



REPUBLIC OF ZAMBIA

**MINISTERIAL STATEMENT**  
**BY THE**  
**HONOURABLE MINISTER OF JUSTICE,**  
**MR GIVEN LUBINDA, MP**  
**ON THE OUTCOME OF THE REFERENDUM**  
**HELD ON 11<sup>TH</sup> AUGUST 2016**  
**AND THE WAY FORWARD.**

**OCTOBER 2016.**

**MINISTERIAL STATEMENT BY THE HONOURABLE MINISTER  
OF JUSTICE MR GIVEN LUBINDA, MP ON THE OUTCOME OF  
THE REFERENDUM HELD ON 11<sup>TH</sup> AUGUST 2016 AND THE  
WAY FORWARD**

**MR SPEAKER**

ON THE 11<sup>TH</sup> DAY OF AUGUST 2016, ZAMBIA HELD A REFERENDUM ALONGSIDE THE GENERAL ELECTIONS. THE PURPOSE OF THE REFERENDUM WAS TO ALLOW ZAMBIANS TO ANSWER THE FOLLOWING QUESTION:

“DO YOU AGREE TO THE AMENDMENT TO THE CONSTITUTION TO ENHANCE THE BILL OF RIGHTS CONTAINED IN PART III OF THE CONSTITUTION OF ZAMBIA AND TO REPEAL AND REPLACE ARTICLE 79 OF THE CONSTITUTION OF ZAMBIA?”

THE REQUIREMENTS FOR THE SUCCESS OF THE REFERENDUM IN ACCORDANCE WITH ARTICLE 79 OF THE CONSTITUTION ARE TWOFOLD, FIRSTLY THAT AT LEAST HALF OF THE ELIGIBLE VOTERS MUST TURN OUT TO VOTE IN THE REFERENDUM AND SECONDLY THAT THE MAJORITY OF THOSE WHO TURN OUT MUST VOTE “YES” TO THE REFERENDUM QUESTION.

**MR SPEAKER**

THE POPULATION ESTIMATE FOR THE ELIGIBILITY TO VOTE IN THE REFERENDUM WAS PROVIDED BY THE CENTRAL STATISTICAL OFFICE IN EXERCISE OF THEIR POWERS TO USE SAMPLING METHODS TO ESTIMATE THE TOTAL POPULATION UNDER THE CENSUS AND STATISTICS ACT, CHAPTER 127 OF THE LAWS OF ZAMBIA. THE REASON FOR THIS ESTIMATION WAS BECAUSE A CENSUS IS ONLY CONDUCTED ONCE EVERY TEN YEARS AND THE NEXT CENSUS FOR ZAMBIA IS SCHEDULED TO BE HELD IN 2020. THE RESULTS OF THE 2010 CENSUS WERE STILL VALID AND COULD THEREFORE BE USED FOR THE PURPOSES OF ESTIMATING THE POPULATION OF ZAMBIANS ENTITLED TO VOTE.

**MR SPEAKER**

THE TOTAL POPULATION THAT WAS ESTIMATED TO BE ELIGIBLE TO VOTE IN THE AUGUST 11 REFERENDUM WAS SEVEN MILLION, FIVE HUNDRED AND TWENTY-EIGHT THOUSAND AND NINETY-ONE (7,528,091) ZAMBIANS. IN ORDER FOR THE REFERENDUM TO SUCCEED, AT LEAST THREE MILLION, SEVEN HUNDRED AND SIXTY-FOUR THOUSAND AND FORTY-FIVE (3,764,045) CITIZENS NEEDED TO TURN OUT. THE NUMBER OF ELIGIBLE VOTERS THAT PARTICIPATED IN THE REFERENDUM WAS (3,345,471), REPRESENTING A TOTAL

TURNOUT OF 44.44%, WHICH WAS BELOW THE 50% THRESHOLD REQUIRED FOR THE TURNOUT TO HAVE SATISFIED THE REQUIREMENTS OF ARTICLE 79 OF THE CONSTITUTION.

OUT OF THE VOTERS THAT TURNED OUT AND VOTED, ONE MILLION, EIGHT HUNDRED AND FIFTY-TWO THOUSAND, FIVE HUNDRED AND FIFTY-NINE (1,852,559) VOTED "YES" WHILE SEVEN HUNDRED AND FIFTY-THREE THOUSAND, FIVE HUNDRED AND FORTY-NINE (753,549) VOTED "NO" AND SEVEN HUNDRED AND THIRTY-NINE THOUSAND THREE HUNDRED AND SIXTY THREE (739,363), VOTES WERE REJECTED.

**MR SPEAKER**

THE FAILURE OF THE REFERENDUM ENTAILS THAT THE CURRENT BILL OF RIGHTS, CONTAINED IN PART III OF THE CONSTITUTION, CONTINUES TO BE IN EFFECT UNTIL SUCH A TIME THAT A REFERENDUM SUCCEEDS.

**MR SPEAKER**

AS THIS AUGUST HOUSE IS AWARE, THE CONSTITUTION REQUIRED REFORMING IN ITS ENTIRETY IN ORDER TO MEET THE ASPIRATIONS OF THE PEOPLE. THE FACT THAT PART OF THE CONSTITUTION HAS BEEN REFORMED MAKES IT EVEN