

MINISTERIAL STATEMENT

CONSTITUTION AMENDMENT ROADMAP

The Minister of Justice (Mr Lubinda): Mr Speaker, I wish to express my profound gratitude to you for according me this opportunity to update the House and the nation at large on an important national issue.

Sir, on Monday, 18th February, 2019, Cabinet considered the long awaited conclusion of the Constitution refinement. It resolved that time had come for the Government to continue with its mandate of providing leadership on the legislative processes of the nation.

Mr Speaker, the House and the nation in general will recall that on 9th November, 2016, a private hon. Member of Parliament moved a motion urging the Government to amend the Constitution to address the inconsistencies identified therein. The Motion was resolved in the affirmative. Consequently, and also in recognition of the various comments from a diversity of institutions including the judiciary, the church, non-Government organisations (NGOs), and various individuals concerning challenges in the Constitution, the Government, through the Ministry of Justice called for submissions from citizens, Government, NGOs, political parties, etc on proposed amendments.

Mr Speaker, it will be recalled that the hon. Minister of Justice made numerous appeals for submissions to be presented. After one long year and, having received some submissions from some, though, unfortunately, in exception of the major political parties, the ministry constituted a technical working group of officers within the ministry who retreated to Siavonga with representatives of the Judiciary, State House, National Assembly of Zambia (NAZ), the National Prosecutions Authority (NPA), Legal Aid Board and Cabinet Office in February 2018.

Mr Speaker, the Siavonga retreat considered submissions from stakeholders and prepared a Zero Draft Constitution of Zambia (Amendment) Bill. This Bill was later presented to Cabinet in May

of the same year. Cabinet resolved that in accordance with Article 79 (2) (a) of Cap 1 of the Laws of Zambia, the Bill should be published in the National Gazette.

Sir, as it may be recalled, the roadmap that had been developed at that time was to include a workshop of parliamentarians, a meeting of Secretaries-General of political parties and, finally, a summit of presidents of political parties to agree on the amendments before presenting the Bill to Parliament. The meetings of Secretaries-General and the summit of the president's of political parties were to be convened under the auspices of the Zambia Centre for Inter-party Dialogue (ZCID).

Mr Speaker, a few days before the planned publication of the Constitution (Amendment) Bill, a request from the ZCID was presented to His Excellency the President that the Government defers the publication of the Constitution (Amendment) Bill in order to give an opportunity to political parties to make submissions in areas of concern in the Constitution and make proposals for amendments.

Sir, in keeping with the spirit of not leaving anyone behind and recognising the importance of building consensus on the supreme law of the land before presenting it to Parliament and realising that the process protects content, the Government considered the request by ZCID and resolved to grant political parties an opportunity to discuss the Constitution amendment process as part of the broader political dialogue process.

Mr Speaker, as all are aware, the process has been kept in abeyance for close to a year now. Citizens have noted with concern that the dialogue process has been derailed. The reasons for the impasse abound. In similar vein, the various activities that were and are being carried out within the purview of the public and others that were and are being carried out away from the scrutiny of the citizenry are also numerous. However, these are subject of another discussion.

Mr Speaker, in view of the lack of progress with regard to the request of the ZCID to foster submissions from its constituent members, the Government has adopted a Constitution

refinement roadmap which I am now mandated to present to this august House and, through it, to the nation at large.

Mr Speaker, the Constitution roadmap adopted by Cabinet will be handled in two phases. The first phase will deal with the very topical Public Order Act (POA), Cap 113 of the Laws of Zambia which, by its very nature, equally requires consensus building by all stakeholders including parliamentarians, political parties, chiefs, the church and civil society organisations before it is finally presented to Parliament for enactment.

Sir, in order to achieve the desired consensus around the POA, the following activities will be undertaken:

- (a)* a parliamentarians consultative workshop to be facilitated by experts to be seconded by the Inter-parliamentary Union (IPU). It will be recalled that I informed the august House about the offer by the IPU during the last sitting of Parliament;
- (b)* a validation workshop involving representatives of institutions and individuals that made submissions to the amendment of the POA. This will include representatives of parliamentarians;
- (c)* finalisation of the amendments by the Ministry of Justice;
- (d)* Cabinet approval; and
- (e)* publication and presentation to Parliament for enactment.

Mr Speaker, the second phase which may commence even before the conclusion of the first phase depending on the ease with which the first phase will proceed, will be the Constitution refinement phase. This phase will include the following steps:

- (a) presentation to a workshop of parliamentarians of the Zero Draft Constitution (Amendment) Bill emanating from the Siavonga Technical Experts Consolidation Workshop of February 2018. This is to allow hon. Members of this august House an opportunity to interrogate the Constitution (*Amendment*) Bill.
- (b) presentation of the Zero Draft Constitution (*Amendment*) Bill emanating from the Siavonga Technical Experts Consolidation Workshop of February 2018 to political parties for their input;
- (c) presentation of the Zero Draft Constitution (*Amendment*) Bill emanating from the Siavonga Technical Experts Consolidation Workshop of February 2018 to church mother bodies for their input;

Sir, the above three steps will be done simultaneously;

Sir, political parties will be at liberty to submit their party specific proposals. In similar vein, the Government will not oblige the church mother bodies to submit a common position;

- (d) consolidation of submissions by the Ministry of Justice;
- (e) validation workshop involving representatives of institutions and individuals that made submissions to the amendment of the Constitution and this will include representatives of parliamentarians, political parties and church mother bodies that will by then have made their submissions. The validation will enable the stakeholders to assess whether their consolidated amendments adequately address the inconsistencies observed in the Constitution.

Sir, let me make it abundantly clear that the validation workshop is not in any way meant to receive new submissions, but simply to review what was received by the Ministerial Technical Committee during the period when the submissions were

received and the submissions to be received from the parliamentarians, political parties and church mother bodies. It is, therefore, only meant to be a quality assurance process in order to ensure that the final product is acceptable and responsive to the needs of the people of Zambia.

Sir, the Consolidation Workshop will be followed by finalisation of the amendments by the Ministry of Justice which will then present the finalised Constitution (*Amendment*) Bill to Cabinet for approval;

- (f) publication in the Government Gazette in accordance with Article 79 (2) (a) of the Constitution, Cap 1 of the Laws of Zambia; and
- (g) presentation to Parliament for enactment.

Mr Speaker, the above programme is targeted to start during the month of March. However, because of the nature of consultative processes, the Government can only inmate its hope that all will participate actively and with commitment and seriousness and dedication so that the amendments be concluded during the June, 2019 sitting of this august House.

Sir, I wish on behalf of the Government to now enjoin all hon. Members of Parliament and all stakeholders and all citizens at large to support this road map. So, we can continue on the trajectory that was bequeathed upon us by our forbearers. The trajectory of the proverbial national noble eagle in flight, undoubtedly, this is a responsibility that we have to those who sat in this august House before us and it is inescapable debt that we collectively owe to those who shall come after us.

I thank you, Mr Speaker.