

**SPEECH BY**

**HIS EXCELLENCY MR. EDGAR CHAGWA LUNGU PRESIDENT OF THE  
REPUBLIC OF ZAMBIA**

**ON THE OCCASSION TO MARK THE PRESIDENTIAL ASSENT TO THE  
CONSTITUTIONAL BILLS**

**TUESDAY, 5TH JANUARY, 2016**

**NATIONAL HEROES STADIUM  
LUSAKA**

- YOUR HONOUR, MRS. INONGE MUTUKWA WINA, MP, VICE-PRESIDENT OF THE REPUBLIC OF ZAMBIA;
- MR. DAVIES CHAMA, SECRETARY-GENERAL OF THE PATRIOTIC FRONT;  
YOUR LADYSHIP, MRS. IREEN MAMBILIMA, CHIEF JUSTICE;
- HONOURABLE DR. PATRICK MATIBINI, SC, SPEAKER OF THE NATIONAL ASSEMBLY;
- YOUR EXCELLENCY DR. KENNETH DAVID KAUNDA, FIRST PRESIDENT OF THE REPUBLIC OF ZAMBIA;
- YOUR EXCELLENCY MR. RUIPAH BWEZANI BANDA, FOURTH PRESIDENT OF THE REPUBLIC OF ZAMBIA;
- MEMBERS OF THE CENTRAL COMMITTEE OF THE PATRIOTIC FRONT;
- CABINET MINISTERS;
- SECRETARY TO THE CABINET, DR. ROLAND MSISKA;

- DEPUTY MINISTERS AND MEMBERS OF PARLIAMENT;
- JUSTICES OF THE SUPREME AND HIGH COURTS;
- YOUR WORSHIP THE MAYOR OF THE CITY OF LUSAKA AND OTHER CIVIC LEADERS;
- YOUR ROYAL HIGHNESSES;
- LEADERS OF POLITICAL PARTIES;
- SENIOR GOVERNMENT OFFICIALS;
- SERVICE CHIEFS;
- YOUR EXCELLENCIES, HIGH COMMISSIONERS AND AMBASSADORS ACCREDITED TO THE REPUBLIC OF ZAMBIA;
- MEMBERS OF THE PRESS;
- DISTINGUISHED GUESTS;
- LADIES AND GENTLEMEN:

We are gathered here today, 5th January, 2016, to mark an important milestone in the constitutional history of our country.

The nation and people of this country will forever remember this day as one that brought us to the shores of giving ourselves a truly people-driven constitution since attaining independence in 1964.

The journey has been long and hard, but the quest by our people to have a constitution that mirrors their collective aspirations and hopes for the country has never wavered.

From one constitutional review commission to another, the people of Zambia spoke loudly and clearly about the kind of constitution they wanted.

At every turn, they remained true, steadfast and consistent in their demands.

Our presence here in the National Heroes' Stadium is a deliberate decision by your government to move the function of my assent from the restricted confines of state house to this place, which offers an opportunity to many Zambians from all over the country, to witness this historic and unique occasion.

This action is more than symbolic. It is a gesture which underscores the indisputable ownership of the constitution making process by the Zambian people.

The constitution I assent to this landmark day was passed by parliament elected by the people and entrusted with the sacrosanct mandate of being the custodian of the composite interests of the people of this Great Republic.

Our constitution is the fundamental law of the land meaning that all laws derive their legitimacy and legality from the provisions of this document.

This is the grand norm. This is the most common denominator of our collective aspirations as a people. This document is too important to be left to lawyers; it is too important to be left to journalists; it is too important to be left to the church alone... It is too important to be left to any single unit of the nation, not even the president!

This document must, as much as possible, speak to the broadest interests of the people. It must reflect and aspire to deliver the greatest assurance to the greatest majority of our people, if not all.

While the constitution guarantees our rights, and safeguards against various abuses, even the best of constitutions cannot ordain prosperity and requisite welfare of all citizens in the absence of

Individual and collective resolve to foster harmony and development, which requires not only diligence, but a sense of duty and responsibility to our country from all of us.

Because societies evolve and many unforeseen issues come to the fore, appropriate adjustments at appropriate and opportune stages and time are made to constitutions. Thus, even though the

structural integrity of the constitution i assent to is beyond doubt, there is and there will always be a compelling need for adjustments and refinements.

Furthermore, we will have to hold a referendum as resources permit on those aspects of the constitution like the bill of rights which require that process.

The patriotic front as a government of the people and by the people will always ensure that all processes as they relate to the constitution are totally above board and unquestionably transparent.

The Patriotic Front will continue to vigorously pursue its uniquely transformative development agenda which in the four and half years of its administration has delivered development to the far-flung areas of our country in ways never seen before.

We will continue our mission and crusade more resolutely to render Zambia's development to levels that represent a meaningful assault on poverty. I have said before, and repeat, it is only wealth that we can share and not poverty.

We must all aspire to this ambition that everyday we must look forward to sharing something with somebody. We must therefore resolve to finish with one process and move to another.

This constitution-making process has cost us far too much. We must close this chapter!

There has been a lot of debate about the enactment of this constitution. Some political parties protested in parliament, by sit-ins for many sessions demanding that a new constitution be passed.

They caused near chaotic scenes in Parliament vowing that they would not allow the 2016 elections to be held under the current constitution, the one we have just amended.

However, when the same constitution they had been demanding was given to them in the same house, where they had been protesting, they again protested by walking out that they did not support the constitution they had been demanding!

Granted politics, is a part of our broader democracy, let us practice them truthfully and responsibly! This document is too important to be left to mere politicking!

We are a peaceful democracy and as we congregate to make collective decisions, politics will always introduce debates between and among us. These debates must produce productive outcomes that bind us and not divide us!

I know that we are all in agreement over the single goal of giving ourselves a new constitution. We are however divided on the means. Nevertheless, the Nation has to move forward.

The choice made to have the constitution adopted in this manner and allow only the bill of rights to be subjected to the referendum avoids the risk of complete failure to enact a new constitution due to the stringent voter threshold requirement that the referendum demands.

**Dear Countrymen and Women:**

We should not relent on our responsibility to improve our welfare by constantly making for ourselves laws that provide protection for individual rights and provide fair ways of resolving disputes between citizens and the state.

The reduction of presidential powers, achieves the aim of ensuring that power is commonly distributed through subjecting leadership to legal restraint that replaces the rule of men with the rule of law.

I have no qualms about reducing presidential powers because it is not about me, but about all of us today and posterity.

**Countrymen and Women,**

There comes a time in the life of a nation when the people's cry on an issue and their sense of betrayal and futility at the hands of those they have entrusted with power must surely come to an end.

This is not easy, I know, because when you assume office, you have the super-abundance of historical reasons, spectacular legal arguments and your own political considerations urging you not to give in to the demands of the people.

But regardless of what is expedient, we as leaders have a duty to respect the will of the people. After all, it is often an inescapable truth that “vox populi, vox dei.” (The voice of the people is the voice of God.)

It is for this reason that at my inauguration as the sixth president of the republic of Zambia, I publicly committed myself and my presidency to delivering to you my compatriots, a people-driven constitution, your constitution.

And today, on this historic occasion, barely eleven months into office, I, Edgar Chagwa Lungu, have the singular honour and privilege to say that, I am doing just that.

This is important for me;

It is important for all of us, that we create a new politics, a new way of doing things’

When I look across the aisle on the floor of parliament, I see hope; I see hope that a new politics is possible!

When I look at extraordinary acts of civic responsibility by the opposition MMD, it gives me hope... it gives me hope that a time comes in the life of a nation when we abandon mechanical politics that always programmes the opposition to see nothing but the opposite.

The bi-partisan consensus that delivered this constitution is, and will always remain an admirable feat that will go down in the annals of history! Many thanks to the leadership of the MMD!

Collectively, this gives us a sense of pride that when you promise, you must feel a sense of duty to deliver on your promise! The MMD promised this constitution, the PF promised this constitution, the UPND promised this constitution.

All the major parties promised a new constitution before the 2016 elections. Others even signed social contracts with civil society groups to this effect.

We must cleanse our politics of the infamous reputation that politics is a dirty game! We must renew people's trust in politics and not diminish it by promise and policy somersaults!

Before your very eyes, I will assent to the constitutional amendment bill and it will now form part of the constitution of this country.

### **Countrymen and Women,**

At this juncture, let me extend my sincere appreciation for the work done by all those who devoted their time and energy, as well as knowledge and skills, to bring us to this epic moment.

These include members of all the constitutional review commissions and technical committees constituted over the years as well as, those who served on the national constitutional conference, not forgetting you the citizens, through your submissions during the various consultative processes.

Our special thanks go to those who have gone before us. Today, we honour their contribution posthumously.

We remember and honour the memory of Mr. Mainza Mathias Chona, SC who died in 2001. He was Chairperson of the First Constitutional Review Commission of 1972.

In 2009, the cold hand of death also robbed us of our beloved Mr. John Mupanga Mwanakatwe, SC, Chairperson of the Third Constitutional Review Commission of 1993.

In 2014, we also bade farewell to that illustrious son of this country, Mr. Willa Disraeli Mung'omba, who served as chairperson of the fourth constitutional review commission of 2003. May their souls rest in peace.

To those still with us, in particular, Professor Patrick Mpanza Mvunga, SC, Chairperson of the Second Constitutional Review Commission of 1991, I say thank you for the service rendered to your country and the people.

These constitutional review commissions were appointed by gallant men who served in the office of president at the time.

Yes, we remember and honour the memory of the founding president of our party the PF, and 5th President of our Republic, His Excellency Mr. Michael Chilufya Sata who appointed the technical committee which delivered the Draft from which this constitution has been born;

We remember His Excellency Mr. Levy Patrick Mwanawasa (MMD) who appointed the Mung'omba Commission and subsequently the National Constitutional Conference (NCC);

We pay tribute to his Excellency Dr. Fredrick J.T Chiluba (MMD), who appointed the Mwanakatwe Commission;

The three presidents have passed on, but we honour them for their great contributions to this constitution-making process!

We did not get to the end of the journey with them, but let us agree that they did something!

We say thank you to our founding father, Dr, Kenneth David Kaunda, who started it all with that historic repeal of the one-party constitution in 1990, following the recommendations of the Mvunga Commission!

We thank president Rupiah Bwezani Banda, who, as vice-president then, led the government team in the national constitutional conference and later, as head of state helped the process as well.

**Countrymen and women,**

Allow me now to thank our members of parliament on both sides of the house for passing this progressive constitutional amendment bill.

Despite the heated debates in the house, you did not betray the will of the people. To the contrary, the bi-partisan consensus that carried the day shows that we are able to achieve unity of purpose and work together to meet our people's expectations.

**Countrymen and women,**

In order to fully appreciate the significance of today, it is important to reflect on where we have come from.



Following the dissolution of the Federation of Rhodesia and Nyasaland in 1963, a new constitution based largely on the Westminster model was designed at independence in 1964.

The constitution that resulted from the negotiations at Lancaster house was conceived in a multi-party political dispensation.

It had an entrenched bill of rights which provided that every person in Zambia, regardless of race, place of origin, political opinion, colour, creed, or sex shall enjoy fundamental rights and freedoms.

### **Countrymen and women,**

You will recall that in 1973, Zambia became a one-party state. The justification was that this was a practical way to prevent ethnic rivalries and promote national unity.

The independence constitution was largely viewed as a colonial vestige. It was, therefore, essential that a home grown constitution be developed to truly reflect the aspirations of the Zambian people.

Thus, in 1969, a referendum was held which gave power to the legislature to amend the constitution.

Consequently, on 30th March, 1972, President Kenneth Kaunda appointed the Chona constitutional review commission.

### **Countrymen and women,**

After 18 years of one-party rule, the people of Zambia demanded change consistent with the “wind of change” that was blowing across the continent. Government accepted the need for reform and amended the 1973 constitution by repealing article 4 to allow for the return to multi-party politics.

Government also announced its intention to make comprehensive amendments to the constitution, and consequently, appointed the Mvunga constitutional review commission.

However, the 1991 constitution that followed the Mvunga commission was perceived as a transitional one to meet the immediate demands of the multi-party system. Thus, on 22nd December, 1993, two years after the Movement for Multi-Party Democracy came to power, government appointed the Mwanakatwe constitutional review commission.

The commission made many recommendations, amongst others, that a presidential candidate must receive 50 percent plus one of the valid votes cast for the candidate to be declared winner among others.

But again, government rejected most of the commission's recommendations.

### **Countrymen and women,**

This prompted president Levy Mwanawasa, SC to appoint the fourth constitutional review commission, which was chaired by Mr. Willa Mung'omba.

Significantly, the Mung'omba constitutional review commission which in the main sought to super-impose a constituent assembly over parliament. GOVERNMENT Rejected this on account of the constitution of Zambia vesting the legislative power of the republic solely in parliament, among other reasons.

### **Countrymen and women,**

In 2010, the attempt to enact the constitutional amendment bill adopted by the national constitutional conference failed because the bill could not garner the two-thirds parliamentary majority required at second reading.

When the Patriotic Front ascended to power, it undertook to deliver a constitution in accordance with the wishes of the Zambian people.

Thus, on 16th November 2011, the late president, His Excellency Mr. Michael Chilufya Sata, appointed the Technical Committee on drafting the Zambian constitution.

The terms of reference included examining the recommendations of all previous constitutional review commissions in order to ensure that the proposed constitution took into account the views of the people.

On 23rd October, 2014, the government tabled the draft constitution before the national assembly as “an Independence anniversary gift” to the Zambian people.

**Countrymen and women,**

Among the various issues that you, the people of Zambia demanded and which have been provided for in the constitution amendment bill, include the election of a president with over 50 per cent of the valid votes cast and the provision of a running mate to a presidential candidate.

The bill also provides for the establishment of the constitutional court and the court of appeal, the implementation of a devolved system of government and the general strengthening of accountability among the various organs of the state.

There have also been persistent calls for dual citizenship, especially from our citizens in the diaspora. This has now been provided for.

**Countrymen and women,**

The constitution amendment bill has also removed the uncertainty associated with the date of elections.

It provides that the general elections shall be held on the second Thursday of August in an election year.

In the same vein, Zambians would know in advance who the successor would be, should the office of the Republican President fall vacant for one reason or another.

Further, from today onwards, the parentage clause, which discriminated against some of our citizens when it came to aspiring to the highest office in the land, has been removed.

**Countrymen and women,**

In my inaugural address to the 5th session of the 11th national assembly, I indicated that we had chosen the parliamentary route in order to enhance chances of our country having a constitution in the most cost-effective manner.

This route also enabled us to pass all progressive clauses such as the fifty plus one, the presidential running mate, the date of general elections and dual citizenship without having to subject them to a referendum, whose outcome could not be guaranteed.

**Countrymen and women,**

This is a watershed moment. The impact of this constitution amendment bill is that it will enhance political stability which is a prerequisite for attracting increased levels of investment and improving the business environment in general.

Further, Zambia will enhance her credentials as a truly democratic state governed by the rule of law. I am greatly humbled for the honour to have facilitated this process.

Let me, however, caution that there will be issues, which are going to emerge as we implement some of the provisions of the amended constitution.

In this regard, this process remains work in progress, requiring full appreciation of the costs involved as well as the institutional arrangements to be put in place and their effectiveness.

**Countrymen and women,**

As I conclude, I want to appeal to all citizens to embrace this momentous day in the history of our beloved country.

Collectively, we are embarking on a new era in the governance of our country. I, therefore, implore each one of you to take time to reflect on the contents of this progressive document that I am about to sign. Please read it!

It is also my earnest prayer that this amendment to the constitution will indeed serve as an instrument of national unity and social cohesion because its contents are a true reflection of the aspirations of the wider section of our society.

However, I am alive to the fact that in every process, including the constitution-making process, it is not possible to accommodate the views of every stakeholder.

**Countrymen and women,**

In seven months time, we will once again be heading to the polls to elect political leaders that will steer this country to further prosperity.

I reiterate my call for maximum restraint from acts of violence in our campaigns in order to ensure free and fair elections. Let us all continue to embrace the spirit of national unity.

All these achievements would not have been possible without the contributions of the people in general. To you all, I say thank you.

It is my inescapable duty to deliver my profound thanks to the Patient, Resilient and Tolerant people of this Great Republic. Thank you, thank you Zambia, thank you to all of you!

As we proceed towards elections on 11th august 2016, I implore all citizens and political players in particular to abide by civil means of engagement with one another. Differences and hiccups will occur but must not be seized upon by enemies of a free society.

We are a nation of tolerance which abhors extremism in all its forms;

We are a nation of peaceful co-existence, which celebrates diversity of opinion across various facets of life;

We are a nation of democracy which celebrates choice as a virtue not a point of enmity; a nation of harmony united in peaceful commerce;

This nation, Zambia, is a nation of order because we believe stability is the precursor to economic development;

Over the years, we have demonstrated that we are a winning nation, united in a collectively belief that a free society is a sum total of the different interests group, both state and non-state actors!

We are a nation of faith, well guided by our long-cherished motto of one Zambia, one nation!

We are, a Christian nation, built on the bedrock of love!

God bless Zambia!

God bless you all!

I thank you for your attention.