

TUESDAY, 28 MARCH, 2017

MINISTERIAL STATEMENT
ON THE
REFINEMENT OF THE REPUBLICAN CONSTITUTION
GIVEN BY THE
THE HON. MINISTER OF JUSTICE, MR LUBINDA

Mr Speaker, I am grateful to you for allowing me to update the House and through it the nation on the process of the refinement of the Republican Constitution. His Excellency the President of Republic of Zambia, Mr Edgar Chagwa Lungu, assented to the Constitution of Zambia Act, 2016 and Constitution of Zambia (Amendment) Act, 2016 on 5th January, 2016. The Constitution of Zambia (Amendment) Act, 2016 amended the provisions of the Constitution, except for Part III and Article 79 of the Constitution of Zambia Chapter 1. The amendment to the Constitution has led to the enactment of several consequential pieces of legislation to bring the laws in conformity with the new provisions of the Constitution.

Sir, allow me to repeat that because earlier today a statement was made concerning this matter. For the purpose of clarity for the people in the House and outside, the amendment to the Constitution has led to the enactment of several consequential pieces of legislation to bring the laws in conformity with the new provisions of the Constitution.

Mr Speaker, on 27th October, 2016, I made a ministerial statement to this august House following the outcome of the referendum on the question of the enhancement of the Bill of Rights and the proposed way forward. Following that event, a Motion to amend some provisions of the Constitution following the inconsistencies identified in the Constitution was presented before Parliament by a private hon. Member of this House on 9th November, 2016 and Motion was accordingly successful. The Ministry of Justice, as a consequence of that, has been taking specific steps to ensure that the resolution of this House is carried out. I now wish to provide an update on the status of the amendment to the Constitution thus far and the various steps remaining to be undertaken in the process.

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Sir, in order to ensure the efficient implementation of the provisions of the Constitution, there is need to further amend some of the provisions of the Constitution. The amendments to the Constitution are not wholesome. Rather, they are limited in scope and for the better implementation of the provisions of the Constitution.

Mr Speaker, the Ministry of Justice called for submissions from various stakeholders such as government institutions and departments, statutory bodies, Bank of Zambia (BoZ), Law Association of Zambia (LAZ), Judiciary, National Assembly of Zambia (NAZ), House of Chiefs and civil society organisations on the proposed amendments to the provisions of the Constitution where inconsistencies have been identified.

Sir, I wish to report that the ministry has received responses from all government departments, LAZ, BoZ, Local Government Association of Zambia (LGAZ), NAZ, House of Chiefs and numerous civil society organisations. Now that submissions have been received and as soon as they have been considered, the Ministry of Justice will prepare an amendment Bill for consideration by the public and thereafter, by this august House.

Mr Speaker, the next steps that the Ministry of Justice is undertaking are as follows:

- (a) Constitution of a technical legal working group within the Ministry of Justice to analyse the various submissions from the various stakeholders;
- (b) preparation of a draft Constitution (Amendment) Bill for consideration and approval by Cabinet for publication for at least thirty days prior to its introduction to Parliament; and
- (c) continued stakeholder sensitisation and engagement on the proposed amendments to the Constitution.

The Ministry of Justice aims to have the publication of the Constitution of Zambia (Amendment) Bill, 2017, by the end of August this year. Should publication take place by

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August of this year, the amendment Bill should be ready for introduction to Parliament by the end of 2017.

Mr Speaker, coupled with the reform of the Constitution is the amendment to Part III of the Constitution and Article 79. In an attempt to amend Part III and Article 79 on 11th August, 2016, Zambia held a referendum alongside the General Election. However, the referendum failed and we know the reasons why. I addressed those reasons when I reported to the House last year. This entails that the current Bill of Rights in the Constitution of Zambia Chapter 1 continues to be in effect, until such a time that another referendum is held and hopefully it succeeds.

As has been stated already, the Patriotic Front (PF) Government, under President Edgar Chagwa Lungu, remains totally committed and dedicated to ensuring that the will of the Zambian people is respected, and that the citizens have enhanced rights. In the meantime, the Government's dedication to ensuring that the Zambian people's human rights are met is unwavering. The Government is therefore, developing mechanisms for implementing some of the rights contained in the failed referendum, but this will have to be done within the ambit of the current Bill of Rights. With your indulgence, Sir, I shall seek your permission to address the House and the nation on this matter in more detail at a later date.

Mr Speaker, the aspirations of the Zambian people are important to the PF Government and all the above processes are in a bid to meet these aspirations. Having updated the House on the process of refining our Constitution, allow me to commend all the relevant stakeholders, all those patriotic people and all those patriotic institutions for their submissions. I assure them that their submissions shall receive full attention of the Ministry of Justice and those submissions received will form part of the basis of the work of the ministry in identifying the areas of inconsistencies and lacunas in the Constitution.

I thank you, Sir.