

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