

TUESDAY 23RD FEBRUARY, 2021

MINISTERIAL STATEMENT

ON THE

DELIMITATION EXERCISE

BY THE

THE MINISTER OF JUSTICE (MR LUBINDA), MP

Mr Speaker, I wish to thank you for allowing me to brief this august House and the nation at large on a matter which is currently very topical particularly amongst political parties, hon. Members of Parliament and other related stakeholders.

Sir, as you may be aware, following the response that the Vice-President rendered to a question concerning the delimitation exercise and whether it would be conducted before the 2021 General Elections, some press statements attributed to various individuals were carried by some media houses. Some of the statements allege that the Vice-President was being insincere when she connected the delimitation exercise to the Constitution (Amendment) Bill, No. 10 2019. There has also been and continues to be some disquiet from political parties, some hon. Members of Parliament and other stakeholders on the matter of delimitation of constituencies.

Mr Speaker, the Government's aim through this ministerial statement is to put this matter to rest once and for all.

Mr Speaker, Article 58 of the Constitution of Zambia (Amendment) Act No. 2, 2016 states as follows:

58 (1) Zambia shall be divided into constituencies and wards for purposes of

elections to the National Assembly and councils respectively;

- (2) the number of constituencies shall be equal to the number of seats of elected members in the National Assembly;
- (4) the Electoral Commission shall determine the names and boundaries of constituencies and wards; and
- (5) the Electoral Commission of Zambia shall, at intervals of not more than ten years, review the names and boundaries of constituencies and wards.

Sir, with respect to the number of seats of elected hon. Members in the National Assembly reference ought to be made to Article 68 which prescribes at Clause 2 as follows:

“The National Assembly shall consist of:

- (a) one hundred and fifty-six members directly elected on the basis of a simple majority vote under the first-past-the-post system.”

As all of us are aware, the ministerial statement rendered to this House on the 25th June, 2019 by the Vice-President, she said:

“Sir, the Electoral Commission of Zambia in accordance with Article 58 (5) of the Constitution of Zambia (amendment) Act, No. 2, 2016 is mandated to conduct the delimitation of constituencies and wards. Section 21 of the Electoral Act, No. 35 of 2016, further mandates the commission to conduct the delimitation of polling districts.”

Mr Speaker, in view of the Constitutional and statutory mandate, the commission has commenced the process of conducted the delimitation of constituencies, wards and polling districts. The delimitation exercise is a prerequisite for the registration of voters.

The exercise is also important as it promotes effective representation of citizens and makes electoral services more essential to the people.

Sir, Parliament approved a total budget of K55 million for the 2019 Delimitation Exercise of constituencies, wards and polling districts. As of 11th June, 2019, the Ministry of Finance had released a total of K10 million to the commission for the said exercise. I wish to report that the exercise is on schedule and to date, the following activities have been undertaken.

Mr Speaker, the commission has briefed all district electoral officers, namely town clerks, council secretaries and district planning officers from all the 116 districts on their roles in the delimitation process, and on the factors and criteria that will be used to demarcate the electoral boundaries. These meetings were held in clusters on 20th, 22nd and 24th May 2019.”

Sir, I wish to inform the august House that true to Her Honour’s statement, the Electoral Commission of Zambia (ECZ) conducted the processes leading to reviewing of names and boundaries of constituencies and wards in the country. Hon. Members of Parliament were not left out of the process as they were consulted on Wednesday, 22nd June, 2019 through a workshop that was convened by the ECZ here at Parliament with your permission.

Sir, the delimitation report of the ECZ was presented to His Excellency, the President, Dr Edgar Chagwa Lungu, in 2020. The ECZ recommended an increase of ninety constituencies. In accordance with Article 68, Clause 2, which I referred to earlier, the next step was to present a Bill to amend that very Article. However, during that very time, the Government had already presented the Constitution of Zambia (Amendment) Bill No. 10, which proposed among other amendments, an amendment to Article 47 which provides for the electoral system. The intention of the proposed amendment, which according to your Committee’s report was supported by “almost all stakeholders,” was to change the electoral system from first past the post to a mixed-member system. This was to have both elected seats and proportional representation seats in the

National Assembly. The number of seats on the proportional representation was to be prescribed by Parliament through an Act.

Sir, the second related proposed amendment was Article 68(2) whose intention was to provide that the number of elected seats be prescribed in an Act of Parliament. As a consequence, the Government was precluded from proceeding with presenting a separate or standalone Bill to amend Article 68(2) to accommodate the recommendation of the ECZ. This is the nexus between the exercise of delimitation by the ECZ as enshrined in Article 58(5) and the Constitution of Zambia (Amendment) Bill No. 10 of 2019.

Sir, President Edgar Lungu was the first to pronounce the desire to conduct the delimitation exercise because of his firm belief in representative democracy and in bringing the Government as close to the people as possible. This can be seen from his proactions in establishing districts soon after his election, and his sanctioning that we increase representation of special interest groups through the proposed proportional representation system of electing hon. Members of Parliament.

Sir, I am alive to the fact that many hon. Members of Parliament were and are still eager to have their constituencies delimited as some of them are too vast or too densely populated to offer effective representation. The affected hon. Members are obviously from either side of the political divide. One may ask: What is the way forward? Following the failure to enact the Constitution of Zambia (Amendment) Bill No. 10 of 2019, which obviously and clearly could have provided for an increased number of hon. Members of Parliament, both through increased selected seats and through members elected to represent special groups that cannot adequately be represented through the first past the post system, it is necessary to introduce another Bill in Parliament to revise the number of elected seats in the National Assembly based on the delimitation report. It must be noted, however, that it will not be practically possible to implement this before the 2021 general elections. This practical impossibility is owing to time constraints relating to the legislative powers and the administrative processes that ought to be followed.

Sir, allow me to end on a positive note, though, and this is by assuring the august House and the nation at large that President Edgar Lungu's resolve to enhance people's direct participation in the governance of their country has not in any way been affected by these developments. Instead, his resolve has grown even stronger. He pledges to the Zambian people that this temporary setback shall be a thing of the past in September 2021 when his Government shall again embark on a spirited journey of increasing representation of the citizens of Zambia in their Parliament and in their councils. The Patriotic Front (PF) Government generally remains committed to implementing the delimitation process and this will be done immediately after the 2021 general elections.

Mr Speaker, it is now my hope and prayer that this matter has adequately been put to rest and may only be allowed to resurrect after the election of His Excellency, Dr Edgar Chagwa Lungu, in August 2021.

I thank you, Sir.
