requires a Bill that amends the Constitution to be published in the *Gazette* for thirty days before it can be introduced in the National Assembly for First Reading. In compliance with this requirement, the Constitution of Zambia (Amendment) Bill was published in *Gazette* Notice No. 660 of Friday, 21<sup>st</sup> June, 2019. In this regard, the Bill was ready for presentation in the National Assembly on 23<sup>rd</sup> July, 2019 and was presented in the House for First reading on Friday, 2<sup>nd</sup> August, 2019.

## **6.0 OBJECTS OF THE BILL**

The object of this Bill is to amend the Constitution of Zambia so as to:

- (a) revise the Preamble in order to reaffirm the Christian character of Zambia;
- (b) revise the principles and values of the Constitution;
- (c) revise the electoral system for elections to the National Assembly;
- (d) revise the period for dissolution of the National Assembly;
- (e) revise the period of hearing and determination of a presidential election petition;
- (f) revise the manner of election of mayor and council chairperson;
- (g) establish the office of deputy minister;
- (h) revise the composition of the Cabinet;
- (i) revise the provisions relating to the establishment of commissions;

- (j) revise the provisions relating to the payment of pension benefits and retention on the payroll;
- (k) provide for the membership of Members of Parliament in councils;
- (l) establish the Drug Enforcement Commission as the Anti-Drugs, Economic and Financial Crimes Agency and re-define its function as a national security service;
- (m) revise the functions of the Public Protector
- (n) revise the functions of the Bank of Zambia;
- (o) revise the functions of the Auditor-General; and
- (p) provide for matters connected with, or incidental to, the foregoing.

## **7.0 SALIENT PROVISIONS OF THE BILL**

The specific provisions of the Constitution of Zambia (Amendment) Bill, N.A.B. No 10 of 2019 are as set out below.

### **Clause 1–Short title**

This clause provides for the short title of the Bill which shall be cited as the Constitution of Zambia (Amendment), Act, 2019. It further provides that the Bill once enacted into law shall be read as one with the Constitution of Zambia, Chapter 1 of the Laws of Zambia.

### **Clause 2–Amendment of Preamble**

This clause amends the preamble by deleting the word “multi-religious” in the part that reads “Recognise and uphold the multi-ethnic, multi-racial, multi-religious and multi-cultural character of our Nation...” and substituting it with the word “Christian”.

## **PART I – SUPREMACY OF THE CONSTITUTION**

### **Clause 3–Amendment of Article 1: Supremacy of Constitution**

This clause amends Article 1 (5) by making the consideration of constitutional matters by the Constitutional Court to be subject to Article 28. Article 28 gives the High Court jurisdiction to hear and determine any matter relating to the alleged violation of any of the rights guaranteed under Part III of the Constitution.

### **Clause 4 – Amendment of Article 4: Republic of Zambia**

Clause 4 amends Article 4 (3), which sets out the characteristics of the Republic as being unitary, indivisible, multi-ethnic, multi-racial, multi-religious and multi-party democracy, by replacing the word “multi-religious” with the word “Christian”.

## **PART II – NATIONAL VALUES, PRINCIPLES AND ECONOMIC POLICIES**

### **Clause 5 – Amendment of Article 8: National values and principles**

This clause amends Article 8 by including Christian morality and ethics as a national value and principle.

### **Clause 6 – Amendment of Article 10: Basics of economic policies**

This clause amends Article 10 (4), which provides that the Government shall not compulsorily acquire an investment except under customary international law and Article 16(1), by deleting the reference to customary international law.

## **PART IV – CITIZENSHIP**

### **Clause 7 – Amendment of Article 38: Citizenship by adoption**

Clause 7 amends Article 38, which provides for a child who is not a Zambian citizen, but who has been adopted by a Zambian citizen, to become a Zambian citizen on the date of his or her adoption. Clause 7 amends the Article by adding the words “as prescribed” after the word “adoption”. This allows for the date of adoption to be provided for in an Act of Parliament.

## **PART V- REPRESENTATION OF THE PEOPLE**

### *Electoral Systems and Process*

#### **Clause 8 – Amendment of Article 46: Franchise**

Clause 8 amends Article 46, which gives a citizen who has attained the age of eighteen (18) the right to register as a voter and to vote. The clause amends Article 46 to provide for the manner of registering as a voter and voting to be provided for in an Act of Parliament.

#### **Clause 9 – Amendment of Article 47: Electoral systems**

This clause amends Article 47 (2) by replacing the “first-past-the-post” system for electing Members of the National Assembly with a “mixed-member electoral system”. It further provides for the electoral system to be contained in an Act of Parliament.

#### **Clause 10 – Repeal and Replacement of Article 51: Independent Candidates**

This clause amends Article 51, which provides the eligibility criteria for an independent candidate seeking election to the National Assembly. It amends Article 51 by deleting the provision which requires an independent candidate not to have belonged to a political party for, at least, two months before the date of the election.

#### **Clause 11 – Repeal of Article 52: Nominations**

This clause repeals Article 52, which sets out the procedure for filing nominations to contest as President, Member of Parliament or councillor.

### *Political Parties*

#### **Clause 12 – Repeal and Replacement of Article 60: Political parties**

Clause 12 repeals and replaces Article 60 by retaining only the principles that will apply to political parties in the Constitution and providing for an Act of Parliament to regulate the establishment of political parties.

## **PART VI - LEGISLATURE**

### *Legislative Authority*

#### **Clause 13 – Amendment of Article 63: Functions of Parliament and National Assembly**

Clause 13 amends Article 63 (2), which provides for the functions of Parliament and the National Assembly, by removing the National Assembly’s functions of approving public debt before it is contracted, and approving international agreements before they are acceded to or ratified.

#### **Clause 14 – Amendment of Article 67**

This clause amends Article 67, by removing the timeframe within which a person may challenge a statutory instrument after its publication in the *Gazette*. Further, it deletes clauses (4), (5) and (6) which relate to the powers of the Constitutional Court with respect to frivolous and vexatious challenges to a statutory instrument.

### *Elections to National Assembly and Members of Parliament*

#### **Clause 15 – Repeal and Replacement of Article 68: Election and composition of National Assembly**

This clause repeals and replaces Article 68, which provides for the election of Members of Parliament and the composition of the National Assembly. It provides for the election, nomination, qualification and vacation of office of a Member of Parliament to be provided for in an Act of Parliament.

#### **Clause 16 – Repeal of Articles 69, 70, 71 and 72: Nominated Members of Parliament, Qualifications and Disqualifications of Members of Parliament, Nominations for elections to National Assembly and Vacation of office as Member of Parliament and dissolution of political party**

This clause amends the Constitution by repealing Articles 69, 70, 71 and 72, which provide for the appointment of nominated Members of Parliament, qualifications and disqualifications of Members of Parliament, vacation of office of Member of Parliament as well as nominations for election to the National Assembly.

#### **Clause 17 – Amendment of Article 73: Petition of election of Member of Parliament**

Clause 17 amends Article 73 (2) by providing that a petition challenging the election of a Member of Parliament shall be heard and determined within ninety (90) days.

#### **Clause 18 – Amendment of Article 74: Leader of Government Business and Leader of Opposition**

Clause 18 amends Article 74 (1) by providing that the Vice-President shall be the Leader of Government Business in the National Assembly.

### *Proceedings of National Assembly*

#### **Clause 19 – Amendment of Article 75: Sitting of National Assembly**

This clause amends Article 75 to replace the word “sitting” wherever it appears in the Article with the word “meeting”. It further amends Article 75 (3) to remove the requirement for the manner of summoning a special meeting of the National Assembly by the President or two-thirds of the Members of Parliament to be provided for in an Act of Parliament.

#### **Clause 20 – Amendment of Article 78: Voting in National Assembly**

This clause amends Article 78 (2) (b), to allow Members of Parliament to vote on a question three times, whenever there is a tie, before the question is lost.

**Clause 21 – Amendment of Article 80: Committees of National Assembly**

Clause 21 amends Article 80 by replacing the word “sitting” with the word “meeting” wherever it appears. This is a consequential amendment to the amendment in Clause 19.

**Clause 22 – Repeal and Replacement of Article 81: Term and prorogation of Parliament**

This clause repeals and replaces Article 81 which provides, among other things, that the term of Parliament shall be five years from the date of election of Members of Parliament to the date of dissolution of Parliament. The amendment provides for the term of Parliament to run for five (5) years from the date Members of Parliament are sworn in after a general election to the date of the next general election.

*Speaker, Deputy Speaker and Officers of the National Assembly*

**Clause 23 – Amendment of Article 83: Removal of Speaker on specified grounds**

This clause amends Article 83 (1) relating to the grounds for the removal of a Speaker or Deputy Speaker by replacing the words “mental or physical disqualification” with the term “legally disqualified”.

The clause further amends Article 83 (5) so that, where the allegations against the Speaker or Deputy Speaker are not substantiated, he or she is reinstated without the House having to pass a resolution. The amendment further includes the words “Deputy Speaker” in the marginal note.

**Clause 24 – Repeal and Replacement of Article 84: Clerk of National Assembly**

This clause repeals Article 84, which provides for the appointment of the Clerk of the National Assembly and the Clerk’s tenure of office, and replaces it with a provision that allows for the manner of appointment of the Clerk of the National Assembly to be contained in an Act of Parliament.

**Clause 25 – Amendment of Article 88: Right to petition and make comments**

This clause amends Article 88 (1) by extending the right given to citizens to petition the National Assembly to any matter that falls within the jurisdiction of the National Assembly.

**PART VII - EXECUTIVE AUTHORITY**

**Clause 26 – Amendment of Article 92: Executive functions of President**

Clause 26 amends Article 92 (2) by deleting the reference to “consul” and substituting it with the words “consuls general”.

**Clause 27 – Repeal and Replacement of Article 94: Approval of appointments and measures by National Assembly**

This clause repeals and replaces Article 94, which provides for the National Assembly to approve appointments and measures made by the Executive. The amendment provides that where the National Assembly rejects an appointment or measure twice, the third appointment or measure shall take effect automatically.

**Clause 28 – Amendment of Article 95: Ratification of appointments and measures by National Assembly**

This clause amends Article 95 (1) by increasing the period within which the National Assembly is required to ratify appointments and measures, which are subject to ratification by the National Assembly, from twenty-one (21) days to thirty (30) days.

*Election of President*

**Clause 29 – Amendment of Article 100: Qualifications and disqualifications for nomination as presidential candidate**

Clause 29 amends Article 100(2) relating to disqualifications for nomination as a Presidential candidate by deleting the words “mental or physical disability” and replacing them with the words “legally disqualified from performing the executive functions”.

**Clause 30 – Repeal and Replacement of Articles 101, 102, 103 and 104: Election of President, Disqualification for run-off, Election petition and Transition period before assuming office**

This clause repeals and replaces Articles 101, 102, 103 and 104.

The clause amends Article 101 to provide that where none of the presidential candidates receive more than fifty percent of the valid votes cast at the initial ballot, the candidate with the highest number of votes may enter into a coalition government with a candidate that participated in the initial ballot, as long as their combined votes meet the threshold of more than fifty percent of the valid votes cast.

The clause further amends Article 103 to provide for the Constitutional Court to hear and determine a Presidential election petition within thirty (30) days.

The clause also amends Article 104 to allow the incumbent President to continue to perform the Executive functions, except making appointments or dissolving the National Assembly, until a new President assumes office.

**Clause 31 -Amendment of Article 107: Removal of President on grounds of incapacity**

This clause amends Article 107 by the deletion of the words “physical and mental” wherever they appear.

*Assumption of Office, Tenure of Office and vacancy*

**Clause 32 – Amendment of Article 108: Impeachment of President**

This clause amends Article 108(8), which provides for the impeachment of the President, by providing for the lifting of the suspension of the President in the event that the allegations are not substantiated as opposed to subjecting the matter to a vote of the National Assembly.

*Vice-President*

**Clause 33 – Amendment of Article 111: Tenure of office of Vice-President and vacancy**

This clause amends Article 111 by removing the term limit on the office of the Vice-President.

### *Cabinet Ministers*

#### **Clause 34 – Repeal and replacement of sub-heading**

Clause 34 amends the subheading immediately after Article 112 by deleting the words “Cabinet Ministers” and replacing them with the words “Cabinet, Minister, Provincial Minister and Deputy Minister”.

#### **Clause 35 -Amendment of Article 113: Cabinet**

This clause amends Article 113 by including Provincial Ministers in the composition of Cabinet. The amendment also includes the Chief Government Whip as an *ex officio* member of Cabinet.

#### **Clause 36 -Amendment of Article 114: Functions of Cabinet**

Clause 36 amends Article 114, which sets out the functions of Cabinet. The clause amends Article 114(1) by removing the power of the National Assembly to approve the Executive’s acceding to or ratifying international agreements and treaties. It further removes the power of the National Assembly to approve loans to be contracted and guarantees on loans contracted by the State.

#### **Clause 37 – Amendment of Article 116: Ministers**

This clause amends Article 116 by replacing “mental and physical disability” with “legally disqualified” as a consequential amendment.

Clause 37 further amends Article 116 to provide for Ministers to remain in office until the next general election.

#### **Clause 38 – Insertion of Article 117A: Deputy Ministers**

Clause 38 amends the Constitution by inserting a new Article 117A which reintroduces the position of Deputy Minister.

## **PART VIII – JUDICIARY**

### *Judicial Authority, System of Courts and Independence*

#### **Clause 39 – Amendment of Article 119: Vesting of judicial authority and performance of judicial function**

This clause amends Article 119, which provides for the functions of the courts. It particularly amends Article 119(2), which empowers courts to hear matters, by adding the fact that the courts will also determine the matters.

#### **Clause 40 – Amendment of Article 120: System of court**

This clause amends Article 120 by removing the reference to specific courts when referring to the jurisdiction, powers and sittings of courts.

#### **Clause 41 – Amendment of Article 122: Functional independence of Judiciary**

Clause 41 amends Article 122 by providing that the Judiciary shall be autonomous.

### *Establishment, Jurisdiction and Sittings of Superior Courts*

**Clause 42 – Amendment of Article 124: Establishment, jurisdiction and sitting of Supreme Court**

Clause 42 amends Article 124, which provides for the Supreme Court to comprise the Chief Justice, Deputy Chief Justice and eleven (11) other judges. This clause amends Article 124 by removing the number of judges specified in the Article and providing for an uneven number of judges to be specified in an Act of Parliament.

**Clause 43 – Repeal and Replacement of Article 127: Establishment and composition of Constitutional Court**

This clause amends Article 127 by making the Chief Justice the head of the Constitutional Court and abolishing the office of Deputy President of the Constitutional Court.

**Clause 44 – Repeal and Replacement of Article 129: Sittings of Constitutional Court**

This clause repeals and replaces Article 129, which provides for the sittings of the Constitutional Court, and provides for the sittings of the Constitutional Court to be contained in an Act of Parliament.

*Chief Justice and other Judges*

**Clause 45 – Repeal of Articles 138 and 139: President of Constitutional Court and Deputy President of Constitutional Court**

Clause 45 repeals Articles 138 and 139, which provide for the offices of President and Deputy President of the Constitutional Court.

**Clause 46 – Amendment of Article 140: Appointment of judges**

This clause amends Article 140 relating to the appointment of judges by removing the position of Deputy President of the Constitutional Court.

**Clause 47 – Amendment of Article 142: Tenure of office of judge**

Clause 47 amends Article 142, which relates to the tenure of office of judges, by removing the ten (10) year tenure on the office of President of the Constitutional Court.

**Clause 48 – Amendment of Article 143: Removal of judge from office**

This clause amends Article 143 (a), which relates to the grounds of removal of a judge from office, by deleting the words “a mental or physical disability that makes the judge incapable of performing judicial functions” and replacing them with the words “is legally disqualified from performing judicial functions”.

**Clause 49 – Repeal and Replacement of Article 144: Procedure for removal of judge**

Clause 49 repeals and replaces Article 144 by changing the procedure for the removal of a judge from office.

**PART IX - GENERAL PRINCIPLES OF DEVOLVED GOVERNANCE**

*Systems of Devolved Governance*

**Clause 50 – Amendment of Article 147**

Clause 50 amends Article 147, which provides for a system of devolved Government. It specifically amends Article 147 (2), which provides for the Annex, which contains the various functions of the national, provincial and local government, to be contained in the Constitution.

Article 147 (2) has been amended by removing the Annex from the Constitution so that it is contained in an Act of Parliament.

## **PART X - PROVINCES, DISTRICT WARDS AND PROVINCIAL ADMINISTRATION**

### *Provinces, Districts and Wards*

#### **Clause 51 – Repeal and Replacement of Article 149: Provinces, districts and wards**

This clause repeals and replaces Article 149 to allow the President to create or divide a province or merge two or more provinces without the approval of the National Assembly. It further provides for the number of districts in a province to be provided for in an Act of Parliament.

## **PART XI - LOCAL GOVERNMENT**

### *System of Local Government*

#### **Clause 52 – Repeal and Replacement of Article 153: Election of councillors, composition of councils and tenure**

This clause amends Article 153, which provides for the election and tenure of office of councillors and the composition of councils.

The clause amends Article 153 (2), by reintroducing Members of Parliament in the councils. It further amends Article 153 (4) by revising the qualifications for councillors so that a councillor must be, at least, eighteen years (18) old, a resident and not a permit holder and tax compliant.

#### **Clause 53 – Repeal and Replacement of Article 154: Mayor, deputy mayor, council chairperson and deputy council chairperson**

This clause repeals and replaces Article 154 to provide for mayors and council chairpersons to be elected by their fellow councillors.

#### **Clause 54 – Repeal of Article 157: Vacation of office of councillor and vacancies**

This clause repeals and replaces Article 157, which provides for instances when the office of councillor may become vacant. It provides for a councillor to vacate office when a council is dissolved and further provides for the other instances that can cause a councillor to vacate office to be prescribed in an Act of Parliament.

#### **Clause 55 – Repeal Article 158: By-election for council**

This clause repeals Article 158, which provides the procedure for holding a by-election where a vacancy occurs in the office of mayor, council chairperson or councillor.

#### **Clause 56 – Repeal and Replacement of Article 159: Local government elections, tribunals and petitions**

Clause 56 repeals and replaces Article 159 by removing the reasons for which the Chief Justice shall establish *ad hoc* local government election tribunals and the procedure for local government

tribunals and providing that the Chief Justice shall establish *ad hoc* local government election tribunals as prescribed by an Act of Parliament.

## **PART XII - CHIEFTAINCY AND HOUSE OF CHIEFS**

### **Clause 57 – Repeal and Replacement of Article 165: Institution of chieftaincy and traditional institutions**

Clause 57 amends Article 165, which provides for the institution of chieftaincy and traditional institutions, by allowing Parliament to enact legislation for the recognition or withdrawal of recognition of a chief. It further permits the House of Chiefs to resolve disputes regarding the appointment or election of chiefs.

### **Clause 58 – Amendment of Article 168: Participation of chiefs in public affairs**

Clause 58 amends Article 168, which relates to the participation of chiefs in public affairs, to provide for a chief who seeks election as councillor to resign from his or her throne.

### **Clause 59 - Repeal and replacement of Article 169: House of Chiefs and function**

This clause repeals and replaces Article 169 to provide for –

- (a) the election of the chairperson and vice-chairperson of the house of chiefs every five years from among themselves;
- (b) the removal of the annual rotation of the positions of chairperson and vice-chairperson among the provinces; and
- (c) the House of Chiefs to resolve succession and other disputes relating to chieftaincy as contained in an Act of Parliament.

### **Clause 60 – Amendment of Article 170: Tenure of office and vacancy**

Clause 60 amends Article 170(2) (d), which provides for a chief to vacate office if he or she is convicted for an offence, by clarifying that the offence must be a serious offence which carries an imprisonment sentence of more than six months without the option of a fine.

## **PART XIII - PUBLIC SERVICE**

### ***Constitutional office holders***

#### **Clause 61 – Amendment of Article 176: Secretary to Cabinet**

Clause 61 amends Article 176, which relates to the appointment of the Secretary to the Cabinet, by removing the requirement for the President to consult the Civil Service Commission in making the appointment.

Clause 61 further amends Article 176(3), which sets out the qualifications for one to be appointed Secretary to the Cabinet, by providing for any person who has held a senior management position in the Public Service to be eligible for appointment as Secretary to the Cabinet.

#### **Clause 62 – Repeal and Replacement of Article 178: Vacancy in office of Attorney-General**

This clause amends Article 178 to provide a five-year term of office for the Attorney-General, and for the term to run concurrently with that of the President.

It further replaces the vacation of office by the Attorney-General on account of mental or physical disability with vacation from office due to the Attorney-General being legally disqualified from performing the functions of the office.

**Clause 63 – Amendment of Article 179: Solicitor-General**

Clause 63 amends Article 179 by changing the title from Solicitor-General to Deputy Attorney-General.

**Clause 64 – Amendment of Article 183: Secretary to Treasury**

This clause amends Article 183 by removing the requirement for the President to consult the Civil Service Commission in appointing the Secretary to the Treasury.

Further, it removes reference to “province, local authority, state institution or other prescribed body” and replaces it with the word “public body”, which has been defined to include all the listed items.

The clause also removes the Secretary to the Treasury’s function of overseeing the formulation and implementation of the macro-economic frameworks and socio-economic plans of the Republic.

**Clause 65 – Amendment of Article 184: Permanent Secretaries**

This clause amends Article 184 by removing the requirement for a Permanent Secretary to be accountable for the proper financial management and expenditure of public funds in a province, ministry or department.

*Public officers*

**Clause 66 – Amendment of Article 186: Participation in politics**

Clause 66 amends Article 186 by requiring a public officer seeking election to political office to resign, at least, two (2) years before the election.

**PART XIV - PENSION BENEFIT**

**Clause 67 – Repeal and Replacement of Article 189: Payment of pension benefit**

Clause 67 amends Article 189 by removing the requirement for an employer who has not paid an employee their pension benefits in full to retain that employee on the payroll.

**PART XV - DEFENCE AND NATIONAL SECURITY**

**Clause 68 – Amendment of Article 192: Establishment of Defence Force and functions**

This clause amends Article 192 to allow other functions of the Defence Force that are not in the Constitution to be provided for in an Act of Parliament.

**Clause 69 – Amendment of Article 193: Establishment of national security services and functions**

Clause 69 amends Article 193 by reclassifying the Drug Enforcement Commission as a national security service and renaming it as the Anti-Drugs, Economic and Financial Crimes Agency.

## **PART XVI - PUBLIC FINANCE AND BUDGET**

### **Clause 70 – Repeal and Replacement of Article 199: Imposition of tax**

This clause repeals and replaces Article 199 so that the manner of imposition, waiver or variation of tax can be provided for in an Act of Parliament.

## **PART XVII - CENTRAL BANK**

### **Clause 71 – Amendment of Article 213: Bank of Zambia**

Clause 71 amends Article 213 so that only the primary function of the Bank of Zambia, which is to formulate and monitor monetary policy, is provided for in the Constitution.

### **Clause 72 – Amendment of Article 214: Governor of Bank of Zambia**

Clause 72 amends Article 214 to provide for a person to have specialised training and proven experience in the functions of the Central Bank in order to be eligible for appointment as Governor of the Bank of Zambia.

### **Clause 73 -Amendment of Article 215: Legislation on Bank of Zambia**

This clause amends Article 215 in order to allow Parliament to prescribe the qualifications of the Governor of the Bank of Zambia in an Act of Parliament.

## **PART XVIII - SERVICE COMMISSIONS AND OTHER INDEPENDENT OFFICES**

### **Clause 74 – Repeal and Replacement of Part XVIII**

Clause 74 repeals and replaces Part XVIII, which establishes service commissions and other commissions as well as independent offices. Clause 74 amends Part XVIII by removing all the service commissions such as the Judicial Service Commission, Civil Service Commission and Parliamentary Service Commission. Other commissions such as the State Audit Commission, Emoluments Commissions and Gender Equity and Equality Commission have also been removed. The amendment instead provides for the establishment of the commissions through Acts of Parliament. It, however, retains the principles for commissions and establishes commissions such as the Electoral Commission of Zambia, Human Rights Commission and Anti-Corruption Commission.

## **PART XXIV- GENERAL PROVISIONS**

### **Clause 75 – Repeal of Article 264: Emoluments payable under Constitution**

Clause 75 repeals Article 264, which provides for the Emoluments Commission to recommend the emoluments payable to State officers, judges, chiefs, members of the House of Chiefs, councillors, constitutional office holders and public officers.

### **Clause 76 – Amendment of Article 266: Definitions**

This clause amends Article 266 which provides for definitions by clarifying ambiguous definitions and including new definitions such as “appropriate authority”, “legally disqualified”, “meeting”, “public body”, “sitting”, and “Standing Order”.

**Clause 77 – Amendment of Article 272: Legislation to give effect to Constitution**

This clause amends Article 272 by providing that Parliament shall, within such period as it shall determine, enact legislation to give effect to the Constitution.

**Clause 78 – Repeal of Annex: ANNEX (Article 147 (2))**

This clause repeals the Annex to the Constitution provided for under Article 147.

**Clause 79 – General Amendment**

Clause 79 provides for general amendments including the deletion of the words “Emoluments Commission” wherever they appear, the substitution of the words “Director of Public Prosecution” with the words “Prosecutor General”, and the substitution of the words “progressively to districts” with the words “to districts” progressively.

**8.0 SUMMARY OF STAKEHOLDERS’ VIEWS AND RECOMMENDATIONS**

**Clause 2– Amendment of Preamble**

Some stakeholders were concerned that amending the Preamble by replacing the word “multi-religious” with the word “Christian” amounted to endorsing one religion over the others. They were of the view that this was inconsistent with the Bill of Rights, which protected the freedom of conscience. They noted further that the amendment undermined principles of equality and non-discrimination and was likely to breed intolerance of the religions and beliefs of other citizens.

Most stakeholders, however, welcomed the amendment to delete the word “multi-religious” and substitute it with the word “Christian”. They submitted that the amendment would remove the ambiguity in the current Constitution, which gave the Republic two contradictory religious identities. They added that replacing “multi-religious” with “Christian” would create the much needed identity which would form the basis for formulating the values and principles upon which the Constitution would be anchored. They further opposed the assertion that the proposed amendment would disadvantage non-Christians and breed religious intolerance. They submitted that the right for non-Christians to practice their religion was recognised in the Preamble and would remain protected under Article 19 of the Constitution, which guarantees freedom of conscience. They added that the Constitution declared the country a Christian nation in 1996 and that from that time the country had not experienced any religious intolerance and no citizen had been inhibited from practising their religion.

*The stakeholders, therefore, recommended that the word “multi-religious” in the Preamble should be replaced with the word “Christian” in order to reaffirm the declaration of Zambia as a Christian nation.*

**Clause 4– Amendment of Article 4: Republic of Zambia**

Most stakeholders supported the amendment to Article 4 (3) to replace the word “multi-religious” with the word “Christian” because this would clearly identify the nation as a Christian nation, following the declaration of Zambia as a Christian nation in 1996 and the inclusion of that declaration in the Preamble of the Constitution.

One stakeholder, namely the Barotse Royal Establishment, was of the view that the word ‘indivisible’ in clause 4 (3) defeated the spirit and purpose of a unitary state. The stakeholder additionally submitted that there was need for the amendment to acknowledge the fact that Zambia was a creation of two nations that agreed to unite into one nation under the Barotseland Agreement of 1964. The stakeholder recommended that the clause be amended to remove the word ‘indivisible’.

*Stakeholders, therefore, recommended that the word “multi-religious” in Article 4 should be replaced with the word “Christian” in order to reaffirm the declaration of Zambia as a Christian nation.*

### **Clause 5 – Amendment of Article 8: National Values and Principles**

Most stakeholders noted that Article 8 (a) was silent on the type of morality and ethics that the nation should uphold. The stakeholders noted that there were varying principles of morality and ethics world over and that it was, therefore, imperative for the Constitution to be clear on the type of morality and ethics that formed part of the nation’s values and principles. In view of this, the stakeholders submitted that the amendment to Article 8 (a) to provide for “Christian morality and ethics” was timely.

Some stakeholders, however, expressed concern that the amendment would cause complications because Article 9 required the national values and principles to be used to interpret the Constitution, laws and government policies. They added that this would be exacerbated by the fact that the Judiciary was neither qualified nor required to be qualified in the application of Christian morality and ethics. They asserted, therefore, that inserting the word “Christian” before the words “ethics and morality” would result in interpretation challenges.

*The Stakeholders, in this regard, recommended that the national values and principles should be amended to clarify that the Republic would uphold Christian morality and ethics.*

### **Clause 9– Amendment of Article 47: Electoral systems**

Almost all the stakeholders supported Clause 9, which changed the electoral system for election to the National Assembly, from the first-past-the-post electoral system to a mixed-member electoral system. They contended that a proportional representation system had the positive effect of enabling marginalised groups such as women, the youth, persons with disabilities and minority political parties to be represented in the National Assembly.

Some stakeholders, however, acknowledged that the mixed-member electoral system was difficult to administer because it was a combination of the first-past-the-post and the proportional representation systems. In this regard, the stakeholders recommended that rather than adopt the mixed-member electoral system, the Constitution should use other means to ensure the inclusion of marginalised groups in the governance system. They further recommended that due to the limited time before the next general elections, the first-past-the-post system should be used to avert possible electoral and political conflicts.

Other stakeholders were further concerned that the amendment relegated the electoral system for Members of Parliament from the Constitution to an Act of Parliament. They noted that constitutional amendments required a two-thirds majority of all Members of Parliament to pass and were, therefore, more difficult to enact than amendments to an ordinary Act of Parliament. To this end, they recommended that the electoral system should remain in the Constitution in order to protect it from the wanton amendments it was likely to be subjected to if left in an Act of Parliament.

*The stakeholders, therefore, recommended that a mixed-member system for election to the National Assembly be adopted. They further recommended that the electoral system be contained in the Constitution and not in an Act of Parliament.*

### **Clause 12 – Repeal and replacement of Article 60: Political Parties**

Some stakeholders expressed concern at the proposal to delete Article 60(4), which provides for the management of political parties, including the disclosure of their source of funds. They observed that the requirement for political parties to disclose their source of funds was very useful, especially in the fight against money laundering and terrorism financing and could prevent political players from using proceeds of crime to raise funds for their political activities.

Some stakeholders supported the amendment, but were of the view that there was need for the term ‘national character’ to be defined for clarity purposes.

Further, some stakeholders were of the view that Article 60 (3) (c), which proscribed political parties from engaging in corrupt activities, was ambiguous. This was because a political party, being an association of members and not a legal entity could not engage in corrupt practices as corruption was a criminal act. However, its members could.

*The stakeholders, therefore, recommended that the clause be amended to retain Article 60 (4), which provides for legislation to be enacted to provide for the establishment of a Political Parties’ Fund, the accounts of political parties funded by the Political Parties’ Fund, the source of funds for political parties, and the maximum amount of money a political party can use during campaigns.*

*The stakeholders further recommended that the term ‘national character’ in Article 60 (2) (b) be defined. Additionally, they recommended that the non-involvement of political parties in corrupt practices, as provided under Article 60 (3) (c), should be clarified.*

### **Clause 13 – Amendment of Article 63: Functions of Parliament and National Assembly**

Most stakeholders expressed concern that this clause, which removed the National Assembly’s function of approving public debt before it was contracted and approving international agreements and treaties before they were acceded to or ratified by the Executive, would weaken the oversight role of the Legislature.

Other stakeholders, however, supported the provision contending that the contraction of debt was a function of the Executive and that the National Assembly’s oversight role in debt contraction ended with the approval of the national budget. They added that by being involved in the approval

of debt, the National Assembly was veering into the functions of the Executive, which was contrary to the doctrine of separation of powers.

*The stakeholders recommended that the National Assembly should continue to approve international agreements and treaties before the Executive acceded to or ratified them, and to approve public debt before it was contracted.*

*They further recommended that Article 63(2) be amended to include the approval of the withdrawal from international agreements and treaties as a function of the National Assembly.*

### **Clause 15 – Repeal and Replacement of Article 68: Election and composition of National Assembly**

Most stakeholders expressed concern with the amendment to Article 68, which relegated the provision pertaining to the composition of the National Assembly, to an Act of Parliament. The stakeholders held the view that the composition of the National Assembly should be provided for in the Constitution where it would be insulated from frequent amendments owing to the rigorous procedures required to amend the Constitution.

Some stakeholders, however, were in support of the proposed amendment, citing the over prescriptive nature of the Constitution as the basis for relegating the provision to subsidiary legislation. They further submitted that this would enable flexibility whenever the number of Members of Parliament needed to be revised following a delimitation exercise, which the Electoral Commission of Zambia was required to conduct each decade.

*The stakeholders recommended that the provision pertaining to the composition of the National Assembly should be retained in the Constitution.*

### **Clause 16– Repeal of Articles 69, 70, 71 and 72: Nominated Members of Parliament, Qualifications and Disqualifications of Members of Parliament, Nominations for elections to National Assembly and vacation of office as Member of Parliament and dissolution of political party**

Many stakeholders were concerned that the clause repealed Articles 69, 70, 71 and 72, which provided for nominated Members of Parliament, qualifications and disqualifications for election as Member of Parliament, nominations for election to the National Assembly and vacation of office of a Member of Parliament. The stakeholders were of the view that these were extremely important provisions which needed to be in the Constitution where they would be protected from frequent amendment.

Some stakeholders, however, were in support of the proposed amendment, citing the over prescriptive nature of the Constitution as the basis for relegating the provisions to subsidiary legislation.

With respect to Article 70, which provides for qualifications and disqualifications of Members of Parliament, some stakeholders submitted that the minimum academic qualification for a person to qualify for nomination as Member of Parliament should be a school certificate or its equivalent and not a grade 12 certificate or its equivalent as provided under Article 70 (d). They explained

that a “grade 12 certificate” was issued to a candidate who had passed even just one (1) subject, while a “school certificate” was issued to a person who had passed the exam by passing a minimum of five subjects. They contended that what was envisaged by Article 70 (d) was for a person to have passed the exam and that, therefore, a school certificate and not a grade 12 certificate was the appropriate term.

*The stakeholders, therefore, recommended that Article 70 (d) be retained and amended to provide for a “school certificate” as the minimum academic qualification for one to be eligible for election as Member of Parliament.*

Regarding Article 72, which provides for vacation of office as Member of Parliament and dissolution of a political party, stakeholders recommended that the Article be maintained, but amended to provide for all possible forms of floor crossing as a basis for vacation of office.

*The stakeholders, therefore, recommended that Articles 69, 70, 71 and 72, which provide for nominated Members of Parliament, qualifications and disqualifications for election as Member of Parliament, nominations for election to the National Assembly and vacation of office of a Member of Parliament be retained in the Constitution.*

*The stakeholders also recommended that Article 72 be amended to provide for all possible forms of floor crossing.*

*The stakeholders further recommended that Article 72 (5) be amended to read as follows:*

*“Where a Member of Parliament is expelled as provided in clause (2) (e), the member shall not lose the seat until the expulsion is confirmed or otherwise heard and determined by a court, except that where the member does not challenge the expulsion in court and the period prescribed for challenge lapses, the member shall vacate the seat in the National Assembly.”*

### **Clause 22– Repeal and Replacement of Article 81: Term and prorogation of Parliament**

Most stakeholders were opposed to this amendment, which provided for the term of Parliament to be for five (5) years from the date Members of Parliament were sworn in after a general election until the date of the next general election. They contended that the amendment was contrary to the spirit of free and fair elections because it gave undue advantage to Members of Parliament who would have free access to certain privileges, state resources and logistics during election campaigns, thereby disadvantaging their opponents.

Some stakeholders observed that the amendment was probably intended to address the fact that Members of Parliament served for less than five (5) years since Parliament was dissolved ninety (90) days before the elections. One stakeholder proposed that Parliament should be dissolved sixty (60) days before the general elections. The stakeholders, generally, submitted that instead of Members of Parliament remaining in office until the next general elections, a mechanism should be put in place to ensure that they were remunerated for the period between the dissolution of Parliament and the next elections so that they did not lose out on emoluments.

Other stakeholders, however, welcomed the repeal and replacement of Article 81(1) submitting that it enabled Members of Parliament complete their five-year term, and ensured there was a Parliament in place in the event of an emergency.

*The stakeholders recommended that, in order to conform to international best practices and promote a level playing field in the electoral process, the National Assembly should continue to dissolve ninety (90) days before a general election.*

#### **Clause 23 – Amendment of Article 83: Removal of Speaker on specified grounds**

Some stakeholders noted that clause 23 amended Article 83 (5), which requires the National Assembly to pass a resolution whether or not to remove a Speaker or Deputy Speaker after the parliamentary committee tasked to investigate allegations against the Speaker or Deputy had concluded its work and rendered its report to the House. The amendment provides for the National Assembly to reinstate the Speaker or Deputy Speaker without a vote if the allegations are found to have been unsubstantiated.

The stakeholders submitted that a parliamentary committee only made a recommendation to the House and that there was need for the House to pass a resolution whether or not to reinstate the Speaker or Deputy Speaker.

*The stakeholders recommended that even if the parliamentary committee considering an allegation against a Speaker or Deputy Speaker finds that the allegation is unsubstantiated, the House must pass a resolution for the Speaker or Deputy Speaker to be reinstated.*

#### **Clause 24 – Repeal and Replacement of Article 84: Clerk of the National Assembly**

Stakeholders submitted that the repeal and replacement of Article 84, which provides for the appointment, resignation, retirement and removal of the Clerk of the National Assembly, should not be relegated to subsidiary legislation because this would compromise the security of tenure of the Clerk.

Other stakeholders, however, supported the amendment contending that the provisions were better provided for in Act of Parliament.

*The stakeholders, therefore, recommended that the provisions pertaining to the appointment and removal of the Clerk of the National Assembly from office should be retained in the Constitution.*

#### **Clause 25 – Amendment of Article 88: Right to petition and make comments**

Some stakeholders expressed concern that Article 88 (3) provided for the manner of petitioning and commenting on the deliberations of the National Assembly, to be provided for in an Act of Parliament. They further observed that the Act to operationalise Article 88(3) had not yet been enacted.

*To this end, the stakeholders recommended that clause 88 (3) be deleted and the manner of petitioning and commenting on Parliamentary proceedings be contained in the National Assembly Standing Orders in line with Article 77, which mandates the National Assembly to make Standing Orders to regulate its procedure and the conduct of its business.*

### **Clause 27 – Repeal and replacement of Article 94**

Some stakeholders were opposed to this amendment, which provided that where a measure or appointment by the Executive was subject to the approval of the National Assembly, and the National Assembly had twice rejected the measure or appointment, the third appointment or measure would take effect automatically. The stakeholders contended that the amendment would effectively eliminate the role of the Constitutional Court in checking the refusal by the National Assembly to approve an Executive appointment or measure. They added that the amendment would weaken the National Assembly's oversight role on appointments or measures by the Executive. They were of the view that the checks and balances provided in the National Assembly and Constitutional Court were progressive in a democratic dispensation as they contributed to ensuring that only suitably qualified candidates were appointed and beneficial measures implemented.

*The stakeholders, in this regard, recommended the retention of the current provision where if the National Assembly refuses to approve a measure or appointment twice or unreasonably withholds its approval, the President refers the matter to the Constitutional Court.*

### **Clause 30– Repeal and Replacement of Articles 101, 102, 103 and 104: Election of President, Disqualification for run-off, Election petition and Transition period before assuming office**

Most stakeholders were opposed to the amendment to Article 101, which made provision for two presidential candidates to form a coalition government in the event that none of the presidential candidates attained more than fifty percent of the votes in an election. This was provided that the combined votes of the presidential candidates exceeded fifty percent of the valid votes cast. The stakeholders expressed concern that the concept was contrary to the spirit of Article 47 (1), which provided for a directly elected majoritarian President, who had been elected by more than fifty percent of the voters. They further stated that Zambia had a presidential system and that coalition governments were more common in parliamentary systems and were, more often than not, unstable. They also contended that the Bill had neither defined a coalition government nor outlined the power sharing mechanisms that would be employed in the coalition.

Some stakeholders, however, were in support of the amendment contending that it would help avoid costly presidential run-offs and the violence associated with them. They added that it would promote power sharing and enhance the spirit of dialogue among political players unlike the winner takes all majoritarian system, which left the losers dejected. However, the stakeholders were concerned that the amendment was silent on what would happen where the coalition government failed before the next elections.

One stakeholder proposed that the Presidential candidate with the most votes should be allowed to form a coalition government with several candidates.

*In this regard, the stakeholders recommended that Article 101 be retained in its current state in which the President is directly elected by more than fifty percent of the voters.*

### **Clause 35– Amendment of Article 113: Cabinet**

Some stakeholders did not support the inclusion of Provincial Ministers and the Chief Whip as members of Cabinet and an *ex officio* member of Cabinet respectively. They contended that this was due to the serious cost implications their inclusion in Cabinet would have on the Treasury.

Other stakeholders had no objection to the inclusion of Provincial Ministers in Cabinet by virtue of their appointment under Article 117 of the Constitution. They were, however, opposed to including the Chief Whip, whose responsibility was to monitor members of Parliament in the National Assembly. They were of the view that including the Chief Whip as an *ex officio* member of Cabinet would unnecessarily expand Cabinet.

*The stakeholders, therefore, recommended that Article 113 should be amended to only include Provincial Ministers in Cabinet.*

#### **Clause 36—Amendment of Article 114: Functions of Cabinet**

Most stakeholders were opposed to this amendment, which removed the power of the National Assembly to approve the Executive's accession to or ratification of international agreements and treaties, and approval of loans to be contracted and guarantees on loans contracted by the State. They were of the view that this amendment would weaken the National Assembly's oversight role over the Executive in ratifying international agreements and contracting debt.

*They, therefore, recommended that the accession to international treaties and approval of debt contraction remain subject to approval of the National Assembly as provided in Article 114 (d) and (e).*

#### **Clause 37—Amendment of Article 116: Ministers**

Most stakeholders expressed concern about the amendment which allowed Ministers to remain in office until the next general election. They submitted that a Minister, by virtue of his or her office, had access to state resources such as vehicles, the police and public media, which they could use during campaigns to the disadvantage of their political opponents. Stakeholders further submitted that, from time immemorial, Ministers had vacated office during the election campaign period, a matter which was settled by the Constitutional Court.

*The stakeholders, therefore, recommended that Ministers should continue to vacate office upon the dissolution of Parliament.*

#### **Clause 38—Inserting of Article 117A - Deputy Minister**

Most stakeholders were not in support of this amendment, which reintroduced the position of Deputy Minister. They were of the view that the reintroduction of Deputy Ministers did not reflect the will of the people of Zambia and had implications on the Treasury and national fiscal discipline. They submitted that Deputy Ministers did not have any defined functions or roles and did not even act in the absence of Ministers. They added that since the removal of the position by the 2016 amendment to the Constitution, the Government had functioned without any documented mischief attributable to the absence of Deputy Ministers.

Some stakeholders, however, welcomed the reintroduction of the position of Deputy Minister and attributed the country's current economic woes to their absence. The stakeholders were of the view

that the economic challenges that the country was experiencing were not permanent and, hence, could not be used as a reason for not reintroducing the position of Deputy Minister. The stakeholders added that some ministries were huge, hence, the need for Deputy Ministers to reduce the burden for the Ministers. The stakeholders further submitted that there were many benefits of having two persons on any given situation as it created accountability.

*The stakeholders, therefore, recommended that the position of Deputy Minister should not be reintroduced.*

#### **Clause 40 – Amendment of Article 120: System of court**

Some stakeholders supported Clause 40, which amends Article 120 (3) by deleting and substituting paragraphs (b) and (e), which provide for the jurisdiction, powers and sittings of courts. The amendment does away with the reference to specific courts. The Stakeholders, however, observed that the proposed paragraph (b) was exactly the same as the proposed paragraph (e).

*The stakeholders, therefore, recommended that paragraph (e) be deleted without substitution.*

#### **Clause 42 – Amendment of Article 124: Establishment, jurisdiction and sitting of Supreme Court**

Some stakeholders supported this amendment, which provided for the number of Supreme Court Judges to be provided for in an Act of Parliament. They submitted that this would make it easier for the number of Supreme Court judges to be revised whenever need arose. Others were, however, concerned that the provision only made reference to an uneven number of judges without specifying the minimum number of judges. The stakeholders were of the view that this could be abused.

Other stakeholders were opposed to the number of Supreme Court judges being provided for in subsidiary legislation citing that it would be subject to abuse.

*The Stakeholders, thus, recommended that the number of Supreme Court judges should be prescribed in an Act of Parliament, but that the Constitution should state the minimum number of Supreme Court judges to be prescribed.*

#### **Clause 43 – Repeal and Replacement of Article 127: Establishment and composition of Constitutional Court**

Some stakeholders expressed concern about this amendment, which included the Chief Justice in the composition of the Constitutional Court and abolished the office of the Deputy President of the Constitutional Court. It was their view that having the Chief Justice head the Constitutional Court was tantamount to doing away with the Constitutional Court altogether.

Other stakeholders were of the view that Judges of the Supreme Court should sit on the Constitutional Court as *ex officio* judges and vice-versa. They contended that currently the Supreme Court and Constitutional Court had a total of thirteen (13) judges each, bringing the total to twenty-six (26). They added that the Constitutional Court did not have a huge workload and that the workload of the Supreme Court had been reduced following the creation of the Court of Appeal in 2016. Further, both courts had not filled their establishment. In this regard, they

submitted that pooling the judges in the courts would reduce the costs associated with the salaries and other benefits which accrued to judges.

Yet other stakeholders were of the view that the Constitutional Court should be merged with the Supreme Court as was the practice in other jurisdictions such as South Africa.

*The stakeholders recommended that the Chief Justice should be head of the Constitutional Court, but that the Constitutional Court should remain separate from the Supreme Court.*

#### **Clause 44 – Repeal and replacement of Article 129: Sittings of Constitutional Court**

Most stakeholders were opposed to Clause 44, which amended Article 129 so that the sittings of the Constitutional Court were provided for in an Act of Parliament. This was because they felt that provisions relating to the sittings of the Constitutional Court were very important and warranted being in the Constitution where they could not be easily altered.

*The stakeholders, therefore, recommended that the provisions relating to the sittings of the Constitutional Court should be retained in the Constitution.*

#### **Clause 45 – Repeal of Articles 138 and 139: President of Constitutional Court and Deputy President of Constitutional Court**

Some stakeholders expressed concern about this amendment, which abolished the offices of President of the Constitutional Court and Deputy President of the Constitutional Court. The stakeholders had no objection to the abolishment of the office of Deputy President of the Constitutional Court following the inclusion of the Chief Justice as head of the Constitutional Court. However, as regards the office of President of the Constitutional Court, they submitted that since the composition of the Constitutional Court included the President, there was need for the office to remain established in the Constitution. In view of this, the stakeholders were of the view that there was need for Article 138, which established the office of the President of the Constitutional Court, to be retained in the Constitution. They further contended that this was more so since the office was currently occupied and an office could not be abolished while there was a substantive office holder.

*The stakeholders, thus, recommended that the office of the President of the Constitutional should be established in the Constitution and that Article 138 should read as follows:*

- “138(1)        *There shall be a President of the Constitutional Court, who shall-*
- (a) be responsible for the administration of the Court under the direction of the Chief Justice; and*
  - (b) perform such other functions as may be assigned by the Chief Justice.”*

#### **Clause 47 – Amendment of Article 142: Tenure of office of judge**

The stakeholders noted that clause 47 amends Article 142 (3), which sets a term limit on the offices of Chief Justice and President of the Constitutional Court, by removing the term limit on the office of President of the Constitutional Court. This is in conformity with the amendment in clause 43 which makes the Chief Justice Head of the Constitutional Court.

The stakeholders, however, expressed concern that Article 142(3) continued to impose a term limit of ten (10) years on the office of Chief Justice. They further raised concern that the Article permitted a person who had held the office of Chief Justice to continue as a judge of the Supreme Court or Constitutional Court once their term of office had expired. They submitted that it was effectively a demotion for a person who had served at the helm of the Judiciary to descend to the position of Supreme Court or Constitutional Court judge after their term had expired, which was not only impractical, but also demeaning. They added that limiting the Chief Justice's tenure would deprive the Judiciary and the nation of a seasoned Chief Justice, particularly in the event that the holder of the office ascended to the position more than ten years before they were due for retirement. The stakeholders submitted that term limits should be restricted to elective office and not be extended to judicial office.

*The stakeholders recommended that the office of Chief Justice should not have a term limit and, in this regard, recommended that Article 142(3) be deleted.*

#### **Clause 49– Repeal and Replacement of Article 144: Procedure for removal of judge**

Several stakeholders, including the Judiciary, supported Clause 49, which amends the procedure for the removal of a judge from office. Currently, the Judicial Complaints Commission initiates the process and hears and determines the matter. The amendment results in the Judicial Service Commission initiating the process and the President appointing a Tribunal to hear and determine the matter. The stakeholders contended that it was ideal for the Judicial Service Commission, which recommended the appointment of judges to the President, to initiate the process of their removal from office. They added that the Judicial Service Commission comprised both serving and retired judges while the Judicial Complaints Commission was constituted of mainly serving lawyers. The stakeholders submitted that, it was more appropriate for the removal of a judge to be initiated by their peers rather than practising lawyers, some of whom may have been dissatisfied with a judgment rendered by the judge in question.

Some stakeholders were, however, of the view that the Judicial Complaints Commission should continue to initiate the removal of judges from office. They contended that the amendment empowered the President to appoint a tribunal to look into the removal of a judge, which would compromise the independence of the Judiciary. They, thus, advocated that the *status quo* be maintained.

*The stakeholders recommended that the procedure for the removal of a judge should be initiated by the Judicial Service Commission, which would submit a report to the President who would, in turn, appoint a tribunal to hear and determine the matter.*

#### **Clause 51–Repeal and Replacement of Article 149: Provinces, districts and wards**

Some stakeholders were concerned that the amendment, which removed the requirement for the President to obtain the approval of the National Assembly to create, merge or divide provinces, took away the National Assembly's oversight role on the creation, merger or division of provinces. They submitted that this had the potential to result in the power being abused for political gain.

*The stakeholders, therefore, recommended that the President's power to create or divide a province or merge provinces should continue to be exercised subject to the approval of the National Assembly.*

### **Clause 52– Repeal and Replacement of Article 153**

Stakeholders expressed concern about this amendment, which made Members of Parliament Councillors. They contended that the membership of Members of Parliament on councils would compromise the doctrine of separation of powers and was in conflict with the spirit of decentralisation. They, however, submitted that it was necessary for Members of Parliament, as representatives of the people, to be part of the local authorities because that was where service delivery to the people was done.

*The stakeholders, therefore, recommended that Members of Parliament should only be part of the councils as ex officio members. Stakeholders further recommended that by-laws should clearly regulate the participation of ex officio members in councils.*

### **Clause 53 – Repeal and Replacement of Article 154: Mayor, Deputy Mayor, Council Chairperson and Deputy Council Chairperson**

The majority of stakeholders were opposed to this amendment, which provided for mayors and council chairpersons to be elected by their fellow councillors. They submitted that mayors and council chairpersons that were directly elected by the people were accountable to the people. Those elected by their fellow councillors were not known by the people and were more accountable to their political parties.

Other stakeholders were in support of the election of mayors and council chairpersons by their peers contending that this would save the Government monies spent on costly by-elections whenever a vacancy arose in the positions.

*The stakeholders, in this regard, recommended that mayors and council chairpersons should continue to be elected directly by the people.*

### **Clause 57 – Repeal and Replacement of Article 165 Institution of Chieftaincy and traditional institutions**

Some stakeholders, including the House of Chiefs, welcomed clause 57, which enables Parliament enact legislation for the recognition or withdrawal of recognition of chiefs.

The stakeholders also appreciated the amendment, which gives the House of Chiefs power to resolve a dispute relating to the appointment or election of a chief, where the concerned parties have failed to resolve the dispute on the basis of custom, culture and tradition. A few stakeholders expressed concern that the amendment gave the House of Chiefs original and final jurisdiction to resolve a chieftaincy dispute. They, in this regard, submitted that provision should be made for a party aggrieved by a decision of the House of Chiefs to appeal to another authority.

Other stakeholders were, however, opposed to the resolution of succession disputes by the House of Chiefs. They argued that the Judiciary was competent enough to preside over disputes

concerning chiefdoms and did not see why this function should be transferred to the House of Chiefs.

*The stakeholders recommended that Parliament should enact legislation for the recognition and withdrawal of recognition of chiefs. They further recommended that all disputes relating to chiefs should be heard and determined by the courts of law.*

#### **Clause 61–Amendment of Article 176: Secretary to Cabinet**

Most stakeholders were opposed to the amendment to Article 176 (1), which removed the requirement for the President to consult the Civil Service Commission in appointing the Secretary to the Cabinet.

Some stakeholders also expressed concern about the revision in the qualifications for the Secretary to the Cabinet. Currently, for a person to be appointed Secretary to the Cabinet, they must have served as Permanent Secretary or in an equivalent rank for, at least, ten (10) years. The amendment provides for a person to have served in a senior management position in the public service for a minimum of 10 years. The stakeholders argued that the amendment diluted the qualifications for the office of Secretary to the Cabinet, and yet that office played a pivotal role in the public service.

Other stakeholders, however, welcomed the amendment contending that the current requirement was difficult to achieve because very few people in the public service had or were likely to serve as Permanent Secretary or in an equivalent rank for 10 years. They were, however, of the view that, for purposes of clarity, there was need to define the phrase “senior management position” used in the amendment.

*The stakeholders recommended that the President should continue to appoint the Secretary to the Cabinet in consultation with the Civil Service Commission.*

*They further recommended that a person should have served in a senior management position in the public service to qualify for appointment as Secretary to the Cabinet. They added that the term “senior management position” should be defined.*

#### **Clause 62 – Repeal and Replacement of Article 178: Vacancy in office of Attorney General**

Some stakeholders were concerned with the amendment, which introduced a five-year term of office for the Attorney-General, to run concurrently with that of the President. They submitted that the amendment would result in political interference in the office of the Attorney-General. They, therefore, suggested that the term of office of the Attorney-General should run independently of that of the presidency.

Other stakeholders did not support the introduction of a five-year tenure for the Attorney-General. They submitted that that was because the Attorney-General, as the chief legal advisor to Cabinet, served at the whim of the President who could, thus, remove him or her at any time. They were of the view that the existing provisions, which provided that the Attorney-General’s term of office was co-terminus with that of the President were sufficient.

*In this regard, the stakeholders recommended that the Attorney-General should not have a fixed term of office and that his or her term should automatically come to an end when a new person assumes the office of President.*

**Clause 63 – Repeal and replacement of Article 179: Solicitor-General**

Some stakeholders did not support the amendment to change the title of Solicitor-General to Deputy Attorney-General. They contended that all Commonwealth jurisdictions used the title Solicitor-General. They added that whenever a President vacated office the Attorney-General also vacated office while, the Solicitor-General did not. They, in this regard, expressed misgivings that making the Solicitor-General the Deputy Attorney-General would entail that both the Attorney-General and Deputy Attorney-General vacated office with the President, thus, creating a vacuum.

*The stakeholders, thus, recommended that the title Solicitor-General should be retained.*

**Clause 64– Amendment of Article 183: Secretary to Treasury**

Most stakeholders expressed concern about the amendment, which removed the requirement for the President to consult the Civil Service Commission in appointing the Secretary to the Treasury.

*The stakeholders recommended that the President should continue to appoint the Secretary to the Treasury in consultation with the Civil Service Commission.*

**Clause 65– Amendment of Article 184: Permanent Secretaries**

Some stakeholders were opposed to the amendment, which took away the function of a Permanent Secretary being responsible and accountable for the proper financial management and expenditure of public funds appropriated to a province, ministry or department.

*The stakeholders, therefore, recommended that Permanent Secretaries should continue to be responsible and accountable for the proper financial management and expenditure of public funds appropriated to a province, ministry or department.*

**Clause 66– Amendment of Article 186: Participation in politics**

Most stakeholders agreed with the principle, in the amendment, of a public officer seeking election to political office, resigning prior to the election. They were, however, opposed to the resignation having to take place two (2) years prior to the election arguing that the period was too long.

*The stakeholders, therefore, recommended that a public officer who seeks election to political office should resign, at least, six (6) months before the election.*

**Clause 67–Repeal and Replacement of Article 189-Payment of Pension Benefits**

Most stakeholders expressed concern about clause 67, which amends Article 189 by removing the requirement for an employer to retain a pensioner on the payroll until he or she is paid his or her pension benefits in full. They submitted that the Article protected pensioners from destitution while awaiting their pension. Other stakeholders observed further that the proposed amendment would expose both the employer and pension scheme houses to multiple litigation, which would have an adverse impact on their capacity to meet their obligations to the retirees.

Some stakeholders, however, welcomed the amendment noting that the retention of retirees on the payroll was costly and prevented the government from employing new staff, thereby negatively affecting all government sectors. Yet others argued that Article 189 presupposed that a pension was a lump sum payment, when, strictly speaking, a pension was a periodic payment meant to provide income replacement to pensioners. As such, most pension houses had moved from making lump sum payments to monthly annuities. They, thus, submitted that, where a pension was paid periodically, it was not feasible for it to be paid on an employee's last working day.

Other stakeholders expressed concern about the definition of pension benefits submitting that it had been extended to include gratuities and compensation, which were not pension benefits.

*The stakeholders, thus, recommended that an employer should retain an employee on the payroll until his or her pension benefits were paid in full. Additionally, they recommended that "pension benefit" should be defined to exclude a gratuity and compensation.*

### **Clause 69– amendment of Article 193: Establishment of National Security Services and Functions**

Some stakeholders expressed concern that clause 69 established the Drug Enforcement Commission (DEC) as the Anti-Drugs, Economic and Financial Crimes Agency and reclassified it as a national security service. They submitted that the amendment gave the DEC a mandate over economic and financial crimes, which would result in an overlap with the mandate of the Financial Intelligence Centre (FIC).

Stakeholders were of the view that merging the functions of the drug interdiction and combating financial and economic crimes would compromise the operations of FIC as an independent oversight institution and would result in the institution failing to comply with the recommendations of the Financial Action Task Force (TAFT). Stakeholders, thus, were of the view that in order to ensure compliance with international law, the establishment of this agency be reconsidered so that the mandate of the DEC be limited to drug interdiction and the FIC be maintained as a stand-alone institution.

Some stakeholders supported the proposal to rename the Drug Enforcement Commission and include it as one of the national security services established under Article 193. They expressed concern, however, that while the Constitution clearly spelt out the functions of the other state security services, the amendment did not specify the functions that the Anti-Drugs, Economic and Financial Crimes Agency would be executing.

*In this regard, the stakeholders recommended that the Anti-Drugs, Economic and Financial Crimes Agency should be renamed and reclassified and be given specific functions.*

### **Clause 71 – Amendment of Article 213: Bank of Zambia**

Some stakeholders expressed concern about the amendment to Article 213, which replaced the functions of the Bank of Zambia specified thereunder with a single function; that is to formulate and implement monetary policy. They were of the view that the amendment stripped the Bank of Zambia of its various functions, including that of printing the nation's currency.

The Bank of Zambia, however, supported the amendment to Article 213 (2), but proposed the insertion of the word “primary” before the word “function” to read as follows:

*“(2) The “primary” function of the Bank of Zambia is to formulate and implement monetary policy.”*

The Bank submitted that the Constitution should only provide for the primary function of the Bank of Zambia, which was to formulate and implement monetary policy. The additional functions of the Bank should continue to be provided for in an Act of Parliament as per Article 215(a). The Bank contended that this was in line with the provisions of the SADC Model Law for Central Banks adopted in 2009 by the SADC Council of Ministers, and international best practices.

*The stakeholders recommended that the functions of the bank of Zambia, including the printing of currency should continue to be specified in the Constitution.*

#### **Clause 74– Repeal and Replacement of Part XVIII**

Some stakeholders expressed concern about clause 74, which repealed and replaced Part XVIII, which established service commissions and other commissions as well as independent offices. They contended that the amendment did away with some important commissions that needed to be embedded in the Constitution such as the Gender Equity and Equality Commission and Judicial Service Commission.

*The stakeholders recommended that the Judicial Service Commission and Gender Equity and Equality Commission should continue to be established in the Constitution.*

#### **Clause 76 – Amendment to Article 266 (Definitions)**

Some stakeholders noted that the definition of the term “legally disqualified”, which has been used to replace the terms “mental and physical disability or incapacity” was ambiguous and would be a challenge to interpret.

*The stakeholders, in this regard, recommended that the term “legally disqualified” must either be removed or redefined to specifically refer to mental and physical disability or incapacity.*

## **9.0 COMMITTEE’S OBSERVATIONS AND RECOMMENDATIONS**

The Committee observes from the outset that most of the stakeholders who appeared before it were in support of the Bill, although, in some instances, the stakeholders proposed several amendments. The stakeholders noted that the Bill was meant to cure and address the various lacunae created by the 2016 amendment to the Constitution.

The Committee further observes that a few stakeholders did not support the Bill and called for its withdrawal. These stakeholders cited the lack of broad consultation in the current constitution making process, which they said was cardinal if the Constitution was to stand the test of time.

They further contended that the current process had departed from the initial objective of attending to lacunae created by the 2016 amendment to the Constitution to proposing major changes and, therefore, required further consultation. The Committee, however, notes that even these stakeholders identified areas of concern in the Bill and made their respective proposals which have been incorporated in the Committee's report.

Having received the submissions as above, the Committee observes that the Bill has attended to the various lacunae that arose from the amendment of the Constitution. In supporting the Bill, the Committee makes the observations and recommendations set out hereunder.

### **Clause 2 - Amendment of Preamble**

The Committee notes that most stakeholders were in support of the amendment to replace the word "multi-religious" in the Preamble with the word "Christian". The Committee agrees with the stakeholders that the amendment will remove the ambiguity in the current Constitution, which gives the Republic two contradictory religious identities. The Committee notes that replacing the word "multi-religious" with the word "Christian" will create the much-needed identity which will form the basis for formulating the values and principles upon which the Constitution will be anchored. The Committee, however, does not agree with the concern by some stakeholders that the amendment discriminates against non-Christians. This is because the Constitution provides enough safeguards such as Article 19 of the Bill of Rights, which guarantees every person freedom of conscience.

*The Committee, thus, recommends that the Preamble be amended to replace the word "multi-religious" with the word "Christian".*

### **Clause 4– Amendment of Article 4: Republic of Zambia**

The Committee supports stakeholders' submissions to amend Article 4 of the Constitution, to replace the word "multi-religious" with the word "Christian". The Committee agrees that this gives the nation its identity and reaffirms its declaration as a Christian nation.

*The Committee, in this regard, recommends that the word "multi-religious" in Article 14 should be replaced with the word "Christian".*

### **Clause 5 – Amendment of Article 8: National Values and Principles**

The Committee observes that the majority of stakeholders supported the amendment for "Christian morality and ethics" to be included as one of the national values and principles. The Committee, however, observes that Article 9 requires the national values and principles to be used in interpreting the Constitution, laws and government policies. The Committee, therefore, agrees with the stakeholders that submitted that including Christian morality and ethics as a national value and principle would create difficulties interpreting the law and government policies.

*In view of this, the Committee recommends that Christian morality and ethics should not be included as a national value and principle.*

### **Clause 9 -- Amendment of Article 47: Electoral systems**

The Committee observes that almost all stakeholders that appeared before it supported the amendment to change the electoral system to the National Assembly from the first-past-the-post system to a mixed-member system.

The Committee acknowledges that the mixed-member electoral system, which combines the first-past-the-post electoral system with the proportional representation system, is ideal for enhancing the participation of marginalised groups in the governance of the country. The Committee, therefore, agrees with the stakeholders that the mixed member system be adopted for elections to the National Assembly.

*The Committee, thus, recommends that the mixed-member system be adopted for elections to the National Assembly, but that the system should be clearly defined in the Constitution.*

### **Clause 13 - Amendment of Article 63: Functions of Parliament and National Assembly**

The Committee expresses concern with regard to this amendment which removes the National Assembly's function of approving public debt before it is contracted and approving international agreements and treaties before they are acceded to or ratified by the Executive. The Committee agrees with stakeholders that this amendment should be rejected as it weakens the oversight role of the National Assembly over the Executive, which is the cornerstone of a democratic dispensation.

*The Committee, therefore, recommends that the current provisions of Article 63 (2) (d) and (e) of the Constitution be maintained. The Committee further recommends that Article 63(2) be further amended to mandate the National Assembly to also approve the Executive's withdrawal from international agreements and treaties.*

### **Clause 15 - Repeal and Replacement of Article 68: Election and composition of National Assembly**

The Committee is concerned about the repeal of Article 68 and the consequent relegation of provisions relating to the election, and composition of the National Assembly to an Act of Parliament. The Committee is of the view that the composition of the National Assembly, including the number of Members of Parliament, is fundamental and should not be relegated to an Act of Parliament where it can easily be revised.

*The Committee, therefore, recommends that the provisions of Article 68 should be retained in the Constitution in order to be insulated from frequent amendments.*

### **Clause 16- Repeal of Articles 69, 70, 71 and 72: Nominated Members of Parliament, Qualifications and Disqualifications of Members of Parliament, Nominations for elections to National Assembly and vacation of office as Member of Parliament and dissolution of political party**

The Committee observes that this amendment relegates the provisions pertaining to a nominated Member of Parliament, qualifications and disqualifications for election as a Member as well as the vacation of office of a Member of Parliament to an Act of Parliament. The Committee is concerned that this will make these provisions susceptible to frequent amendment.

With respect to Article 70 (d), which provides for qualifications and disqualifications of Members of Parliament, the Committee agrees with stakeholder recommendations that this clause be maintained, but amended so that the reference to “a grade 12 certificate” is substituted with “school certificate”.

Regarding Article 72, which provides for vacation of office as Member of Parliament and dissolution of a political party, the Committee also agrees with stakeholders that the Article be maintained, but amended to provide for all possible forms of floor crossing as a basis for vacation of office. Additionally, Article 72(5) should be amended to provide for a Member of Parliament who has been expelled from the political party on whose party ticket he was elected to the National Assembly to continue to hold his or her seat until the matter has been heard and determined by the courts of law.

*The Committee, therefore, recommends that the provisions relating to nominated Members of Parliament, qualifications and disqualification be retained in the Constitution.*

*The Committee further recommends that Article 72 should be amended to provide for all possible forms of floor crossing as a basis for vacation of office by a Member of Parliament. Additionally, Article 72(5) should be amended to provide for a Member of Parliament who has been expelled from the political party on whose ticket he was elected to the National Assembly to retain his or her seat until the matter has been heard and determined by the courts of law.*

#### **Clause 22 - Repeal and Replacement of Article 81: Term and prorogation of Parliament**

The Committee observes that most stakeholders were not in support of this amendment, which provides for the term of Parliament to be five (5) complete years, from the time Members of Parliament are sworn in after a general election up to the day of the next general election. The Committee notes that the amendment is intended to address the apparent conflict between Article 81(1), that prescribes the term of office of a Member of Parliament to be five (5) years and Article 81(3), which provides for dissolution of Parliament ninety (90) days prior to a general election. The Committee further notes that the prorogation of Parliament before the expiry of the five years constitutes a breach of contract and, therefore, is of the view that Members should be remunerated for the 90 day period from the dissolution of Parliament up to the holding of elections.

Additionally, the Committee notes the submission by one of the stakeholders that the current campaign period of 90 days is too long and should be reduced to 60 days. The Committee agrees with this and is further concerned that 90 days is too long a period for the country to lack Members of Parliament. In view of this, the Committee agrees with the stakeholder that the National Assembly should be dissolved sixty (60) days before the elections.

*The Committee, therefore, recommends that Article 81 be amended to provide for the National Assembly to be dissolved at least sixty (60) days before the next general election and for Members of Parliament to be remunerated for the full five-year term.*

#### **Clause 23 - Amendment of Article 83: Removal of Speaker on specified grounds**

The Committee observes that clause 23 amends Article 83(5) to provide for a Speaker or Deputy Speaker to be automatically reinstated after the parliamentary committee tasked to investigate allegations against the Speaker or Deputy Speaker has found that the allegations are unsubstantiated. The Committee does not support this amendment because a committee makes a report to the House which the House must resolve on. It is, in this regard, contrary to parliamentary practice and procedure for the House to reinstate a Speaker or Deputy Speaker without passing a resolution.

*The Committee, therefore, recommends that the House should continue to pass a resolution on whether or not a Speaker or Deputy Speaker should be removed from office even where the committee tasked to look into allegations against the Speaker or Deputy Speaker finds that the allegations are unsubstantiated.*

#### **Clause 24- Repeal and Replacement of Article 84: Clerk of the National Assembly**

The Committee is concerned that the repeal and replacement of Article 84 will result in the provisions pertaining to the appointment, resignation, retirement and removal of the Clerk of the National Assembly being relegated to subsidiary legislation. This will have a negative effect on the tenure of office of the Clerk and may, therefore, affect the independence of the office.

*The Committee, therefore, recommends that the provisions relating to the appointment and removal of the Clerk be retained in the Constitution.*

#### **Clause 27- Repeal and replacement of Article 94: Approval of Appointments and Measures by National Assembly**

The Committee is concerned that the amendment would effectively eliminate the Constitutional Court's oversight role over the process of the National Assembly approving appointments and measures. The Committee agrees with stakeholders that the amendment, which allows an appointment or measure, by the Executive, that has been rejected twice by the National Assembly, to automatically take effect the third time it is made, would dilute the National Assembly's oversight role on the Executive. The Committee also agrees that the checks and balances provided by the National Assembly and Constitutional Court are cardinal and progressive in a democratic dispensation as they contribute to ensuring that only suitably qualified candidates are appointed and beneficial measures implemented.

*The Committee, therefore, recommends the retention of the current provision where if the National Assembly refuses to approve a measure or appointment twice or unreasonably withholds its approval, the President refers the matter to the Constitutional Court.*

#### **Clause 30 - Repeal and Replacement of Articles 101, 102, 103 and 104: Election of President, Disqualification for run-off, Election petition and Transition period before assuming office**

The Committee observes that most stakeholders were opposed to the amendment to Article 101, which made provision for two presidential candidates to form a coalition government in the event that none of the presidential candidates attained more than fifty percent of the votes in an election. The stakeholders contended that this was against the desire of the Zambians to have a majoritarian President.

*The Committee agrees with the stakeholders and recommends that the current system of electing a President through direct elections by citizens requiring the winner to obtain more than fifty percent of the votes should be maintained.*

**Clause 35- Amendment of Article 113: Cabinet**

The Committee observes that while some stakeholders supported the inclusion of provincial Ministers in Cabinet almost all the stakeholders were opposed to the inclusion of the Chief Government Whip as an *ex officio* member of Cabinet. The Committee agrees with the stakeholders who supported the inclusion of Provincial Ministers in the composition of Cabinet by virtue of their appointment under Article 117 of the Constitution. The Committee does not, however, support the inclusion of the Government Chief Whip as an *ex officio* member of Cabinet.

*The Committee, therefore, recommends that Article 113 should be amended to include Provincial Ministers in Cabinet.*

**Clause 36-Amendment of Article 114: Functions of Cabinet**

The Committee notes that most stakeholders raised concern regarding this amendment, which removes the power of the National Assembly to approve the Executive's acceding to or ratification of international agreements and treaties and to approve loans to be contracted and guarantees on loans contracted by the State. The Committee agrees with the view of stakeholders that this will weaken the National Assembly's oversight role over the Executive.

*The Committee, therefore, recommends that the acceding to and ratification of international treaties and agreements, and the approval of debt contraction by Cabinet should continue to be done subject to the approval of the National Assembly.*

**Clause 37-Amendment of Article 116: Ministers**

The Committee observes that most stakeholders expressed concern that this amendment allowed Ministers to continue holding office until the next general election and would, thus, give them an unfair advantage over their political opponents during election campaigns. The Committee agrees with the stakeholders and is of the view that Ministers should vacate office upon dissolution of the National Assembly.

*The Committee, in this regard, recommends that Ministers should vacate office upon dissolution of the National Assembly.*

**Clause 38 - Inserting of Article 117A: Deputy Minister**

The Committee observes that almost all the stakeholders who appeared before it were not in support of the amendment to reintroduce Deputy Ministers. The Committee agrees with the stakeholders that the reintroduction of Deputy Ministers does not reflect the current will of the people of Zambia.

*The Committee, thus, recommends that the position of Deputy Minister should not be reintroduced.*

**Clause 47 – Amendment of Article 142: Tenure of office of judge**

The Committee observes the concerns of stakeholders on Article 142 (3), which imposes a term limit of ten (10) years on the office of Chief Justice. The Committee further notes stakeholder concern that limiting the Chief Justice's tenure would deprive the Judiciary and the nation of a seasoned Chief Justice, particularly in the event that the holder of the office completes his or her term long before they were due for retirement.

The Committee agrees with stakeholders that limiting the term of office of the Chief Justice to ten years would deprive the Judiciary and the nation of tested and proven leadership where one has served for such a period but has not attained the retirement age.

The Committee also agrees with stakeholders that requiring a Chief Justice to continue in office as an ordinary judge would be demeaning to such a high office holder and tantamount to a demotion.

*The Committee, therefore, recommends that there should not be a term limit on the Office of Chief Justice.*

#### **Clause 49 - Repeal and Replacement of Article 144: Procedure for removal of judge**

The Committee notes that Clause 49 amends the procedure for the removal of a judge from office, so that it is initiated by the Judicial Service Commission rather than the Judicial Complaints Commission as is currently the case. The Committee observes that judges are appointed by the President on recommendation of the Judicial Service Commission and that, therefore, the appropriate body to initiate their removal from office is the Judicial Service Commission. The Committee further takes note that the Judiciary, which is a major stakeholder in the matter, is in support of the amendment. In view of this, the Committee supports the amendment.

*The Committee, in this regard, recommends that the process for the removal of a judge should be initiated by the Judicial Service Commission, which should subsequently submit a report to the President who should, in turn, appoint a tribunal to hear and determine the matter.*

#### **Clause 51 - Repeal and Replacement of Article 149: Provinces, districts and wards**

The Committee is concerned that this amendment removes parliamentary oversight on the President's power to create or divide a province or merge two or more provinces. The Committee, therefore, agrees with the stakeholders that submitted that the National Assembly should continue to approve the creation, merger or division of provinces by the President.

*The Committee, thus, recommends that the President's power to create or divide a province or merge provinces should continue to be exercised subject to the approval of the National Assembly.*

#### **Clause 52 - Repeal and Replacement of Article 153: Election of councillors, composition of councils and tenure**

The Committee observes that some stakeholders were opposed to the inclusion of Members of Parliament on councils contending that this would compromise the doctrine of separation of powers since councils fell under the Ministry of Local Government, which was in the Executive

arm of government. The Committee also notes stakeholders' submissions that having Members of Parliament on councils would conflict with the principle of decentralisation.

The Committee, however, observes that the current constitution amendment process began with the House adopting a Private Member's which, among other things, sought to reinstate Members of Parliament on the councils. Additionally, as representatives of the people, it is important for Members of Parliament to be part of the local authorities, which are directly responsible for service delivery to the people. In view of this, the Committee supports the inclusion of Members of Parliament on councils.

*The Committee, therefore, recommends that Members of Parliament should be reinstated on the councils as substantive members of the councils.*

### **Clause 53 – Repeal and Replacement of Article 154: Mayor, Deputy Mayor, Council Chairperson and Deputy Council Chairperson**

The Committee notes that the majority of stakeholders were opposed to this amendment, which provides for mayors and council chairpersons to be elected by their fellow councillors. The stakeholders supported the direct election of mayors and council chairpersons by the people in their respective districts. The Committee, however, observes that a directly elected mayor or council chairperson is normally an executive mayor or council chairperson, and that the 2016 constitutional amendment had envisaged the mayors and council chairpersons being endowed with executive powers. The Committee is cognisant of the fact that currently the mayors and council chairpersons perform only ceremonial and not executive functions because the executive functions are performed by the town clerks and council secretaries. The Committee is, in this regard, of the view that this does not warrant their direct election by the people. The Committee further notes that the direct election of these officers results in by-elections whenever there is a vacancy in the office of mayor or council chairperson, which is costly to the nation.

*The Committee, thus, supports the amendment for mayors and council chairpersons to be elected by their fellow councillors.*

### **Clause 57 – Repeal and Replacement of Article:165 Institution of Chieftaincy and traditional institutions**

The Committee observes that most stakeholders that appeared before it did not support the proposal for Parliament to enact legislation for the recognition and withdrawal of recognition of chiefs. In addition, they did not support the provision for disputes relating to the election or appointment of chiefs to be resolved by the House of Chiefs. They were of the view that the recognition and withdrawal of chiefs should be done by the chiefdoms in accordance with their culture, customs and traditions. The Committee, however, notes that the House of Chiefs supported the amendment, submitting that leaving the recognition and withdrawal of recognition of chiefs to the chiefdoms had resulted in a lot of succession wrangles.

As regards the resolution of succession disputes by the House of Chiefs, the Committee notes the provisions of Article 119 which vest judicial authority in the Judiciary. Thus, vesting the power to resolve succession disputes in the House of Chiefs would be usurping the power of the Judiciary.

*In this regard, the Committee recommends that Parliament should enact legislation for the recognition and withdrawal of recognition of a Chief. The Committee further recommends that disputes regarding the appointment or withdrawal of chiefs which have failed to be resolved using the culture, customs and traditions must be resolved by the High Court.*

**Clause 61 – Amendment of Article 176: Secretary to Cabinet**

The Committee notes the opposition by some stakeholders to the amendment, which removes the requirement for the President to consult the Civil Service Commission in appointing the Secretary to the Cabinet. The Committee agrees with this stakeholder concern.

The Committee, takes note that many stakeholders, were concerned about this amendment which removes the requirement for a candidate for the office of Secretary to the Cabinet to have served for a minimum of ten (10) years in the rank of Permanent Secretary or its equivalent. The Committee is of the view that while it is important for a person being appointed to the helm of the public service to have experience in senior management in the public service, the current requirement for a person to have served as Permanent Secretary or in an equivalent rank for 10 years is not easy to achieve. The Committee is of the view that an appointee for the position should have served in a senior management position in the public service for ten (10) years, three of which should have been as Permanent Secretary or in an equivalent rank. The Committee further opines that the term “senior management” should be defined as the level of director or above.

*In view of the foregoing, the Committee, recommends that the President should continue to appoint the Secretary to the Cabinet in consultation with the Civil Service Commission.*

*The Committee further recommends that for a person to qualify for appointment as Secretary to the Cabinet, he or she should have served in a senior management position in the public service for, at least, ten years, three (3) of which should have been as Permanent Secretary or in an equivalent rank.*

*The Committee also recommends that the term “senior management position” should be defined to mean the position of Director or an equivalent rank and above.*

**Clause 62 – Repeal and Replacement of Article 178: Vacancy in office of Attorney-General**

The Committee observes that the amendment introduces a fixed term of five (5) years for the Attorney-General and provides for it to run concurrently with that of the President. The Committee notes that the Attorney-General, as Chief legal advisor to the Executive, serves at the pleasure of the President. It is for this reason that currently the Attorney-General is required to leave office when a new President is elected. It is, in this regard, inappropriate to give the Attorney-General a fixed term of office.

*The Committee, therefore, recommends that the Attorney-General should not have a fixed term of office.*

**Clause 63 – Repeal and replacement of Article 179: Solicitor-General**

The Committee notes stakeholder concerns regarding the change in title of the Solicitor-General to Deputy Attorney-General. The Committee is in agreement with the stakeholders that most Commonwealth jurisdictions use the title Solicitor-General. The Committee further agrees with stakeholder submissions that making the Solicitor-General the Deputy Attorney-General would entail both offices being vacated once the President leaves office, thus, creating a vacuum.

*The Committee, thus, recommends that the title Solicitor-General should be maintained.*

**Clause 64 – Amendment of Article 183: Secretary to Treasury**

The Committee notes that the amendment removes the requirement for the President to consult the Civil Service Commission in appointing the Secretary to the Treasury. The Committee agrees with the stakeholders that the President should continue to appoint the Secretary to the Treasury in consultation with the Civil Service Commission.

*The Committee recommends that the President should continue to appoint the Secretary to the Treasury in consultation with the Civil Service Commission.*

**Clause 65 - Amendment of Article 184: Permanent Secretaries**

The Committee observes that this amendment takes away the requirement for Permanent Secretaries to be responsible and accountable for the proper financial management and expenditure of public funds appropriated to a province, ministry or department. The Committee is of the view that Permanent Secretaries should continue to be accountable for financial management and expenditure of public funds at these levels as it is not possible for the Secretary to the Treasury, to whom this function has been given, to be everywhere. The Committee is of the view that this amendment will seriously compromise financial accountability at the spending agency level.

*The Committee, thus, recommends that Permanent Secretaries should continue to be responsible and accountable for the proper financial management and expenditure of public funds appropriated to a province, ministry or department.*

**Clause 66 - Amendment of Article 186: Participation in politics**

The Committee observes that while most stakeholders agreed with the principle of a public officer who sought election to political office resigning, they were of the view that the recommended period of two (2) years was too long. The Committee agrees with the stakeholders.

*The Committee, therefore, recommends that a public officer who seeks election to political office should resign, at least, six (6) months prior to the election.*

**Clause 67 - Repeal and Replacement of Article 189: Payment of Pension Benefits**

The Committee observes that most stakeholders were opposed to Clause 67, which amends Article 189 by removing the provision compelling employers to retain pensioners on the payroll until they are paid their full pension benefits contending that the Article protected pensioners from destitution.

Other stakeholders, however, welcomed the amendment noting that the retention of retirees on the payroll was costly and hindered the employer from employing new staff, thereby negatively

affecting the operations. Yet other stakeholders expressed concern about the inclusion of gratuity and compensation in the definition of pension benefit. They contended that gratuity and compensation did not fall with the realm of a pension benefit.

The Committee notes that the provision was included in the Constitution because most retirees were not paid their pension benefits on time and were consequently subjected to untold misery. In this regard, the provision was intended to protect retirees, who had not received their benefits, from destitution. The Committee, however, agrees with the stakeholders who submitted that gratuity and compensation should be excluded from the definition of a pension benefit.

*The Committee, in this regard, recommends that an employer should continue to retain an employee on the payroll until his or her pension benefits are paid in full.*

*The Committee also recommends that the term “pension benefit” should be defined to exclude a gratuity and compensation.*

#### **Clause 69- Amendment of Article 193: Establishment of National Security Services and Functions**

The Committee observes that some stakeholders were opposed to the amendment alleging that it was intended to either do away with the Financial Intelligence Centre (FIC) or subsume it in the Drug Enforcement Commission (DEC). However, other stakeholders, including FIC, informed the Committee that FIC was a reporting agency that received intelligence information on financial crimes and, where necessary, submitted a report to the relevant investigative agency to facilitate investigations. The Committee was further informed that DEC, on the other hand, was the agency mandated to investigate economic and financial crimes under sections 5 and 6 of the *Prohibition and Prevention of Money Laundering Act No. 14 of 2001*. The Committee observes that the current name of the agency does not reflect its additional mandate of investigating financial and economic crimes. The Committee, thus, supports the renaming of DEC as the Anti-Drugs, Economic and Financial Crimes Agency which encompasses the agencies complete mandate.

As regards the reclassification of DEC as a national security service, the Committee is not in support of this because DEC is more of an investigative agency than a national security service.

*The Committee, in view of this, recommends that the Drug Enforcement Commission (DEC) be renamed as the Anti-Drugs, Economic and Financial Crimes Agency.*

*The Committee further recommends that DEC should not be reclassified as a state security agency, but should be retained in the Constitution as an investigative agency.*

#### **Clause 71 – Amendment of Article 213: Bank of Zambia**

The Committee observes that the majority of stakeholders were opposed to this amendment alleging that it was stripping the Bank of Zambia of critical functions such as the printing of currency. The Committee, nonetheless, notes that the Bank of Zambia, which is the key stakeholder in the matter, supported the amendment stating that only the primary function of the Bank of Zambia, which was to formulate and implement monetary policy, should be retained in the Constitution while the rest of its functions be provided for in the Banking and Financial

Services Act No. 7 of 2017. The Committee further notes the Bank of Zambia's submission that Article 215 (a) of the Constitution provides for any additional functions of the bank to be prescribed in an Act of Parliament.

The Committee, however, observes that the removal from the Constitution of important functions of the Bank of Zambia, such as the printing of the currency of the Republic is unwarranted. The Committee, therefore, supports the stakeholders that called for the retention of the current provision in the Constitution.

*The Committee, in this regard, recommends that the functions of the Bank of Zambia specified in the Constitution be retained in the Constitution.*

#### **Clause 74 – Repeal and replacement of Part XVIII**

The Committee expresses concern over the repeal and non-replacement of the Parliamentary Service Commission, the Judicial Service Commission, the Civil Service Commission and the Gender Equity and Equality Commission.

*The Committee recommends that these commissions should be retained in the Constitution.*

### **10.0 GENERAL OBSERVATION**

The Committee notes that many stakeholders expressed concern at the lack of a legal framework for the Constitution making process. They observed that, as a result of this, over the years different methods had been used to amend the Constitution. These include commissions of inquiry, the National Constitutional Conference, the Technical Committee and more recently the National Dialogue Forum. The Committee agrees with the stakeholders that the lack of a legal framework prescribing the manner of amending the Constitution has posed challenges in the constitution-making process.

*The Committee, thus, recommends that Parliament should enact legislation prescribing the Constitution amendment process.*

### **11.0 CONCLUSION**

In conclusion, the Committee expresses its gratitude to you, Mr Speaker, for the opportunity to scrutinise the Constitution of Zambia (Amendment) Bill, N.A.B. No. 10 of 2019.

The Committee also wishes to thank all the stakeholders for their oral and written submissions on the Bill. The Committee further thanks the Clerk of the National Assembly and her staff for the services rendered to it during the consideration of the Bill.

We have the honour to be, Sir, the Parliamentary Select Committee appointed to scrutinise the Constitution of Zambia (Amendment) Bill, N.A.B. No. 10 of 2019.

Mr R M Nakacinda, MP  
(Chairperson)

Mrs P G M Jere, MP  
(Vice-Chairperson)

Hon B M Mundubile, MP  
(Member)

Hon T S Ngulube, MP  
(Member)

Prof G Lungwangwa, MP  
(Member)

Ms G Katuta, MP  
(Member)

Mr S Miti, MP  
(Member)

Mr B Kambita, MP  
(Member)

Mr S K Kakubo, MP  
(Member)

Dr S C Kopulande, MP  
(Member)

Mr A Kasandwe, MP  
(Member)

Dr M Malama, MP  
(Member)

Dr C K Kalila, MP  
(Member)

Mr T J Kasonso, MP  
(Member)

Mrs M Mwanakatwe, MP  
(Member)

## **APPENDIX I – OFFICERS OF THE NATIONAL ASSEMBLY**

Mrs Doris N Kapumba, Parliamentary Legal Counsel  
Mr Joseph N Sianyabo, Deputy Parliamentary Legal Counsel  
Mr Stephen Chiwota, Senior Committee Clerk  
Mr Geoffrey Zulu, Committee Clerk  
Mrs Sharon B Nyirongo, Committee Clerk  
Ms Betty Zulu, Committee Clerk  
Mr Elijah Chilimboyi, Committee Clerk  
Ms Mambwe Kaoma, Legal Officer  
Mrs Salome C Sakala, Legal Officer  
Ms Christabel Mtonga, Personal Secretary II  
Mr Lovemore C Kabwata, Legal Assistant  
Mr Daniel Lupiya, Committee Assistant  
Mr Jacob Mulyata, Intern – Legal Services Department  
Ms Nkisu Kapata, Intern – Legal Services Department

## **APPENDIX II - WITNESSES**

### **ZAMBIA LAW DEVELOPMENT COMMISSION (ZLDC)**

Mr L Chota, Commissioner  
Ms H N Chanda, Director/ Commission Secretary  
Ms I Akolwa, Senior Research Officer  
Ms L Jere, Research Officer

### **HUMAN RIGHTS COMMISSION (HRC)**

Ms F Chibwasha, Director  
Mr K Banda, Head of Legal and Investigations

### **ZAMBIA AGENCY FOR PERSONS WITH DISABILITIES (ZAPID)**

Ms J Mwape, Acting Director General  
Ms I Mutenekwa, Senior Planner  
Mr J Kinoina, Inspector  
Mr F Mambwe, Senior Rehabilitation officer  
Mr L Chola, Personal Assistant to the Director General

### **HEART OF MERCY ORPHANAGE**

Reverend A C Phiri, Founder and Vision Bearer  
Reverend E Njovu, Committee Member  
Reverend T S Goma, Board of Executive  
Bishop S Nkhata, Board of Executive  
Pastor R Kanyinji, Board of Executive  
Mr M Phiri, General Secretary

### **INDEPENDENT CHURCHES ASSOCIATION OF ZAMBIA**

Bishop D M Masupa, Board Chairperson  
Prophetess N Mwanang'ombe, Chairperson (Women Affairs)

### **JESUIT CENTRE FOR THEOLOGICAL REFLECTION (JCTR)**

Father A Muyebe, Deputy Director  
Mr G Chongo, Head of Programmes

### **SOUTHERN AFRICAN CENTRE FOR THE CONSTRUCTIVE RESOLUTION OF DISPUTES (SACCORD)**

Mr H M Elikani, Board Member  
Mr R Simukonda, Coordinator

### **TRANSPARENCY INTERNATIONAL ZAMBIA (TIZ)**

Ms B Samulela, Legal Officer  
Mr G Mwanza, Head of Democratic Governance

### **ZAMBIA PUBLIC PROCUREMENT AUTHORITY (ZPPA)**

Mr G Mbewe, Manager (Contracts and Procurement Audit)

Ms M Ndhlovu, Board Secretary

**ZAMBIA CHAMBER OF COMMERCE AND INDUSTRY**

Ms P M Chikwashi, Chief Executive Officer (Written Submission)

**CENTRE FOR YOUNG LEADERS IN AFRICA ZAMBIA (CYLA)**

Mr D Sichilongo, Board Chair Programmes and Governance

Mr J M Shimbela, Executive Director

Ms M L Mvula, Head of Programmes

Ms M Siame, Programme Manager

Mr M M Mumbuwa, Programme Officer

Ms C Mwanza, Intern

**YOUNG AFRICAN LEADERS INITIATIVE (YALI)**

Mr A Ntewewe, President

Mr J Mumba, Legal Intern

**ZAMBIA NATIONAL STUDENTS UNION (ZANASU)**

Mr M Kakonde, President

Mr S Kanyakula, Vice President

Mr B Munkombwe, Sport, Culture and Social Secretary

Mr J Mumba, Member

**BANK OF ZAMBIA (BOZ)**

Dr D Kalyalya, Governor

Dr F Chipimo, Deputy Governor

Dr J Chipili, Director (Economics)

Dr L Kalinde, Director (Legal)

Ms B Mwanza, Assistant Director (Communications)

Dr J Lungu, Executive Assistant (Governor)

Mr C Kapembwa, Executive Assistant (Deputy Governor)

Mr E Paleta, VIP Protection Officer: Governor

Mr L Zulu, Senior Legal Counsel

Ms H Banda, Assistant Director: Legal Services

**ZAMBIA INSTITUTE OF CHARTERED ACCOUNTANTS (ZICA)**

Mr B Kashinga, Chief Executive Officer

Mr M K Mwaba, Director Standards

Ms P Sitali, Director Client Services

Ms V Akapalwa, Manager Practice Review

Mr S Olaniyan, Manager Technical & Membership

Mr F Chilingwe, Technical Officer

Mr N Chikaka, Public Relations Officer

**ISLAMIC SUPREME COUNCIL OF ZAMBIA**

Dr Sheikh Shaban A Phiri, Secretary General

**ALLIANCE FOR COMMUNITY ACTION**

Ms L Miti, Executive Director  
Mr J Maliseni, Information and Advocacy Officer  
Ms F Mwale, Project Assistant  
Ms B Nsofwa, Intern

**MEDIA INSTITUTE OF SOUTHERN AFRICA – ZAMBIA CHAPTER**

Ms H Mwale, Chairperson  
Mr H Haguta, Vice-Chairperson  
Mr J Lungu, Treasurer  
Mr A Kayanda, National Director  
Ms J Chirwa, Programme Manager

**FEDERATION OF FREE TRADE UNIONS (FFTUZ)**

Mr C Msiska, President  
Mr L Mando, National Executive Secretary  
Mr M Mabenga, Finance  
Mr C Nsama, Director – Research  
Mr N Mwale, National Trustee

**ELECTORAL COMMISSION OF ZAMBIA (ECZ)**

Mr K P Nshindano, Chief Electoral Officer  
Mr B M Musenga, Commission Secretary  
Mr R Katongo, Director Electoral Operations  
Mr D Kasonde, Director ICT  
Ms T Mwanza, Legal Officer

**OFFICE OF PUBLIC PROTECTOR**

Mrs C C Z Sokoni, Public Protector  
Ms A Kalebwe, Acting Administrative Officer  
Mrs K Hakalima, Commission Secretary  
Ms B Siulande, Acting P. Investigation Officer  
Mr J Banda, ICT Officer  
Ms W Konkola, Human Resource Officer

**HOUSE OF CHIEFS**

Chief Mnukwa, Member  
Chieftainess Muwezwa, Member  
Chief Chamuka, Member  
Chieftainess Chiyaba, Member  
Ms J K Mulenga, Clerk  
Mr C Chikobo, Committee Clerk

**NATIONAL PENSION SCHEME AUTHORITY (NAPSA)**

Mr Y Kachinda, Director General  
Ms L Chilumba, Authority Secretary

Mr M Mwiinga, Director Contributions  
Mr R Kamanya, Director Strategy and Business Performance

**DRUG ENFORCEMENT COMMISSION (DEC)**

Mr J Akapelwa, Principal State Advocate  
Mr S Ngoma, Senior Assistant Commissioner  
Mr R Chulu, Parliamentary Liaison Officer

**OFFICE OF THE AUDITOR-GENERAL**

Mr D Mendamenda, Acting Auditor-General  
Ms P C Phiri, Acting Deputy Auditor-General  
Ms S S T Ross, Acting Deputy Auditor-General - CSD

**ZAMBIA CONGRESS OF TRADE UNIONS (ZCTU)**

Mr C Mukuka, Secretary General  
Mr E Njovu, Deputy Secretary General (O/A)  
Mr J Beene, Deputy Secretary General  
Ms O Silimi, Director Regions  
Mr B Phiri, Director Research  
Ms N Kimbale, Director Gender Youth and Child Development  
Mr L Maxinishi, Director Education and Training

**CUTS INTERNATIONAL ZAMBIA**

Ms C Mukumba, Centre Coordinator  
Ms K Muyunda, Programme Officer  
Mr N Simukoko, Communications and Advocacy

**CONSTITUTION REFORM AND EDUCATION COALITION (CRECO)**

Mr H Haguta, Chairperson  
Mr I Mwanza, Secretary  
Mr A Ntewewe, Spokesperson

**ZAMBIA CENTRE FOR INTERPARTY DIALOGUE (ZCID)**

Mr C Tayali, Member, Forum for Political Parties  
Mr H Soondo, Member, Forum for Political Parties  
Mr P Chanda, Member, Forum for Political Parties  
Mr C Mumba, Member, Forum for Political Parties  
Mr E Sakala, Member, Forum for Political Parties  
Ms D Njovu, Executive Director

**MOVEMENT FOR MULTI-PARTY DEMOCRACY (MMD)**

Mr F Mutati, Party President  
Ms J Misenge, Chairperson International Relations  
Mr J Chibanga, National Trustee  
Mr P Ndoyi, Political Analyst  
Mr G Mulenga, National Youth Treasurer

Mr C Chilufya, Chairperson Agriculture  
Mr E Miti, Personal Assistant to the Party President

**PATRIOTIC FRONT (PF)**

Mr D Mwila, Secretary General  
Mr Y Mukanga, Central Committee Member  
Mr A Tembo, Director Administration

**GOLDEN PARTY (GOP)**

Mr J Silavwe, President  
Mr D Kapungwe, Secretary General  
Ms P Mwansa, Member  
Mr V Phiri, Member

**RAINBOW PARTY**

Mr W M Kabimba, SC, General Secretary  
Mr R Chikwelete, Deputy General Secretary

**UNITED LIBERAL PARTY (ULP)**

Mr S Sikota, SC, President  
Mr I Inambao, Secretary General  
Mr M Mwenda, Elections Chairperson

**PARTY OF NATIONAL UNITY (PNU)**

Mr H Hamududu, President  
Mr K Mwale, National Youth Chairperson

**YOUTH TRANSFORMATION NETWORK**

Ms C Kateka, Founder/President

**UNIVERSITY OF ZAMBIA (UNZA)**

Prof L Mumba, Vice Chancellor  
D L Matakala, Acting Dean School of Law  
Dr E Beele, Lecturer  
Dr J P Musonda, Lecturer  
Mr K Msusa, AAVC

**LEADERS NETWORK INTERNATIONAL ZAMBIA CHAPTER**

Mr K G Phiri, Regional Leader  
Mr W Mwape, Regional Leader  
Mr K Kanyenge, Regional Leader

**CHOMA MINISTERS FELLOWSHIP**

Apostle Dr E Simukauzye  
Pastor V Makungu

## **SECRETARY TO THE CABINET**

Dr S K Miti, Secretary to the Cabinet  
Mr P Kangwa, Deputy Secretary to the Cabinet  
Dr M G Mtonga, Deputy Secretary to the Cabinet  
Mr B Mulenga, Permanent Secretary Mines and Board Chair PSPF  
Mr C Kaziya, Permanent Secretary Labour and Social Security  
Mr B Chimbwali, Permanent Secretary  
Mr J Mwila, Director PSMD  
Mr F Mushabati, Director

## **PUBLIC SERVICE PENSIONS FUND (PSPF)**

Mr M Matandiko, Acting Chief Executive  
Ms E M Kapuka, Director Corporate Services  
Ms S B Kangwa, Director Benefits & Contributions

## **ZAMBIA ASSOCIATION OF MANUFACTURERS (ZAM)**

Ms R R Chabala, Immediate Past President  
Ms C Zulu, Vice-President

## **KITWE CITY CHRISTIAN MINISTERS FELLOWSHIP (KCCMF)**

Dr R Lewilla, Chairman  
Mr A Kalumba, General Secretary  
Rev M Siwale, Deputy General Secretary  
Mr E Shikaputo, Member  
Mr P Kawang'u, Member  
Mr B Mafale, Member  
Pastor S Zulu, Ndola Pastors Fellowship  
Bishop G F Nwaiza, Member  
Bishop R Sichone, Chingola Pastors Fellowship  
Mr D Chitalu, Member  
Mr C Choongwa, President – Chililabombwe Ministers Fellowship  
Pastor S Lwenga, Impact the World Ministries, Ndola  
Pastor S Phiri, Join Jesus Ministries  
Pastor C Chiwela, Kingdom Dominion Assembly TCI  
Assistant Pastor J Makukula, Apostolic Church in Zambia  
Pastor E M Chibeka, Apostolic Church in Zambia  
Pastor E Silungwe, Fountain of Joy Church, Kitwe  
Bishop Dr J Chiluba, National Baptist Church, Chambishi  
Rev M Yifwanda, Treasurer - Chililabombwe Ministers Fellowship  
Pastor F Mwape, Overcomer Faith Chapel  
Rev G Mushitu, Apostolic Faith Mission  
Apostle G Musenge, House of Worship Ministries  
Rev S Sinkamba, MCF  
Rev E Simasiku, WHM  
Pastor K Kalumba, Beacon of Peace  
Rev A Simukonda, the Sweeping Gospel Ministries

Pastor P Bwalya, Secretary General – Chililabombwe Ministers Fellowship  
Pastor R Kantumoya, Amazing Salvation  
Rev C Mulenga, Ndola City Chapel  
Pastor E Malipande, KCCMF  
Pastor C Daka, KCCMF  
Apostle J Kamwanga, Overseer – CPCI, Ndola  
Pastor F Mumba, KCCMF  
Apostle R Iyangayanga, Overseer – KCCMF  
Rev M Chalwe, KCCMF  
Rev G Mambwe, CM  
Rev H Chansa, CMF  
Mr C S Phiri, Information and Publicity - KCCMF  
Mr E Kasonde, Member  
Mr C Chewe, Publicity Secretary  
Pastor S Mwansa  
Bishop C Makayi  
Pastor G N Lipeko, New Covenant Ministries  
Pastor D Chipupu, Zone Chairperson – Kitwe Pastors Fellowship  
Pastor A Mwale, Chairperson – Luanshya Ministers Fellowship  
Pastor I Mwansa, Member – KCCMF

#### **NATIONAL INSTITUTE OF PUBLIC ADMINISTRATION (NIPA)**

Professor R Mukwena, Executive Director  
Mr N Zgambo, Deputy Registrar Academic  
Mr S Sakala, Director  
Mr F Mayondi, Head Legal  
Mr V Lungwangwa, Lecturer

#### **FINANCIAL INTELLIGENCE CENTRE (FIC)**

Ms M Chirwa, Director General  
Ms L B Tembo, Director Legal and Policy  
Mr C Kapalu, Director Monitoring and Analysis

#### **POLICY MONITORING AND RESEARCH CENTRE (PMRC)**

Mr S Kaunda, Head, Research and Analysis  
Mr A Kabechani, Head, Monitoring and Evaluation  
Mr A Kasoma, Senior Researcher  
Ms E Nyemba, Researcher  
Ms L Namonje, Researcher  
Mr S Mwila, Communication Specialist  
Mrs D N Kabwe, Assistant Executive Director

#### **JUDICIARY**

Mr P Chisha – Registrar High Court  
Mr P B Mwiinga – Acting Registrar Supreme Court  
Ms A M Chulu – Registrar High Court Chamber

Ms T S Musonda – Registrar Subordinate Courts

**MEMBER OF PARLIAMENT**

Mr M Jamba, MP

**EVANGELICAL FELLOWSHIP OF ZAMBIA (EFZ)**

Bishop J Moola, Member

Bishop G Mbulo, Member

Bishop M Kamangala, Member

Dr P Bupe, Member

Reverend G Mwanza, Member

Bishop Dr J K Banda, Member

Bishop A Mwenda, Member

**FORUM FOR DEMOCRACY AND DEVELOPMENT (FDD)**

Mrs E Z Nawakwi, President

Mr C K Banda, SC, Vice-President

**MEMBERS OF THE PUBLIC**

Mr E Zulu

Mr C Nonde

Mrs A B C Daka

Bishop C N Mwanza

Mr O C Chisala

Mr L T Kabaso

Dr J Chenda

Mr F Mumba

Mr M Mulenga

Dr G H Mizinga Gundumure

Mr E Mbambiko

Mr L Kabaso

Dr J Chenda

Mr F Mumba

Mr C G Chilekwa

**YOUTH ADVOCATES FOR CHANGE**

Mr P Chinyimba

**INTEGRATED YOUTH DEVELOPMENT**

Mr R Zimba, Executive Director

**ZAMBIA FEDERATION OF DISABILITY ORGANISATIONS (ZAFOD)**

Mr A Mutale, Director

Mr S Katontoka, Member

Mr R Musuma, Member

Ms A N Kunda, Member

Mr K Sikuka, Member  
Ms E Kamuyuwa, Member  
Ms R Kamutande, Member  
Ms S Brotherton, Member  
Ms J Shinaka, Member  
Ms C Magande, Member  
Ms A Muteto, Member  
Ms C Kapungwe, Member  
Mr P Bwale, Member  
Mr M S Mbewe, Member and Technical Advisor - Zambia National Association of the Deaf  
Mr S Mwale, Sign Language Interpreter - Zambia National Association of the Deaf

#### **CHIPATA PASTORS AND MINISTRIES FELLOWSHIP**

Bishop W Banda, Provincial Chairperson  
Bishop A N Biemba, Provincial Secretary/National Overseer  
Bishop C N Mwanza, Provincial Treasurer/Overseer  
Rev L Malichi, Committee Member

#### **KASAMA PASTORS AND MINISTRIES FELLOWSHIP**

Pastor W M Mutale, Chairperson  
Rev M C Malama, Vice-Chairperson  
Bishop B Musonda, AD Member  
Pastor F Mwila, AD Member

#### **MONGU PASTORS FELLOWSHIP**

Bishop Silwamba, Chairperson  
Pastor M L Mulyata, Vice-Chairperson  
Pastor S Monde, Member

#### **ZAMBIA CHRISTIAN MINISTRIES**

Mr R Machona, General Secretary  
Mr I Chelekwa, Advisor

#### **LUSAKA MINISTERS' FELLOWSHIP/ LUSAKA PASTORS' FELLOWSHIP**

Rev K Machona – Overseer/ Chairperson  
Rev F Bweupe – Overseer  
Bishop M Musonda  
Rev G Nyirenda  
Reverend S Mbulo  
Bishop Dr R Jere, Secretary  
Bishop Chilambwe  
Dr Rev S Chitundu, Member  
Rev G Mwanza, Member  
Pastor G Msiska, Member  
Pastor E S Nasilele, Member  
Mr M Mwale, Chairperson

Bishop E Taimoto, Member  
Bishop A Malama, Member  
Pastor P T Mulenga, Member  
Pastor S Duro-Lombanya, Member  
Rev E Njovu, Member  
Pastor J Honto, Member

**MANSA MINISTERS' FELLOWSHIP**

Mr S Bwalya, Chairperson  
Mr M Mumba, Vice-Chairperson  
Mr B Tsoka, General Secretary

**LOCAL GOVERNMENT ASSOCIATION OF ZAMBIA (LGAZ)**

Mr M Mbolela, Executive Director  
Ms M Namumba, Director – Information and Communication

**UNIVERSITY OF LUSAKA (UNILUS)**

Mr C Mulenga, Dean School of Law  
Mr A Chakanika, Legal Officer  
Mr M L Zimba, Registrar Administration

**MOVEMENT FOR CHANGE AND EQUALITY**

Mr K M Simuyembe, Leader and National Chairperson  
Mr B Ng'andu, General Secretary  
Mr P Kachama, Head of Legal and Regulatory Affairs

**DAILY NATION NEWSPAPER LIMITED**

Mr R Sakala, Editor

**PROPHETIC PRAYER LINK**

Apostle D B Mutungu, Strategic Planner  
HRH Chief Maurice Simwinga, Member  
Apostle J Chilambwe, Administrator  
Pastor G Kasonde, Chief Ministry Coordinator  
Pastor M Phiri, Member

**CHRISTIAN WOMEN FOR A CHRISTIAN NATION**

Ms J N Chama, Chairperson  
Ms I C Ng'ambi, Vice-chairperson  
Pastor B Musonda, Vice National Coordinator  
Ms E D Mbuze, Secretary  
Ms S S Mvula, Committee Member  
Ms G M Musuka, Committee Member  
Ms R Z Ngoma, Committee Member  
Ms J Chilufya, Committee Member  
Ms A M M Silla, Committee Member

Ms C G Mukuka, Committee Member  
Ms C P Mdaza, Committee Member  
Ms B M Banda, Committee Member  
Ms Q B C Chilobwa, Committee Member  
Ms E Tonga, Committee Member  
Ms R B Lintini, Committee Member,  
Ms A Chitundu, Committee Member  
Ms A Chilemba, Committee Member  
Ms R Mlotshwa, Committee Member  
Ms L N Lipa, Committee Member  
Ms M Manchimba, Committee Member

#### **COMMON GROUNDS NETWORK**

Mr D Mvula, Country Coordinator  
Mr H Maimba, Outreach Coordinator  
Ms S Kaseke, Coordinator  
Mr K Kafwimbi, Communications

#### **OPERATION YOUNG VOTE (OYV)**

Mr G Nyirenda, Executive Director  
Mr H Nkhoma, Registrar of Non-Governmental Organisations  
Ms F M Daka, Country Co-ordinator  
Ms L Daka, Documentation Officer  
Mr B Mukuka, Field Unit Support Assistant  
Mr N Kasoma, Lecturer

#### **NDOLA CHRISTIAN MINISTERS' FELLOWSHIP**

Rev Dr C M Mutambala  
Rev E Harawa  
Rev E Kasonde  
Bishop J Kunda  
Apostle K Mwaba  
Bishop M Mutambi  
Rev R Mumba

#### **TOWE RNGO**

Mr I Nkhoma, Executive Secretary  
Evangelist J Makina, Chairlady

#### **ZAMBIA US EXCHANGE ALUMNI ASSOCIATION (ZUEA)**

Mr C Chibomba, Board President/Member  
Ms R K Kangwa, Member  
Ms P P Chunga, Member  
Mr K M Daka, Member  
Mr R Maamba, Member  
Mr M Kapatiso, Member

Mr T Luendi, Member  
Mr N V Sitali, Member

**MINISTER OF JUSTICE**

Hon G Lubinda, Minister - Ministry of Justice  
Mr A Nkunica, Permanent Secretary – Legislative Drafting  
Ms M K Bwalya, Acting Chief Parliamentary Counsel  
Ms C Kaisala, Parliamentary Counsel