



REPUBLIC OF ZAMBIA

**REPORT OF THE TECHNICAL COMMITTEE
ON CONSULTING AND DRAFTING
AMENDMENTS**

TO THE

CONSTITUTION OF ZAMBIA

NOVEMBER, 2025



REPUBLIC OF ZAMBIA

CO,101/39/41

**THE TECHNICAL COMMITTEE ON THE CONSULTATION AND
DRAFTING AMENDMENTS TO THE CONSTITUTION OF
ZAMBIA**

Mulungushi International Conference Centre
Kenneth Kaunda Wing
LUSAKA

25th November, 2025

Mr. Hakainde Hichilema
President of the Republic of Zambia
State House
LUSAKA

Mr. President,

**REPORT OF THE TECHNICAL COMMITTEE ON CONSULTING
AND DRAFTING AMENDMENTS TO THE CONSTITUTION OF
ZAMBIA**

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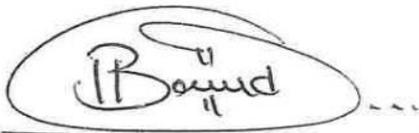
Mr. President, following your appointment of the Technical Committee to consult the people of Zambia on the amendments to the Constitution of Zambia, on 2nd October, 2025, we have the honour and privilege to submit the Report and the Draft Bill, in accordance with the Terms of Reference.

Sir, we are pleased to inform you that the assignment went according to the planned schedule and the Committee received the necessary submissions as guided by the Terms of Reference.

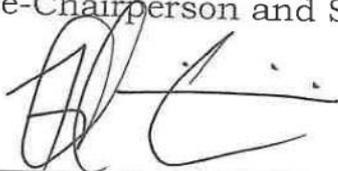
The Committee extends its profound gratitude to you, Mr. President, for entrusting us with such an important national assignment.



Hon. Justice Christopher S. Mushabati (Rtd)
**CHAIRPERSON - TECHNICAL COMMITTEE ON
CONSULTING AND DRAFTING AMENDMENTS TO THE
CONSTITUTION OF ZAMBIA**



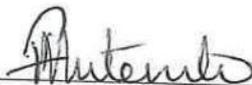
Dr. Landilani Banda
Vice-Chairperson and Spokesperson



HRH Chief Nyamphande
Mr. Gerry Lintini
Member



Dr. Bishop David Masupa
Member



Mrs. Isabel Mutembo Mukelabai
Member



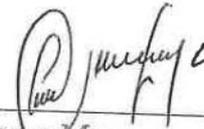
Mr. Ngande Mwanajiti
Member



HRH Chief Chamuka
Mr. Morgan Kumwenda
Member



Mr. Douglas Tambulukani
Member



Mr. Isaac Mwanza
Member



Mr. Guess Nyirenda
Member



Mr. Rabbison Mafeshi Chongo
Member



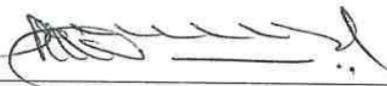
Ms. Grace Manyonga Sinkamba
Member



Ms. Ruth Kay Kangwa
Member



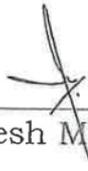
Mr. Gregory Chifire
Member



Bishop Paul E. Mususu
Member



Apostle Charles S. Ndandula
Member



Mr. Kamallesh Manubhai Shah
Member



Ms. Eva Jhala
Member



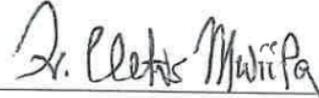
Mr. Mumba Tembo
Secretary



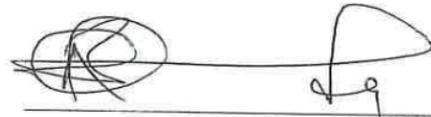
Mr. Fred Wamundila Waliuya
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Mrs. Doreen Njovu-Kabwe
Member



Fr. Cletus K. Chooka Mwiila
Member



Rev. Ackson Banda
Member



Mufti Ikram Sanaullah
Member



Rev. Rodwell Chinyakasa
Member



Dr. Vanny Munyumbwe
Member



Mr. Francis Chilunga
Vice-Secretary

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ACKNOWLEDGEMENTS

The Technical Committee on Consulting and Drafting Amendments to the Constitution of Zambia is grateful to all those who supported and made contributions to the success of reviewing the provisions of the Constitution and the subsequent process of drafting amendments to the Constitution.

First and foremost, the Committee thanks the People of Zambia who showed ownership of the constitutional amendment process by making their submissions through the different platforms. The Committee acknowledges the importance of the phrase "we the people" as stated in the Preamble of the Constitution of the Republic of Zambia, which was reflected through the common and diverse submissions from Zambian citizens across and outside the country. In this regard, the Committee wishes to pay tribute to the President of the Republic of Zambia, Mr. Hakainde Hichilema, and the Government for constituting the Technical Committee to consult the people of Zambia and draft amendments to the Constitution.

The Committee is grateful to Cabinet Office and the Ministry of Justice for the overall coordination and general mobilisation of logistical, human and financial resources that ensured the programme of work of the Committee was implemented. The Committee is also grateful to the Ministry of Information and Media, and the entire media fraternity, for providing live coverage,

publicity and sensitisation services to the constitution amendment process.

Special tribute goes to Provincial Administrations, District Administrations and Local Authorities across the country for providing support and ensuring that the public sittings were held successfully. Special commendation goes to the Smart Zambia Institute and Zambia Information Communication and Technology Authority (ZICTA) for providing the technical support and facilities which ensured that all the districts in the ten provinces of Zambia were connected virtually. The Zambia Police Service also deserves special commendation for providing security during the consultative process at all levels.

The Committee also wishes to pay special tribute to the Zambia Air Force (ZAF) for providing air transport services that enabled the Committee to travel to all provincial centres across the country.

The Committee extends its gratitude to the traditional leaders from all the provinces who participated in the process. The Committee also thanks the many youths, women, persons with disabilities, freedom fighters, civic leaders, civil society organisations, political parties, labour movement, business community, religious leaders, farmers, marketeers, students, student unions and the general public for participating in the consultative process.

The work of the Committee would not have been possible without the technical input of the legal and drafting experts. We also convey

our gratitude to the secretariat, rapporteurs, researchers, court reporters, publicity team, interpreters and administrative staff who worked tirelessly to ensure that the work of the Committee was successfully accomplished.

LIST OF ABBREVIATIONS

AG	Attorney-General
AU	African Union
CEDAW	Convention on the elimination of all forms of Discrimination against women 1979
CDF	Constituency Development Fund
CRC	Convention of the Rights of a Child
CSO	Civil Society Organisations
ECZ	Electoral Commission of Zambia
FPTP	First-past-the-post
GBV	Gender Based Violence
ICCPR	International Covenant on Civil and Political Rights
IEBC	Independent Electoral Boundaries Commission
JSC	Judicial Service Commission
MMPR	Mixed Member Proportional Representation
MP	Member of Parliament
NAPSA	National Pension Scheme Authority
PR	Proportional Representation
PSPF	Public Service Pension Fund
PWD	Persons with Disabilities
SADC	Southern African Development Community
SG	Solicitor-General
TOR	Terms of Reference
UDHR	Universal Declaration of Human Rights
WDCs	Ward Development Committees
ZICTA	Zambia Information Communication and Technology Authority
ZNS	Zambia National Service

LIST OF CASES

1. *The People v John Sinkamba and Others* (2025/CCZ/R001)
[2025] ZMCC 14
2. *Stephen Katuka and Others v The Attorney General* Selected
Judgment No. 29 of 2016
3. *Noel Siamondo v The Attorney General* Selected Judgment No.
24 of 2016

LIST OF INTERNATIONAL AGREEMENTS

1. African Youth Charter
2. African Convention on Human and Peoples' Rights
3. Convention on the Rights of a Child
4. Universal Declaration of Human Rights
5. International Covenant on Civil and Political Right
6. Convention on the elimination of all forms of Discrimination against women

LIST OF CONSTITUTIONS

1. Constitution Chapter 1 of the Laws of Zambia
2. Constitution of Kenya
3. Constitution of Uganda
4. Constitution of Tanzania
5. Constitution of Namibia
6. Constitution of Ghana

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EXECUTIVE SUMMARY

On 2nd October 2025, the President of the Republic of Zambia, Mr. Hakainde Hichilema, appointed the Technical Committee on Consulting and Drafting Amendments to the Constitution of Zambia Act, No.2 of 2016. The primary purpose of the Committee was to consult the people of Zambia, and benchmark best constitutional practices from within and outside Zambia and to propose amendments to the Constitution with a view to consolidate democracy and constitutionalism, enhance equitable and balanced representation and distribution of resources across the Republic and to promote inclusivity, accountability, and effective representation in governance systems and structures.

The Committee's Terms of Reference focused on the electoral process and the electoral system, term of Member of Parliament and office of Minister, hearing of Presidential, Parliamentary and Local Government Election Petitions, composition of Local Government and the tenure of office of local government officials, definition of Youth, Child and Adult, tenure of office of Attorney-General and Solicitor-General, the qualifications of the Secretary to the Cabinet and provisions of the Constitution that were connected or incidental to the above areas.

The Committee held both physical and virtual sittings to provide members of the public with opportunities to make oral submissions. Provincial sittings were held in all provincial centres, while the virtual sittings took place in council chambers in all the

districts of the Republic of Zambia. The oral submissions were made in English, local languages and sign language. The Committee also received written submissions in different local languages through submission boxes placed across all districts of Zambia. Written submissions were also received through the official website of the Committee and its official email. The written submissions through the website and email platform provided an opportunity for Zambians outside the country to make their contribution to the constitution amendments process.

During the consultations, the Committee received more than 11,864 submissions. Of these, no less than 2,181 submissions were received through public sittings, 3,667 submissions were received through submission boxes placed in all the Districts of Zambia and 6,016 submissions were received through the official website and email. These contributions came from a diverse range of stakeholders.

Following the consultative process, the Committee made the following recommendations:

- (a) Correct and harmonise constitutional provisions to eliminate omissions, contradictions, and ambiguities in the electoral system and process;
- (b) Amend Article 52 to add a clause allowing appeals of tribunal nomination decisions to the Constitutional Court within 7 days, and determined within 21 days;

- (c) Delimitation and delineation of constituencies and wards to be carried out through a transparent process when creating new constituencies;
- (d) Amend Article 68 to increase the number of seats in the National Assembly, and ensure the figure is fixed in the Constitution;
- (e) Amend Articles 47 and 68 to introduce a mixed member representation system in the National Assembly, ensuring seats for women, youth, and persons with disabilities (PWDs), as follows:
 - (i) two hundred and twenty-six Members of Parliament holding constituency-based seats;
 - (ii) forty Members of Parliament holding reserved seats as follows:
 - 1. sixteen women;
 - 2. twelve youths; and
 - 3. twelve persons with disabilities;
 - (iii) not more than ten nominated Members of Parliament;
 - (iv) the Vice-President;

- (v) the Speaker; and
- (vi) the First and Second Deputy Speakers;
- (f) Repeal and replace Article 58(5) to read:

The Electoral Commission must, at not more than 10 years intervals, review and, where necessary, rename and adjust boundaries of constituencies and wards;
- (g) Add Clause 8 to Article 58 requiring that delimitation details be set out in an Act of Parliament;
- (h) Amend Articles 47 and 68 to establish a Mixed Member Proportional Representation system and increase the number of constituencies;
- (i) Lock the number of constituencies in the Constitution by stating it in Article 68, aligned with Article 58 on Members of Parliament;
- (j) Retain Article 58 regarding the number of wards being prescribed;
- (k) Amend Article 58 to introduce Mixed Member Proportional Representation;

- (l) Harmonise the electoral laws and electoral system;

- (m) Amend Articles 47(2), 57, and 58 to establish a Mixed Member Representation System in the Constitution;
 - (i) Adopt a first-past-the-post electoral system for Members of Parliament contesting constituency-based seats, aligned with the proposed delimitation and delineation; and

 - (ii) Introduce proportional representation through a party list system, where voters choose a political party on the ballot rather than individual candidates;

- (n) Set a percentage of representation under the PR system, using a closed party list alongside the number of constituency-based seats;

- (o) Amend Article 68(2)(b) to specify representation for women, youth, and persons with disabilities (PWDs), with new clauses on their nomination process;

- (p) Insert a new clause requiring the Electoral Commission to distribute proportional representation seats to parties after elections, based on the percentage of votes received and the total seats won;

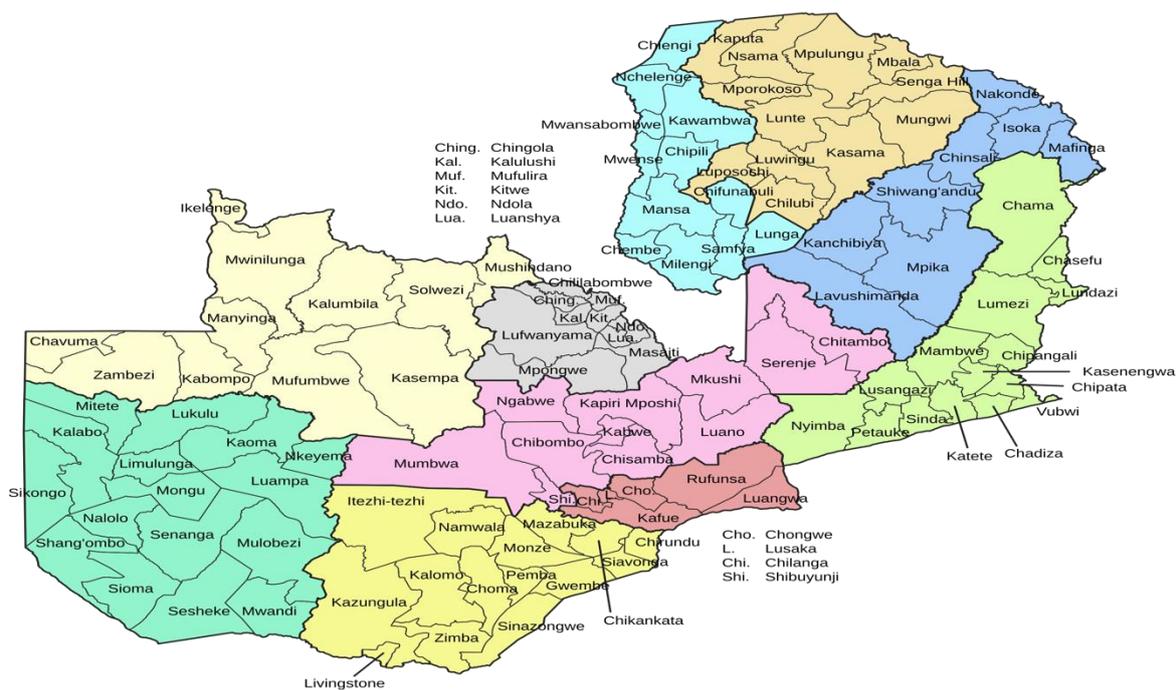
- (q) Insert a new clause so that winning candidates under proportional representation are selected from the top of the closed party list, following the order set by the political party;
- (r) Maintain the current Constitutional provisions on By-elections;
- (s) Retain Article 69 on nomination of Members of Parliament;
- (t) Amend Article 68(2)(b) to increase the number of nominated MPs from 8 to 10;
- (u) Maintain presidential nomination of Members of Parliament;
- (v) Amend Article 52(6) to guarantee that elections continue even after a candidate's resignation;
- (w) Amend Article 52(6) to establish clear timelines for filing fresh nominations when required;
- (x) Amend Article 52 to provide for:
 - (i) Require sponsoring political party to file fresh nominations in the event of a candidate's death;
 - (ii) Exempt other candidates from paying fees for fresh nominations in such cases;

- (iii) Ensure elections proceed if a candidate is disqualified by a Court; and
- (iv) Allow 7 calendar days for a political party to file fresh nominations after a candidate's death;
- (y) Amend Article 81 to state that Parliament shall stand dissolved ninety days before the holding of the next general election but Members of Parliament shall be deemed to have served until a day before the next general election;
- (z) Harmonise tenure across all elected positions;
- (aa) Vest statutory functions of Ministers in the President after Parliament dissolves;
- (bb) Maintain two 5-year term limits for the President;
- (cc) No term limits for Members of Parliament;
- (dd) Amend Articles 116(2) and 117(2) requiring Ministers to vacate office when Parliament dissolves;
- (ee) Amend Articles 101(5) and 103(2) to extend timeframe for Presidential Election Petitions from 14 to 21 calendar days, including weekends;

- (ff) Amend Article 73(3) to allow 30 days for appeals in Parliamentary Election Petitions;
- (gg) Add “and determine” after “hear” in all election petition provisions;
- (hh) Set 30 days timeframe for petitions of to be heard and determined;
- (ii) Maintain status quo for Local Government petitions;
- (jj) Maintain MPs out of councils;
- (kk) Retain Article 153(2)(c) unchanged;
- (ll) Adopt proportional representation in Article 153 for women, youth, and persons with disabilities;
- (mm) Amend Article 154(2)(b) to abolish two-term limit for Mayors or Council Chairpersons;
- (nn) Amend Article 266 to define:
 - (i) Youth between 18–34 years;
 - (ii) Child under 18 (including unborn); and
 - (iii) Adult as 18 years and above;

- (oo) Ensure continuity of Attorney-General and Solicitor-General until successors assume office (Articles 178 & 179);
- (pp) Revise qualifications for Secretary to Cabinet to state that, a person qualifies to be appointed as Secretary to the Cabinet if that person:
- (i) has or had at least five years' experience at director level in the Civil Service; and
 - (ii) has or had at least five years' experience as a Permanent Secretary or equivalent rank;
- (qq) Amend Articles 116 and 117 to provide for the appointment of Ministers/Provincial Ministers from outside Parliament, subject to ratification;
- (rr) Make consequential amendments to Articles 64 and 65; and
- (ss) Provide for tenure of Ministers/Provincial Ministers appointed outside Parliament and to remain in office until dismissed or replaced by the President.

COUNTRY PROFILE



The Republic of Zambia is a land-linked country in Central-Southern Africa, sharing its borders with eight (8) countries; Angola, Botswana, Democratic Republic of Congo, Malawi, Mozambique, Namibia, Tanzania, and Zimbabwe. Zambia has a total land area of 752,610 km², making it one of the largest countries in Africa.

Zambia comprises ten (10) Provinces. The provinces are further divided into 116 Districts, 156 Constituencies, and 1624 Wards, providing multiple levels of governance that enable citizen participation and decentralised decision-making. The Provinces, districts and wards have varying sizes in terms of population, vastness and geographic structure. The population, vastness and geographic structure of the constituencies and wards has an

impact on governance, representation and local development. The number of constituencies and wards was last reviewed in 2015 and actualised through the 2016 amendment of the Constitution. Periodic electoral boundary delimitation in a representative democracy such as Zambia, plays an important role in ensuring that each citizen's vote carries equal weight. Delimitation also ensures that elected officials represent their constituencies effectively for equitable development at all levels.

In 2022, Zambia's population was estimated at 19,610,769 from 13,092,666 in 2010 as recorded in the 2010 National Census Report. Zambia's population grew at an average annual rate of 3.4 percent between 2010 and 2022, an increase from 2.8 percent in the 2000-2010 intercensal period. The rural population grew at an average annual rate of 3.4 percent during the 2010-2022 period, an increase from 2.1 percent during the preceding intercensal period. Urban areas recorded a decline in the population growth rate from 4.2 percent during the 2000-2010 intercensal period to 3.5 percent in the period 2010-2022.

This population increase, combined with the shifting distribution between rural and urban areas, underscores the need for the delimitation and delineation of constituencies and wards. Delimitation is essential to achieving fair representation, strengthening governance structures, and ensuring that elected representatives reflect the population dynamics.

Accordingly, the 2022 National Census of Population and Housing Preliminary Report indicates the country's male population at 9,603,056 and the female population at 10,007,713. This demographic pattern demonstrates a female majority in the country. Despite this demographic reality, women remain significantly underrepresented in Parliament holding only 15% of parliamentary seats and other national governance structures. This contrast underscores the need for continued reforms aimed at enhancing women participation in decision-making processes.

It also provides an opportunity to improve the distribution of national resources and enhance the equitable allocation of the Constituency Development Fund (CDF), ensuring that communities receive support proportionate to their population size and needs. Moreover, delimitation presents a critical avenue for advancing the inclusion of women, whose numerical majority highlights the importance of promoting their meaningful participation in political and decision-making processes.

Zambia's governance is based on the separation of powers among three independent arms: The Executive, Legislature, and Judiciary. The Executive is led by the President, who is both the Head of State and Government, supported by the Vice-President and Cabinet Ministers who oversee various ministries. The Civil Service implements government policies across ministries and agencies. Autonomous institutions like the Anti-Corruption Commission, Electoral Commission, and Auditor General's Office support good governance, accountability and transparency.

The Legislature consist of a unicameral National Assembly composed of 156 MPs and is responsible for making laws, government oversight and representing citizens. Elected Members of Parliament hold the Executive accountable by scrutinizing policies and ensuring transparency.

The Judiciary operates independently, interpreting laws and protecting constitutional rights through courts such as the Supreme Court and High Courts. This separation ensures checks and balances essential for democracy.

Central governance is conducted by the national government where the President and Cabinet set national priorities and policies. Local governance complements this through decentralized structures including District, Municipal, and Town Councils that manage community services. Zambia's Decentralisation Policy devolves powers to these local authorities, enabling elected officials to address local needs effectively. Traditional leaders also play a key role in rural governance by managing customary land and community affairs.

Together, these structures form an integrated system that promotes accountability, citizen participation, and equitable socio-economic development across Zambia.

Zambia has a strong governance framework guided by constitutional provisions and Acts of Parliament that shape the organisation and functioning of the State. The Constitution, as the

supreme law of the Republic, provides the overarching legal structure for the distribution of powers, the protection of rights and freedoms, and the promotion of accountability and transparency across all levels of government. Complementing this legal framework are key policy instruments such as the National Development Plans and the National Vision 2030, which reinforce constitutional principles and legislative provisions by promoting good governance, decentralisation, citizen participation and sustainable development.

To build on the strong governance foundation, a comprehensive nationwide consultation was conducted across all ten provinces. During the consultations, more than 11,864 submissions were received. Of these, no less than 2,181 oral submissions were received through a combination of physical engagements and the virtual platform. Further, no less than 3,667 written submissions were received through submission boxes, while the official website recorded more than 6,016 online submissions. These contributions came from a diverse range of stakeholders, including civil society organisations (CSOs), political parties, religious leaders, traditional leaders, women’s organisations, persons with disabilities, freedom fighters, and individual citizens, reflecting national interest and engagement.

The submissions received ensured that the review process was inclusive, representative, and informed by varied perspectives of Zambians. They also reflected the demographic diversity and geographical profile of the country as highlighted above.

Essentially, the submissions highlighted the demographic, social and geographic changes that underpin effective representation and governance. The Committee notes that overall the submissions for amendments to the Constitution provided valuable insights into the lived experiences of citizens.

PART I

1. INTRODUCTION

1.1 Background

The Technical Committee on Consulting and Drafting Amendments to the Constitution (hereinafter referred to as “the Committee”) was appointed by the President of the Republic of Zambia, Mr. Hakainde Hichilema, on 2nd October, 2025. The Committee was established to undertake a consultative and inclusive process of reviewing provisions of the Constitution of Zambia that would require amendment. The process was intended to strengthen democracy, enhance citizen participation, and ensure that the supreme law of the land reflects the aspirations, diversity and evolving governance needs of the people of Zambia.

The primary purpose of the Committee was to consult the people of Zambia, and benchmark best constitutional practices from within and outside Zambia and to propose amendments to the Constitution with a view to consolidate democracy and constitutionalism, enhance equitable and balanced representation and distribution of resources across the Republic and to promote inclusivity, accountability, and effective representation in governance systems and structures.

1.2 Composition of the Technical Committee

The Committee, appointed pursuant to Articles 92(1), 92(1)(f) and 92(2)(j) of the Constitution of Zambia, was composed of the following members:

1. Hon. Justice Mr. Christopher Sichimwa Mushabati (Rtd),
Chairperson;
2. Dr. Landilani Banda, Vice Chairperson and Spokesperson;
3. HRH Chief Chamuka, Mr. Morgan Kumwenda - Member;
4. HRH Chief Nyamphande, Mr. Gerry Lintini - Member;
5. Mr. Douglas Tambulukani - Member;
6. Dr. Bishop David Masupa - Member;
7. Mr. Isaac Mwanza - Member;
8. Mrs. Isabel Mutembo Mukelabai - Member;
9. Mr. Guess Nyirenda - Member;
10. Mr. Ngande Mwanajiti - Member;
11. Mr. Rabbison Mafeshi Chongo - Member;

12. Ms. Grace Manyonga Sinkamba - Member;
13. Mr. Fred Wamundila Waliuya - Member;
14. Ms. Ruth Kay Kangwa - Member;
15. Mrs. Doreen Njovu-Kabwe - Member;
16. Mr. Gregory Chifire - Member;
17. Fr. Cletus Kalukango Chooka Mwiila - Member;
18. Bishop Paul E. Mususu - Member;
19. Rev. Ackson Banda - Member;
20. Apostle Charles Sakavumbi Ndandula - Member;
21. Mufti Ikram Sanaullah - Member;
22. Mr. Kamalesh Manubhai Shah - Member;
23. Rev. Rodwell Chinyakasa - Member;
24. Ms. Eva Jhala - Member; and
25. Dr. Vanny Munyumbwe - Member.

However, Dr. Felicity Kayumba Kalunga did not continue serving on the Committee.

The President also appointed the following as Legal and Drafting Experts:

1. Mrs. Mwenya Kaela Bwalya, Permanent Secretary (Legal), Ministry of Justice;
2. Mrs. Doris Katebe Mwiinga, Independent Consultant;
3. Ms. Bubala Chibbonta, Chief Parliamentary Counsel, Ministry of Justice;
4. Ms. Hope Chanda, Director, Zambia Law Development Commission; and
5. Mr. Chola Mwewa, Independent Consultant.

1.3 Terms of Reference

The Committee's specific Terms of Reference were as follows: -

- (a) Receive submissions from the people of Zambia with respect to provisions relating to the electoral process and the electoral system as a whole, and specifically provisions relating to:

- (i) The delimitation and delineation of Constituencies and Wards with a view to ensure fair, equitable and balanced representation and distribution of resources across the Republic;
 - (ii) The promotion and enhancement of effective participation of Women, Youths and persons with disabilities in elective positions and governance institutions in accordance with the principles of inclusivity, equality and equity;
 - (iii) By-elections, considering various factors such as the cost of by-elections;
 - (iv) The number of nominated Members of Parliament;
 - (v) The filing-in of fresh nominations after the resignation of a candidate in Presidential, Parliamentary and local government elections; and
 - (vi) Transitional and statutory mechanisms with a view to ensure predictability and clarity in the term of office of all elected representatives;
- (b) Receive submissions from the people of Zambia with respect to provisions of the Constitution relating to the term of Member of Parliament and Office of Minister;

- (c) Receive submissions from the people of Zambia with respect to provisions of the Constitution relating to the hearing of Presidential, Parliamentary and Local Government Election Petitions with a view to enhance the administration of justice in such election Petitions;
- (d) Receive submissions from the people of Zambia with respect to the composition of Local Government and the tenure of office of local government officials;
- (e) Receive submissions from the people of Zambia with respect to the definition of Youth, Child and Adult;
- (f) Receive submissions from the people of Zambia with respect to Constitutional Office holders, specifically the tenure of office of Attorney-General and Solicitor-General, and the qualifications of the Secretary to the Cabinet; and
- (g) Receive submissions from the people of Zambia with respect to provisions of the Constitution that are connected or incidental to the above areas.

1.4 Scope of Work and Deliverables of the Committee

The scope of work and deliverables of the Committee were as follows:

- (a) Facilitate nationwide consultations with citizens, civil society, political actors, religious and traditional leaders, professional bodies, and all key stakeholders to gather views on proposed constitutional amendments;
- (b) Conduct a technical and legal review of relevant constitutional provisions in light of the submissions received, comparative practices, and constitutional principles;
- (c) Draft proposed constitutional amendments and provide justifications for each proposal;
- (d) Draft a report on the overall findings of the work of the Technical Committee and make recommendations; and
- (e) Ensure that all recommendations are guided by the principles of democracy, good governance, inclusivity, and national unity.

1.5 Guiding Principles and Values

In the exercise of its duties, the Committee was guided by Articles 8 and 198 (d) of the Constitution with emphasis on:

- (a) Morality and ethics;
- (b) Patriotism and national unity;

- (c) Democracy and constitutionalism;
- (d) Human rights, equality, social justice and non-discrimination;
- (e) Good governance and integrity;
- (f) Sustainable development; and
- (g) Prudent and responsible use of public resources.

In the process of receiving submissions at national, provincial and district levels, and drafting the constitutional amendments, the Committee observed and applied, and caused to be observed and applied, the following policy guidance:

- (a) Efficiency and cost-effectiveness;
- (b) Accountability and responsibility to the People of Zambia; and
- (c) Confidence-building, trust and developing national consensus for the Constitutional amendment process.

1.6 Methodology and Approach

The Committee, in carrying out its functions, adopted different methodologies with the aim of effectively collecting views from the people of Zambia as well as understanding the different

perspectives on the Terms of Reference and ensuring the timely and cost-effective delivery on its mandate. To this end:

- (a) The Committee conducted an extensive literature review in relation to the Terms of Reference. The Committee began with a comprehensive review of the Reports and draft Constitutions of previous Constitutional Review Commissions, Technical Committees, National Constitutional Conference, and Electoral Reforms Committees with regard to the specific Terms of Reference. The Committee further conducted a comparative analysis of literature on international and regional best practices on constitutionalism, constitution making and governance with a view to enrich its understanding of the theoretical basis and practical application of constitutional principles which underlay its Terms of Reference. Insights drawn from the literature review gave the Committee a broad and in depth understanding of the constitutional themes relevant to its Terms of Reference.
- (b) To enrich its perspectives in the different themes raised in the Terms of Reference, the Committee consulted local and international experts on Constitutional Law and Practice.
- (c) To get the views of the people of Zambia, the Committee held both physical and virtual public sittings to provide members of the public with opportunities to make submissions. Provincial sittings were held in all provincial centres, while the virtual sittings took place in council chambers in all the

districts. The submissions were made in English, local languages and sign language. The members of the Committee were divided into five groups that simultaneously held consultations in all the provinces, except for Lusaka Province. During the sitting in Lusaka Province, the Committee sat as one and later split into two groups. This widened public consultation in the constitutional amendment process

Submission boxes were placed in Council Chambers in all the districts to provide citizens with an opportunity to deposit their written submissions. The Committee also received submissions through the official website and email. This was the first time in the history of constitutional amendment process in the country that citizens were provided with an opportunity to make submissions through electronic platforms such as video conferencing and website.

- (d) The Committee held a consultative meeting with the Electoral Commission of Zambia. The meeting discussed the electoral process and system with a focus on delimitation and delineation of constituencies and wards.

1.7 Programme of Work

The work of the Committee started with a debriefing meeting with the Secretariat on 13th October, 2025. On 14th and 15th October, 2025, the Committee considered the Terms of Reference, Rules of Procedure and the Programme of Work.

The following activities were undertaken in accordance with the Programme of Work:

- (a) Held orientation meetings and conducted literature review from 16th to 25th October, 2025;
- (b) Conducted the first phase of public sittings in Eastern, Northern, Central, North-Western and Western Provinces from 27th to 30th October, 2025;
- (c) Conducted the second phase of public sittings in Copperbelt, Luapula, Southern, and Muchinga Provinces from 3rd to 6th November, 2025;
- (d) Conducted the final phase of public sittings in Lusaka Province from 10th to 13th November, 2025;
- (e) Consolidated the submissions from respective Provinces after each provincial public sitting;
- (f) Prepared and considered the draft report from 14th to 19th November, 2025, following the completion of the public sittings;
- (g) Prepared the draft Bill from 19th to 23rd November, 2025;

- (h) Considered the draft Bill on 24th and 25th November, 2025;
and
- (i) Considered and finalised the report from 19th to 25th
November, 2025.

PART II

2.0 CONSTITUTIONAL DEVELOPMENT IN ZAMBIA

2.1. Introduction

This Part provides a summary of a contextual foundation for understanding the rationale, continuity, and shifts within Zambia's constitutional reform trajectory. It traces historical recommendations on key electoral and governance themes including delimitation, inclusive representation, by-election management, nomination procedures, tenure of public officials, and the resolution of electoral disputes.

2.2. Recommendations from Previous Constitutional Review Commissions and Technical Committees

Previous constitutional review commissions and technical committees made recommendations on electoral matters.

1995 Mwanakatwe Constitutional Review Commission Recommendations

The Mwanakatwe Constitutional Review Commission made the following recommendations, among others:

- (a) The National Assembly may on the recommendation of the Delimitation Commission, at any time increase the number of constituencies; and
- (b) Nomination of members of the National Assembly should be abolished.

2005 Mung’omba Constitution Review Commission Recommendations

The Mung’omba Constitutional Review Commission made the following recommendations, among others:

- (a) The principle of delimitating constituency boundaries and prescribing provincial and national limits on the number of constituencies in the Constitution should be upheld;
- (b) The total number of elective seats under First-Past-The-Post should not be less than 150 and not more than 200;
- (c) The Constitution should provide that in the case of seats held on the basis of the First-Past-The-Post electoral system, by-elections should not be allowed except where the vacancy is due to the death, incapacitation of a Member of Parliament or Councillor, nullification of an election or where a vacant seat was held by an independent Member of Parliament;

- (d) An expelled Member of Parliament shall be at liberty to contest the expulsion before a tribunal and if found to have been wrongfully expelled, such a Member of Parliament shall retain the seat as an independent Member of Parliament;
- (e) A Member of Parliament or Councillor who resigns from a political party or crosses the floor should lose the seat and not be eligible to contest elections for the duration of that Parliament or Council;
- (f) An MP or Councillor whose political party is dissolved should retain the seat as an independent where such an MP or Councillor holds the seat on the basis of an election conducted in a constituency on the basis of the First-Past-The-Post electoral system;
- (g) The seat of an MP or Councillor whose party is dissolved should be re-allocated on the basis of Proportional Representation if that seat was held on the basis of that system;
- (h) Any vacancy arising otherwise shall be filled by the political party that held the seat;
- (i) The provision for nominated MPs be repealed;
- (j) The Constitution should provide for Members of Parliament to be ex-officio members of the councils;

- (k) The Constitution should define the term “adult” to mean an individual who has attained the age of eighteen years and “child” to mean a person below eighteen years of age; and
- (l) The Attorney-General should not vacate office upon change in the Office of the President.

2007 National Constitutional Conference Recommendations

The National Constitutional Conference made the following recommendations, among others:

- (a) Adoption of the recommendations in the Mung’omba Draft Constitution with the addition of a proviso that there should be at least twenty (20) constituencies in each administrative province to ensure equitable representation of all the people of Zambia; and
- (b) Within ninety days of the filing of an election petition, the petition be determined by the Constitutional Court whose decision would be final.

2013 Silungwe Technical Committee on Drafting the Zambian Constitution Recommendations

The Silungwe Technical Committee made the following recommendations, among others:

- (a) Zambia should be divided into multi-member constituencies and wards so that the number of multi-member constituencies and wards are equal to the number of seats of members elected under the proportional representation system or the First-Past-The-Post system, as the case may be;
- (b) Achieve an approximate equality of multi-member constituency or ward population, subject to the need to ensure adequate representation for urban and sparsely populated areas;
- (c) Provide for the number of inhabitants in each multi-member constituency or ward to be nearly equal to the population quota as is reasonably practicable;
- (d) Provide for the nomination by political parties under a party list for a proportion of seats in the National Assembly;
- (e) Provide for the President to appoint a prescribed number of persons, who are not Members of Parliament but qualify to be Members of Parliament, as Ministers, subject to ratification by the National Assembly; and
- (f) Define “adult” to mean an individual who has attained, or is above, the age of eighteen years; “child” to mean a person who is below the age of eighteen years; and “youth” to mean a

person who is eighteen years of age but below the age of thirty-five years.

2005 Zaloumis Electoral Reforms Technical Committee Recommendations

The Zaloumis Electoral Reforms Technical Committee made the following recommendations among others:

- (a) Increase the number of constituencies from 150 to 160; and
- (b) Provide for a Mixed Member Proportional Representation system, which combines the First-Past-the-Post and the Proportional Representation Systems. Under this System, it was proposed to have a two hundred (200) Member Parliament, excluding the Speaker, 160 elected under First-Past-the-Post, 30 Proportional Representation (25 women, 3 persons with disabilities and 2 youths under party lists) and 10 nominated Members of Parliament.

2025 Chongo Electoral Reform Technical Committee Recommendations

The Chongo Electoral Reform Technical Committee made the following recommendations among others:

- (a) Article 68 of the Constitution be amended to increase the number of constituencies in line with delimitation;

- (b) Article 47 of the Constitution be amended to provide for a Mixed Member Proportional Representation Electoral System that guarantees the participation of women, youth and persons with disabilities;
- (c) Provide for Councillors to be elected using the PR system using a closed party list;
- (d) Provide that by-elections should only be held for the National Assembly and Mayoral/Council Chairperson election;
- (e) Provide that when a council seat falls vacant by reason of resignation, disqualification or death of a councillor then the next candidate on the closed party list will be assumed to fill the vacancy and, in the event, that no candidate on the party list is available, then the political party will be expected to provide the name of the person to fill the vacancy;
- (f) Increase the number of nominated MPs from the current 8 to 10 and lock the number in the Constitution;
- (g) Article 52(6) be amended to address the issues relating to Presidential, Parliamentary and Local Government Elections and be unpacked to deal with each occurrence/component:
 - (i) Where a candidate resigns, after the close of nominations the election shall proceed;

- (ii) Where the Court has disqualified a candidate as a result of a malpractice or criminal offence including corruption after the close of nomination, the election shall proceed; and
 - (iii) Where a candidate dies in an election after nominations but before the date of elections, the Electoral Commission of Zambia shall cancel the election and require the filing of fresh nominations by eligible candidates and elections shall be held within 30 days of the fresh nominations;
- (h) Amend Article 154 (2)(b) to remove the limit in the number of terms for Mayor/Council Chairperson;
 - (i) Maintain 14 days for hearing the Presidential election petition in Article 103;
 - (j) Insert the words “and determine” in Article 103(2) of the Constitution so that the provision should read “shall hear and determine an election petition....”;
 - (k) Amend Articles 103 to 105 to provide for a chronological order of events from election, petitions and assumption of office; and
 - (l) Provide that Members of Parliament should sit in the council meetings as ex-officios and participate in the council decision-making process.

Constitutional reforms that aim to strengthen democracy, enhance citizen participation and ensure that the supreme law of the land reflects the aspirations, diversity and evolving governance needs of the people of Zambia has a long history. Considerations of recommendations of previous constitutional review commissions and technical committees play an important role in shaping constitutional amendment efforts and building a more credible, transparent and inclusive electoral and governance democratic system.

PART III

3.0 FINDINGS, OBSERVATIONS AND RECOMMENDATIONS

3.1 Electoral Process and The Electoral System

3.1.1 Delimitation and delineation of Constituencies and Wards

Term of Reference

Receive submissions from the people of Zambia with respect to provisions relating to the electoral process and the electoral system as a whole, and specifically provisions relating to:

- (a) The delimitation and delineation of Constituencies and Wards with a view to ensure fair, equitable and balanced representation and distribution of resources across the Republic.*

Provisions in the current Constitution in relation to the Term of Reference

Article 47

“47. (1) Elections to the office of President shall be conducted directly, under a majoritarian electoral system, where the winning candidate must receive more than fifty percent of the valid votes cast, and in accordance with Article 101.

(2) *Elections to the National Assembly shall be conducted under a first-past-the-post electoral system in accordance with Article 68*

(3) *Elections to councils shall be conducted under a first-past-the-post electoral system, and in accordance with Articles 153 and 154.*

(4) *A constituency and a ward shall return only one member to the National Assembly and council, respectively.”*

Article 58

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.*

(3) *The number of wards in a district shall be prescribed.*

(4) *The Electoral Commission shall determine the names and boundaries of constituencies and wards.*

(5) *The Electoral Commission shall, at intervals of not more than ten years, review the names and boundaries of constituencies and wards.*

(6) *The names and details of the boundaries of constituencies and wards shall be published in the Gazette and shall come into effect on the next dissolution of Parliament or councils.*

(7) *A person may apply to the Constitutional Court for review of a decision of the Electoral Commission made under this Article.*

Article 59

59. *The Electoral Commission shall, in delimiting the boundaries of constituencies and wards—*

(a) take into account the history, diversity and cohesiveness of the constituency or ward;

(b) have regard to population density, trends and projections;

(c) ensure that the number of inhabitants in each constituency or ward is reasonable, taking into account the means of communication and geographical features;

(d) ensure that constituencies and wards are wholly within districts; and

(e) seek to achieve an approximate equality of constituency and ward population, subject to the need to ensure adequate representation for urban and sparsely populated areas.

Article 68(1)

“68. (1) A Member of Parliament shall be elected in accordance with Article 47(2) and this Article.”

(2) 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;

(b) not more than eight nominated members;

(c) the Vice-President;

(d) the Speaker; and

(e) the First and Second Deputy Speakers.

Article 101(1)

“101. (1) A President shall be elected by registered voters in accordance with Article 47 (1) and this Article.”

Article 153(1)

“153. (1) A councillor shall be elected in accordance with Article 47(3) by registered voters resident within the district.”

Article 154(2)

“154. (2) A mayor and council chairperson shall be elected—

(a) directly, in accordance with Article 47(3) during elections for councillors, as prescribed; and

(b) for a term of five years and may be re-elected for one further term of five years.”

3.1.1.1 Submissions Received by the Committee

Most submissions received addressed the need for the delimitation and delineation of constituencies and wards, citing demographic, geographical, administrative, and developmental challenges associated with the existing boundaries. Many constituencies were described as excessively vast and difficult to service, limiting the ability of Members of Parliament and Councillors to reach all communities, engage regularly with constituents, and provide effective oversight of development projects. The submissions highlighted the fact that the challenges were compounded by inadequate infrastructure such as roads, schools and hospitals as well as long distances to polling stations.

Other submissions highlighted the fact that the Constituency Development Fund (CDF) was insufficient in large and densely populated constituencies. They noted that in these constituencies, the CDF was spread too thinly and therefore did not have meaningful impact, whereas smaller and sparsely populated constituencies were able to benefit more significantly from the same CDF allocation. They submitted that creating smaller constituencies would improve oversight, ensure more equitable resource distribution, enhance service delivery and better align with current population growth and settlement patterns.

Others submitted that delimitation was a constitutional requirement that should be undertaken regularly, ideally every ten (10) years after census data was updated. They stressed that the exercise should consider demographic trends, geographic accessibility, settlement expansion, physical barriers and distances to essential services. They also submitted that delimitation was critical to protecting the “one person, one vote” principle, reducing voter disenfranchisement, and strengthening political participation.

To maintain public confidence, most submissions emphasised that the process should be transparent, data-driven, and non-partisan, anchored in clear legislation and supported by credible population and geographic data.

Divergent views emerged regarding the timing of the process with some submissions stating that conducting the exercise after the

2026 general elections would mitigate perceptions of political manipulation, while others recommended completing it beforehand to prevent voter disenfranchisement. Some submissions underscored the need for meticulous planning, financial feasibility and transparency, arguing that an increase in constituencies could significantly escalate administrative costs, including salaries, transport, allowances and logistical support.

Some submissions centred on the need to strengthen existing development initiatives such as the CDF, infrastructure, and health services may be preferable to expanding administrative structures. They submitted that improved service delivery could be achieved by empowering existing representatives and prioritizing resource allocation. Others proposed restricting the exercise to ward boundaries to minimise costs.

3.1.1.2 Observations of the Committee

The Committee observed that submission trends called for downsizing of large constituencies and wards to improve representation and enhance development. Underpinning these submissions, the Committee observed that submissions highlighted the fact that Councillors and Members of Parliament representing large wards and constituencies struggled to serve effectively. The Committee noted delimitation had been a historical need that people have been calling for and was provided for in the Constitution to be conducted every 10 years.

Further, the Committee observed that delimitation would enhance people's representation through establishing more manageable electoral and political boundaries.

In addition, the Committee observed that CDF would be more effective in enhancing development if constituencies were smaller. The Committee observed that central to most of the proposals of delimitation of constituencies was the argument that CDF would enhance equitable development.

Furthermore, the Committee observed that submissions on delimitation and delineation were localised with people basing their submissions on their lived experiences in the constituencies and wards hence demanding for delimitation and delineation.

3.1.1.3. Recommendations of the Committee

The Committee recommends the following:

- (a) Harmonisation and correction of all omissions and mistakes in constitutional provisions to ensure non-contradictions, non-ambiguity and harmonisation of provisions on the electoral system and process, including impacting provisions;
- (b) Amendment of Article 52 by inserting a new clause 5 after clause 4 which will allow for a person who loses a nomination petition before the tribunal to appeal to the Constitutional Court within 7 days of the decision and for the Court to hear

and determine the appeal within 21 days from the date of lodging an appeal;

- (c) Delimitation should be conducted and the new numbers of constituencies determined using a transparent process;
- (d) Amendment of Article 68 to reflect the new number of seats in the National Assembly and to remain locked in the Constitution;
- (e) Amendment of Articles 47 and 68 to introduce mixed member representation in the National Assembly based on the proposed numbers for women, youth and PWD and also engage with ECZ to appreciate the total number of new seats to be created that would replace the existing 156 constituencies provided in Article 68;
- (f) Repealing and replacing Article 58(5) to provide for the Electoral Commission to review the name and boundaries of constituencies and wards at intervals of not more than ten years;
- (g) Provide for a new clause under Article 58 to ensure that the factors for delimitation be prescribed by an Act of Parliament;
- (h) Amendment of Articles 47 and 68 to introduce a mixed member representation system in the National Assembly,

ensuring seats for women, youth, and persons with disabilities (PWDs), as follows:

- (i) two hundred and twenty-six Members of Parliament holding constituency-based seats;
 - (ii) forty Members of Parliament holding reserved seats as follows:
 - 1. sixteen women;
 - 2. twelve youths; and
 - 3. twelve persons with disabilities;
 - (iii) not more than ten nominated Members of Parliament;
 - (iv) the Vice-President;
 - (v) the Speaker; and
 - (vi) the First and Second Deputy Speakers;
- (i) Provide for the number of constituencies to be retained in the Constitution, with Article 68 stating the number of constituencies and cross-referencing to Article 58(2) on the number of Members of Parliament;

- (j) Retain Article 58(3) regarding the number of wards being prescribed;
- (k) Amendment of Article 58 to provide for Mixed Member Proportional Representation; and
- (l) Harmonise the electoral laws and electoral system.

3.1.1.4 Rationale for the Recommendations

It's important that the Constitution is rid of all mistakes and ambiguities if Zambia is to have some form of consistent interpretation and harmonisation of the Constitution, leading to credible elections.

The rationale for delimitation is to ensure that the review of names and boundaries of electoral districts are done in order to respond to the growing population, the size of the constituency and the need for effective representation of the people in the governance of the country. The existing constituencies may not address the challenges expressed through the lived experiences of the people as highlighted in the submissions.

Delimitating large constituencies and wards would enhance development, service delivery and ensure the equitable allocation of resources as well as effective representation. The Committee draws inspiration from the principle in the Ugandan Constitution on where constituencies are delimited to ensure the population in each constituency is as equal as possible.

3.1.2 Effective Participation of Women, Youths and Persons with Disabilities

Term of Reference

(b) The promotion and enhancement of effective participation of Women, Youths and persons with disabilities in elective positions and governance institutions in accordance with the principles of inclusivity, equality and equity.

Provision of the Constitution with respect to the Term of Reference

Article 47:

“47. (1) Elections to the office of President shall be conducted directly, under a majoritarian electoral system, where the winning candidate must receive more than fifty percent of the valid votes cast, and in accordance with Article 101.

(2) Elections to the National Assembly shall be conducted under a first-past-the-post electoral system in accordance with Article 68.

(3) Elections to councils shall be conducted under a first-past-the-post electoral system, and in accordance with Articles 153 and 154.

(4) A constituency and a ward shall return only one member to the National Assembly and council, respectively.”

Article 48:

“48. The electoral process for electing a President, Member of Parliament or councillor shall be prescribed.”

Article 68:

“68. (1) A Member of Parliament shall be elected in accordance with Article 47 (2) and this Article.

(2) 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;

(b) not more than eight nominated members;

- (c) *the Vice-President;*
- (d) *the Speaker; and*
- (e) *the First and Second Deputy Speakers.”*

Article 153(1):

“153. (1) A councillor shall be elected in accordance with Article 47(3) by registered voters resident within the district.”

Article 259:

“259. (1) Where a person is empowered to make a nomination or an appointment to a public office, that person shall ensure—

(a) that the person being nominated or appointed has the requisite qualification to discharge the functions of the office, as prescribed or specified in public office circulars or establishment registers;

(b) that fifty percent of each gender is nominated or appointed from the total available positions, unless it is not practicable to do so; and

(c) equitable representation of the youth and persons with disabilities, where these qualify for nomination or appointment.

(2) A person empowered to make a nomination or appointment to a public office shall, where possible, ensure that the nomination or appointment reflects the regional diversity of the people of Zambia.”

3.1.2.1 Submissions Received by the Committee

Most submissions across provinces supported Mixed Member Proportional Representation (MMPR) system indicating that it was the preferred reform for enhancing the participation of women, youth, persons with disabilities (PWDs) and other marginalised groups. Submitters consistently argued that the current First-Past-the-Post (FPTP) system produces exclusionary and uneven outcomes that favour financially strong candidates, thereby sidelining those who lack resources. Most submitters viewed Mixed Member Proportional Representation as the fairest option because it combines constituency accountability with proportional fairness, making it easier to implement quotas, zebra lists and transparent party list mechanisms that directly promote inclusivity.

However, a few submitters did not support MMPR, preferring to retain the current FPTP system on the grounds that it is simpler, familiar to communities and better for constituency accountability. They also argued that representation should remain merit-based, warning that MMPR could be costly, confusing to voters and unnecessarily complex.

Another consistent trend was the emphasis on community-level structures as an essential part of strengthening participation. Several submitters stressed that Ward Development Committees (WDCs) were uniquely positioned to enhance the participation of women, youth and persons with disabilities because they understood local concerns and interact daily with affected groups.

Submitters argued that what would help them to enhance the participation of women, youths and people with disabilities were the WDCs as they played an important role in the development of communities.

Some submitters proposed that Freedom fighters should be classified among the disadvantaged groups.

Regarding specific mechanisms for inclusion, submitters proposed a wide range of quota ratios: women's quotas ranging from 30 to 50 percent, youth quotas from 10 to 40 percent, and persons with disabilities quotas from 5 to 15 percent. Some proposed combined quotas such as 45 percent for women, 40 percent for youth and 15 percent for persons with disabilities, while others suggested balanced allocations of 25 percent per group, including men. Zebra lists for political party nominations were proposed as a way of ensuring alternation between male and female candidates and preventing parties from relegating women to the bottom of their lists. Submitters also drew heavily on international best practices to support their proposals, for example; Rwanda was frequently cited for its proportional representation system and reserved seats which had increased women's representation to over 60 percent, New Zealand was highlighted as a successful example of MMPR leading to near gender parity, South Africa's PR-list system was referenced for its effective use of party-driven gender rules, while Germany was noted for demonstrating the stability and fairness of MMPR systems and Uganda was cited for its reserved seats for women, youth and persons with disabilities.

3.1.2.2 Observations of the Committee

The Committee observed that most submitters proposed enhancing representation of women, youth and persons with disabilities. It was observed that submissions proposed the introduction of a mixed-member proportional electoral system in both Parliament and Councils which would enable disadvantaged groups to be represented.

The Committee took note of the concern expressed by some submitters on the need to ensure quality representation regardless of the system that would be used to increase representation of women, youth and persons with disabilities participation in governance and elective positions.

3.1.2.3 Recommendations of the Committee

The Committee recommends the following:

- (a) Amendment of Article 47(2), 57, and 58 of the Constitution to provide for a Mixed Member Proportional Representation Electoral System, as follows:
 - (i) first-past-the-post electoral system for Members of Parliament contesting under constituency-based seats based on the delimitation and delineation already proposed; and

- (ii) proportional representation electoral system for election based on a party list system, where voters cast their vote for a political party appearing on the ballot, and not for individual candidates listed in the party list, as prescribed;
- (b) Provide for a percentage of representation based on the number for PR system, on the closed party list, number of constituency-based seats;
- (c) Amendment of Article 68(2)(b) to include the number of women, youth and persons with disabilities, which may also require new clauses as to how the nomination of these marginalised groups will be nominated;
- (d) Provision of a clause to the effect that the seats under the proportional representation electoral system, shall be distributed, after an election, by the Electoral Commission, to political parties, in proportion to the total number of seats won by a political party in the election, calculated as a percentage of the vote a party received, and as prescribed; and
- (e) Provision of a clause to the effect that the winning candidates, who contested the election under the proportional representation electoral system, shall be chosen from the top of the closed party list, in the order of preference set by the political party.

3.1.2.4 Rationale for the Recommendation

It is a constitutional requirement of Article 45(1)(c)(d) of the Constitution that an appropriate electoral system be designed to promote fair representation of the various interest groups in society and gender equity in the National Assembly or Council.

Besides, Zambia is a State Party to the UDHR, ICCPR, CEDAW, the African Union Maputo Protocol, African protocol on rights of persons with disabilities and the SADC Protocol on Gender and Development which all provide for the principles of non-discrimination and the equal participation of women and men in political and public life.

Women, youth and persons with disabilities face, legal, political and social challenges in the first past the post system.

Proportional representation was also justified in the previous constitutional review reports like the Mun'gomba Constitutional Review Commission report. Further, Rwanda and Uganda provide lessons for increasing women youths and persons with disability participation through constitutional provisions and reservation of seats for women.

3.1.3. By Elections

Term of Reference

- (c) *By-elections, considering various factors such as the cost of by-elections.*

Provision of the Current constitution with respect to the Term of Reference

Article 57:

“57. (1) Where a vacancy occurs in the office of Member of Parliament, mayor, council chairperson or councillor, a by-election shall be held within ninety days of the occurrence of the vacancy.

(2) A by-election shall not be held within the one hundred-and eighty-day period that precedes a general election.

(3) The Electoral Commission shall, by regulation, set the place where, and the date and time when, a by-election is to be held.”

Article 158:

“158. (1) Where a vacancy occurs in the office of mayor, council chairperson or councillor—

(a) the Town Clerk or Council Secretary of the local authority shall, within seven days of the occurrence of the vacancy, inform the Electoral Commission, in writing, of the vacancy; and

(b) a by-election shall be held in accordance with Article 57.

(2) If a person is elected to the office of mayor, council chairperson or councillor in a by-election, that mayor, council

chairperson or councillor shall serve for the unexpired term of the council and be deemed—

(a) to have served a full term as mayor, council chairperson or councillor if, at the date on which the councillor assumed office, at least three years remain before the date of the next general election; or

(b) not to have served a term of office as mayor, council chairperson or councillor, if, at the date on which the councillor assumed office, less than three years remain before the date of the next general election.”

3.1.3.1 Submissions Received by the Committee

The majority of submitters expressed dissatisfaction with the frequency, cost, and political manipulation associated with by-elections, while some submitters acknowledged the importance of democratic representation.

Many submitters expressed concern that the high cost of conducting by-elections undermined national development priorities, and diverted resources from sectors such as health, education, infrastructure, and community development. Submitters also highlighted that campaigns associated with by-elections frequently generated heightened political tension, violence, and intimidation, further destabilising communities and eroding trust in the electoral process.

A common concern raised across all groups was the perception that many by-elections are triggered by avoidable factors such as political opportunism, floor-crossing, strategic resignations and internal party expulsions. Such politically induced by-elections were viewed as contrary to the public interest, wasteful, and exploitative of state resources. For this reason, the majority of submissions advocated for significant reforms to limit or abolish by-elections where possible.

Several alternative mechanisms were proposed aimed at reducing the cost of by-elections and maintaining political stability. These included allowing the runner-up in the previous election to automatically take over the seat; permitting the political party that previously held the seat to nominate a replacement through an internal democratic process; restricting by-elections only to exceptional cases, particularly the death of an officeholder or vacancies involving independent candidates; strengthening legal provisions to deter floor-crossing and other triggers of avoidable vacancies; and introducing punitive measures against individuals or parties that cause unnecessary by-elections, such as temporary bans on contesting future elections. Proponents of these alternatives argued that such measures would reduce public expenditure and prevent political manipulation.

However, some submitters argued in favour of maintaining the current system of by-elections on grounds of democratic integrity. They emphasised that by-elections are a core mechanism through which citizens exercise their sovereign right to choose their

representatives. Eliminating or limiting by-elections, they argued, would undermine voter sovereignty, weaken accountability, and open the door to undemocratic party impositions. For this group, the principle that “democracy is expensive” was central, and they contended that the cost of elections is justified by the need to preserve constitutional rights and ensure legitimate leadership.

3.1.3.2 Observations of the Committee

The Committee observed that while opinions varied, a notable convergence across all submissions was the recognition that reforms are necessary to address the challenges posed by the current by-election system. Even among those who supported retaining by-elections, there was an acknowledgment of the need to reduce costs, prevent abuse, and enhance transparency and fairness in electoral processes.

Submissions reflected a tension between the need to uphold democratic principles and the need to ensure efficient, stable, and cost-effective governance.

3.1.3.3 Recommendations of the Committee

The Committee recommends maintaining the current Constitutional provisions on By-elections

3.1.3.4 Rationale for the Recommendations

By-elections are a cornerstone of Zambia’s constitutional democracy. The conduct of by-elections, though costly, remains a cornerstone of Zambia’s constitutional democracy. It is through by-elections that the nation gives effect to Article 45(1)(a) and Article 60(1)(b) ensuring that democracy is not merely a constitutional ideal but a lived reality for all citizens.

To abandon by-elections would weaken democratic accountability, and contradict the very principles upon which Zambia’s constitutional order stands.

3.1.4. Nominated Members of Parliament

Term of Reference

(d) The number of nominated Members of Parliament.

Provisions of the current constitution with respect to the Term of Reference

Article 68(2)(b):

“68. (2) *The National Assembly shall consist of—*

(b) not more than eight nominated members.”

Article 69:

“69. (1) *The President may nominate a person referred to in Article 68(2)(b) where the President considers it necessary to*

enhance the representation of special interests, skills or gender in the National Assembly.

(2) A person may be nominated as a Member of Parliament if the person qualifies to be elected as such under Article 70.

(3) A person who was a candidate for election in the last preceding general election or a subsequent by-election is not eligible to be nominated as a Member of Parliament.”

3.1.4.1 Submissions Received by the Committee

Most submitters across the country proposed an increase in the number of the nominated Members of Parliament to enhance inclusivity, provincial balance, and representation of disadvantaged groups such as women, youths, and persons with disabilities. It was further submitted that population growth, the expansion of districts, and the need for specialized skills in Parliament justified expanding the nomination framework. Some submitters were of the idea that the power to nominate Members of Parliament should be maintained but capped at 5% of the number of Constituency based seats.

Some submitters made specific proposals regarding the manner in which the nomination of the Members of Parliament should be undertaken. In this regard, it was submitted that the Constitution should provide a percentage-based formula linked to the total number of constituencies.

Others submitted that the country should be zoned into four regions and allocate nominated positions by zone so that all areas benefit fairly.

The call for an increase in the number of nominated Members of Parliament was closely contested by some submitters who held the view that expanding the number of nominated MPs would place an unnecessary financial burden on the country at a time of rising domestic debt and strained public services, particularly in the health sector. Others contend that nominated MPs often serve the interests of the appointing authority rather than the citizens, thereby undermining parliamentary independence, weakening checks and balances, and risking excessive executive influence.

Several submissions emphasize that the current eight nominated Members of Parliament were adequate if used properly allocated to disadvantaged groups

A minority view was that the number of nominated MPs should be reduced to 5, but reflecting the majority view that disadvantaged groups should be among those nominated. Others proposed the abolishment of presidential nominations altogether while some submitters proposed abolishing the power to nominate Members of Parliament only if the Mixed Member Proportional Representation system was introduced.

3.1.4.2 Observations of the Committee

The Committee observed that most submitters proposed that the power to nominate Members of Parliament by the President must continue to be provided for by the Constitution with the majority favouring an increase of the number in order to enhance the representation by women, youths and persons with disabilities in Parliament. However, others proposed maintaining the status quo.

A strong recurring theme was the need to enhance inclusivity by guaranteeing representation for women, youths, and persons with disabilities, as well as incorporating professionals and special-interest groups whose expertise may not emerge through elections.

Most submitters argued that the current figure of eight is no longer adequate to meet the country's growing representational needs. They emphasized that population growth, the creation of new districts, and delimitation exercises require a proportional expansion of nominated seats to maintain balance in Parliament.

Other submissions took a neutral stance on the issue, neither supporting nor opposing an increase in the number of nominated Members of Parliament. These contributors focused instead on the principles and procedures that should guide the nomination system, irrespective of the final number. They emphasized the need for the Constitution to clearly outline the purpose of nominations and to specify broad categories eligible for nomination.

3.1.4.3 Recommendations of the Committee

The Committee recommends the following:

- (a) Retain the powers of the President to nominate Members of Parliament under Article 69; and
- (b) Amendment of Article 68(2)(b) to replace the number of nominated “8” MPs with 5% of constituency-based seats at any given time.

3.1.4.4 Rationale for the Recommendations

The power of the President to nominate Members of Parliament is a common constitutional power across all jurisdictions. The power accords the President the flexibility to enhance the representation of special interest groups, skills or gender in parliament.

3.1.5 Fresh Nominations resignation of a candidate

Term of Reference

- (e) *The filing in of fresh nominations after the resignation of a candidate in Presidential, Parliamentary and local government elections.*

Provisions of the current Constitution relating to the Term of Reference.

Article 52(6):

“52. (6) Where a candidate dies, resigns or becomes disqualified in accordance with Article 70, 100 or 153 or a court disqualifies a candidate for corruption or malpractice, after the close of nominations and before the election date, the Electoral Commission shall cancel the election and require the filing of fresh nominations by eligible candidates and elections shall be held within thirty days of the filing of the fresh nominations.”

3.1.5.1 Submissions Received by the Committee

Most submitters opposed the filing of fresh nominations when a candidate resigns, withdraws or is disqualified after nominations close. They argued that reopening nominations was costly, disruptive, and open to manipulation, and that elections should proceed with remaining candidates. Most submitters also supported introducing clear cut-off dates, discouraging last-minute withdrawals and permitting the sponsoring political party, where necessary, to replace its candidate without reopening nominations. Others proposed penalties for candidates or parties whose withdrawals unnecessarily disrupt the process.

Most submitters agreed that fresh nominations should only be allowed in cases of death, with some proposing that even in such cases, parties should simply replace the candidate rather than

restarting the entire process. They further emphasised that continuing with elections protects electoral timelines, prevents abuse, preserves resources, and maintains public confidence.

Few submitters supported the continuation of fresh nominations. They maintained that reopening nominations promotes fairness, ensures a full range of choices for voters, and upholds democratic competition, particularly in cases of death or unexpected disqualification. A small number argued that preventing fresh nominations may confuse voters or disadvantage parties whose candidates withdraw due to legitimate circumstances.

3.1.5.2 Observations of the Committee

The Committee observed that while the TOR focused on nominations in the event of a resignation, most submitters did not restrict themselves to the issue of resignation. Most submitters proposed that elections should proceed in the case of resignation. However, in the case of death, the status quo should be maintained.

3.1.5.3 Recommendations of the Committee

The Committee recommends as follows:

- (a) Amendment of Article 52(6) to ensure that elections should proceed after resignation;

- (b) Provide for clear timelines in Article 52(6) in the event that fresh nominations are required to be filed;
- (c) Amendment of Article 52 to provide for:
 - (i) the sponsoring political party to file fresh nomination in the event of death;
 - (ii) other candidates not to be made to pay for the filing of fresh nominations in the event of death;
 - (iii) in the event of disqualification by a Court, the elections should proceed; and
 - (iv) a political party shall be given 7 calendar days within which to file fresh nominations in the event of death of a candidate.

3.1.5.4 Rationale for the Recommendations

The amendment will provide certainty in the electoral process and curtail the disruption of elections during the nomination phase.

3.1.6. Transitional and Statutory Mechanisms

Term of Reference

- (f) *Transitional and statutory mechanisms with a view to ensure predictability and clarity in the term of office of all elected representatives.*

Provision of the current constitution with to the Term of Reference

Article 81(1):

“81. (1) The term of Parliament shall be five years commencing from the date that the Members of Parliament are sworn into office after a general election and ending on the date that Parliament is dissolved.”

Article 266:

“266. “term” means a period of five years commencing when the National Assembly first sits, after a general election, and ending when Parliament is dissolved”

3.1.6.1 Submissions Received by the Committee

A dominant view among submitters was that allowing an incumbent MP to remain in office during the transition period presents unfair advantages, including access to state resources, influence over public institutions, and logistical advantages over

challengers. Most submitters emphasized the need for clear constitutional guidance on when elected officials, particularly Members of Parliament, Ministers, Mayors, and Councillors, should vacate office. Many expressed concerns that the existing constitutional provisions create ambiguities, especially during the 90-day election period prior to general elections. Consequently, the majority recommended that all elected representatives, including Ministers, should vacate office immediately upon the dissolution of Parliament.

Submissions also highlighted the need for harmonization between constitutional provisions and statutory instruments. Many submitters noted inconsistencies that create legal uncertainty, particularly around the roles and functions of Ministers during the transition period. While the Constitution mandates that Ministers leave office upon dissolution, several Acts require ministerial authority during this same period, creating an administrative vacuum. Additional submissions supported reforms allowing Ministers to be appointed from outside Parliament, or, alternatively, limited continuation in office under strict transitional restrictions.

3.1.6.2 Observations of the Committee

The Committee observed that submitters were concerned with the unclear provisions on the transition period regarding elected officials.

3.1.6.3 Recommendations of the Committee

The Committee recommends the following:

- (a) Amendment of Article 81 to provide that the term of a Member of Parliament is 5 years even with the dissolution of Parliament being 3 months before a general election;
- (b) Provide for the payment of emoluments to Members of Parliament for the full 5-year term, having been deemed to have served for 5 years;
- (c) Harmonisation of the tenure of all elected positions; and
- (d) Maintain two 5-year term limits for the President.

3.1.6.4 Rationale for the Recommendations

The Constitution of Zambia defines the tenure of Parliament as lasting five years from its first sitting after a general election. Although Parliament is dissolved 90 days before the next election to facilitate the electoral process, this dissolution is an administrative and constitutional requirement for the smooth transition of legislative authority, and not a termination of the MPs' contractual or elected mandate. Thus, Members are deemed to have served a complete five-year term for remuneration purposes.

Members of Parliament devote substantial time, resources, and personal effort in fulfilling their legislative, representative, and oversight roles throughout the parliamentary cycle. The 90-day dissolution period forms part of the electoral calendar necessary for democratic renewal, not a period of dereliction of duty. MPs remain available to the state and the public during this time, often engaging in constituency matters, public education, and election preparedness, all of which support the continuity of governance.

Paying full-term emoluments ensures fairness and predictability in parliamentary service. Since every Parliament is dissolved before an election, prorating or deducting salaries for this mandatory period would consistently penalize Members for a constitutional process beyond their control. Upholding full payment maintains uniformity across successive Parliaments and aligns with established practices in comparable Commonwealth jurisdictions.

Guaranteeing full-term emoluments reinforces respect for the institutional framework of Parliament and recognizes its Members as constitutional officeholders serving fixed terms, not employees whose contracts are abruptly terminated. This approach strengthens public confidence in the stability and dignity of legislative service.

Various statutes and remuneration instruments, such as the Ministerial and Parliamentary Offices (Emoluments) Act, link parliamentary emoluments to the life of Parliament as constitutionally defined, not to the date Members vacate physical

offices. Therefore, continuing payment until the official end of the five-year term ensures consistency with existing legal provisions and administrative practice.

3.2 Term of Member of Parliament and Office of Minister

Term of Reference

(g) Receive submissions from the people of Zambia with respect to provisions of the Constitution relating to the term of Member of Parliament and office of Minister;

Provisions of the current constitution with respect to the Term of Reference

Article 81(1)

“81. (1) The term of Parliament shall be five years commencing from the date that the Members of Parliament are sworn into office after a general election and ending on the date that Parliament is dissolved.”

Article 116

“116. (1) The President shall appoint a prescribed number of Members of Parliament as Ministers.

(2) A Minister shall be responsible, under the direction of the President, for the policy and strategic direction of a Ministry, department or other State institution, as assigned by the President.

(3) The office of Minister becomes vacant if—

- (a) the Minister is removed from office by the President;*
- (b) the Minister resigns, by notice in writing to the President;*
- (c) in the case of a nominated Member of Parliament, the nomination is revoked;*
- (d) the Minister dies*
- (e) another person assumes the office of President; or*
- (f) the Minister has a mental or physical disability that makes the Minister incapable of performing the functions of that office.”*

Article 117

“117. (1) The President shall appoint a Provincial Minister for each Province from among Members of Parliament.

(2) The office of Provincial Minister becomes vacant if—
the Provincial Minister is removed from office by the President;

the Provincial Minister resigns, by notice in writing to the President;

the Provincial Minister dies;

another person assumes the office of President;

the Provincial Minister has a mental or physical disability that makes the Provincial Minister incapable of performing the functions of that office; or

in the case of a nominated Member of Parliament, the nomination is revoked.

(3) A Provincial Minister shall—

(a) be the head of Government in the Province;

(b) ensure that national policies are implemented in all districts in the Province; and

(c) ensure that the concurrent functions of the Province and the exclusive functions of the local authorities are performed in accordance with this Constitution and other laws.”

Article 266

“266. “term” means a period of five years commencing when the National Assembly first sits, after a general election, and ending when Parliament is dissolved.”

3.2.1 Submissions Received by the Committee

Most submitters expressed the need for term limits for Members of Parliament to enhance accountability and promote leadership renewal. The majority supported limiting MPs to two terms of five years each. They were particularly concerned about prolonged tenures that have led to political monopolisation and lack of responsiveness.

A minority of submitters, however, argued against term limits, advocating for performance-based retention of MPs. They submitted that it should be left to the people to decide how many times an MP should be voted for.

Some submitters proposed that a term should clearly be defined in the Constitution as four years and nine months, so that Members

of Parliament leave office three months before elections to maintain the status quo.

Submitters also expressed a significant preference for appointing Ministers from outside Parliament to improve governance and separation of powers. They argued that this would enhance ministerial focus and reduce conflicts of interest.

Some submitters argued against Ministers leaving office 90 days before elections because it creates a vacuum and business is slowed down and has an effect on the economy

3.2.2 Observations of the Committee

The Committee observed that most submitters proposed that the tenure of Members of Parliament must be limited to the two 5-year terms for the same reason that a term of President is limited to two 5-year tenure. A minority favoured abolishing the term limit for all elected officials including that of the President.

The Committee observed that whilst the term of reference was in respect to the term of office of Minister, most submission proposed to have Ministers delinked from Members of Parliament, provisions of Article 116 and 117 have a Court decision.

3.2.3 Recommendations of the Committee

The Committee recommends the following:

- (a) Maintain the status quo that there should be no term limits for the Members of Parliament; and
- (b) The President shall, subject to ratification by the National Assembly, appoint, as Ministers, a prescribed number of persons who are not Members of Parliament.

3.2.4 Rationale for the Recommendations

Maintaining the status quo of MPs not having term limits ensures that the Constitution does not curtail the right of a political party to select its representative candidate. The constitutional values and principles of democracy are not just about participation but about representation as well.

3.3. Hearing of Presidential, Parliamentary and Local Government Election Petitions

Term of Reference

- (h) *Receive submissions from the people of Zambia with respect to provisions of the Constitution relating to the hearing of Presidential, Parliamentary and local government election*

Petitions with a view to enhance the administration of justice in such election Petitions;

Provision of the current Constitution with respect to the Term of Reference

Article 73(2)

“73. (2) An election petition shall be heard within ninety days of the filing of the petition.”

Article 101(5)

“101. (5) The Constitutional Court shall hear an election petition filed in accordance with clause (4) within fourteen days of the filing of the petition.”

Article 103(2)

“103. (2) The Constitutional Court shall hear an election petition relating to the President-elect within fourteen days of the filing of the petition.”

Article 159(4)

“159. (4) An election petition shall be heard within thirty days of the filing of the petition.”

3.3.1 Submissions Received by the Committee

Submissions consistently highlighted the need to improve the timelines and procedures governing the hearing and determination

of election petitions. A dominant theme was dissatisfaction with the existing fourteen-day period for Presidential petitions, which many petitioners viewed as ambiguous, overly restrictive, and insufficient to allow for proper preparation, evidence collection, witness examination and reasoned judicial decision-making. The ambiguity under Article 103, particularly regarding whether the fourteen-day refers only to the hearing or also to the final determination, was frequently cited as problematic. Many submitters also argued that clarity should be provided on whether the counting of days excludes weekends and public holidays, as this has been a source of confusion in past petitions.

Most submitters favoured extending the timeframe for Presidential petitions, with proposals ranging from 21 days to 30 days, 60 days, and even up to 90 days. Similar arguments were made for Parliamentary and Local Government petitions, where longer periods between 60 and 90 days were considered necessary due to the volume of evidence typically involved and the number of witnesses required.

Some submitters felt that all petitions should be resolved within 14 working days in order to avoid leadership vacuums and maintain political stability, but this was not the dominant view. In contrast, a smaller but notable group argued that longer timelines would support natural justice and prevent rushed proceedings that compromise fairness.

There was also broad support for the establishment of specialised courts or tribunals dedicated to handling election petitions, which would help expedite proceedings, allow for continuous sittings, and reduce pressure on the ordinary judiciary. Some further recommended that the decisions of the relevant courts should be final and not subject to prolonged appeals, to avoid unnecessary delays. Others suggested that no swearing-in should occur while a petition remains unresolved, in order to protect electoral legitimacy and public confidence.

A minority of submissions supported retaining the 14-day presidential petition timeframe, arguing that a short period ensures quick resolution and prevents governance disruption. A very small number advocated for extremely extended periods, including one year for presidential petitions, on the basis that such cases involve extensive evidence and have national implications. A few also argued that there should be no constitutional timeline at all, allowing courts the flexibility to manage petitions as they see fit.

3.3.2 Observations of the Committee

The Committee observed that most submitters proposed strict timelines for hearing and determining election petitions to avoid protracted electoral disputes thereby ensuring political stability and peace after a presidential election. A few proposed longer periods for hearing petitions ranging from 14 days to 45 days for presidential petitions whilst maintaining 90 days for parliamentary

and 30 days for local government election petitions. There was concern that longer periods for hearing and determining election petitions would create a gap in the governance of the country.

3.3.3 Recommendations of the Committee

The Committee recommends the following:

- (a) Amendment of Article 101(5) and 103(2) to replace the 14 days with 21 calendar days which include Saturday and Sunday, despite the provision under Article 269(d), for Presidential Election Petitions;
- (b) Amendment of Article 73(3) to include 30 calendar days for the determination of the appeal from the High Court for a Parliamentary Election Petition;
- (c) Add the words “and determine” after the word “hear” in all provisions relating to Presidential, Parliamentary and Local Government Election Petition;
- (d) Provision of a specific time frame for the petition to be heard and determined within 30 calendar days; and
- (e) For the Local Government petitions the status quo must be maintained.

3.3.4 Rationale for the Recommendations

The inevitability of election petitions requires predictable and an adequate timeline for the hearing and determination of such electoral disputes. The timelines will ensure peace and stability in line with international good practices thereby minimizing the disruption of public service delivery, implementation of development programmes and public anxiety.

3.4 Local Government and the Tenure of Office

Term of Reference

- (i) Receive submissions from the people of Zambia with respect to the composition of local government and the tenure of office of local government officials.*

Provision of the current constitution with respect to the Term of Reference

Article 153

“153. (1) A councillor shall be elected in accordance with Article 47(3) by registered voters resident within the district.

*(2) A council shall consist of the following councillors—
persons elected in accordance with clause (1);*

a mayor or council chairperson elected in accordance with Article 154; and

not more than three chiefs representing chiefs in the district, elected by the chiefs in the district.

(3) The system of electing chiefs specified in clause (2)(b) shall be prescribed.

*(4) A person qualifies to be elected as a councillor, excluding councillors specified under clause (2) (b), if that person—
is not a Member of Parliament;*

is not less than nineteen years of age;

has obtained, as a minimum academic qualification, a grade twelve certificate or its equivalent;

*is a citizen or a holder of a resident permit, resident in the district;
and*

has a certificate of clearance showing the payment of council taxes, where applicable.

(5) A council may invite a person, whose presence is in its opinion desirable, to attend and to participate in the deliberations of the council but that person shall have no vote.

(6) The term of a council shall be five years commencing from the date the councillors are sworn into office after a general election and ending on the date Parliament is dissolved.”

Article 154(2)(b)

“154. (2) A mayor and council chairperson shall be elected—

(b) for a term of five years and may be re-elected for one further term of five years.”

3.4.1 Submissions Received by the Committee

Most submissions received across the country reflected broad recognition of the need to strengthen local governance structures, clarify institutional roles, and promote accountability in service delivery. A central issue raised was the appropriate role of Members of Parliament (MPs) within local government systems. Many submissions emphasised that MPs should not be incorporated into council structures because their constitutional mandate is national in nature. Including MPs in councils was seen as potentially undermining the separation of powers, creating conflicts of interest, and reducing the autonomy of local authorities. It was widely noted that MPs already play an oversight role through parliamentary mechanisms and serve on Constituency Development Fund (CDF) committees, making additional participation in councils unnecessary. Their added involvement was viewed as likely to interfere with the smooth operations of councils, complicate local decision-making and blur lines of accountability.

In contrast, some submissions supported allowing MPs to participate in council meetings, either as full members or in ex-officio, non-voting capacity. According to these views, the involvement of MPs would enhance coordination between national and local development efforts, especially that the implementation of CDF required consistent communication between community leaders and policymakers. Submissions in this category highlighted the potential benefits of MPs sharing constituency-level

insights, ensuring alignment of development priorities, and contributing to continuity during long-term planning processes. Proponents of this perspective argued that, with appropriate safeguards, MPs' participation could improve oversight of development projects and thereby minimise duplication of efforts while still preserving the independence of council decision-making.

Submissions also addressed inclusivity within local government structures. Many advocated for greater representation of traditionally marginalised groups, including women, youth, persons with disabilities, and local traditional leadership. Such representation was viewed as essential to strengthening community participation, cultural legitimacy, and equitable decision-making at the local level. Other submissions preferred limiting non-elected participation to specialised technical expertise only, suggesting that councils should remain primarily composed of elected officials to preserve democratic legitimacy. Some submitters proposed maintaining the current framework but strengthening procedures that allow councils to invite relevant stakeholders including MPs into deliberations without formally altering council membership.

A significant number of submissions addressed the tenure of local government officials, offering contrasting views. Many supported uniform two-term limits for Mayors, Council Chairpersons, and Councillors. These submissions argued that harmonised limits would enhance leadership renewal, prevent dominance by long-serving individuals, and promote fairness in political competition.

Term limits were also seen as an effective tool for encouraging generational change, opening opportunities for new leaders, and maintaining public accountability. Concerns were raised that prolonged or indefinite tenures may foster political entrenchment a situation in which individuals or groups remain in positions of power for extended periods, limiting diversity, competition, and responsiveness within governance structures.

Conversely, other submissions favoured open-ended tenure, arguing that voters should be free to retain effective leaders for as long as they choose. These views maintained that unrestricted tenure promotes continuity, strengthens institutional memory, and allows local officials to implement long-term development strategies without the disruption associated with regular leadership turnover. Some submitters also proposed extending terms or aligning the tenure of all elected officials at both national and local levels for greater coherence and predictability in governance.

3.4.2 Observations of the Committee

The Committee observed that there was no majority view on reintroducing Members of Parliament as members of local councils. However, submissions reflected a shared understanding of the importance of effective, inclusive, and well-balanced local governance. Stakeholders underscored the need for clearer institutional roles, more predictable leadership frameworks, and stronger mechanisms to support accountability and equitable

development. The perspectives received offered important insights into how local government structures may be strengthened to better support national development goals, decentralisation and ensure transparent, responsive, and community-centred governance.

3.4.3 Recommendations of the Committee

The Committee recommends as follows:

- (a) Maintain the status quo that Members of Parliament should not form part of the councils;
- (b) Retention of Article 153(2)(c) in the Constitution;
- (c) Amendment of Article 153 to provide for the proportional representation system for election based on a party list system for women, youth and persons with disabilities as part of the Mixed Member Proportional Representation system at local government level; and
- (d) Amendment of Article 154(2)(b) to abolish the two 5-year term limit for the Mayor or Council Chairperson and reintroduction of no term limits.

3.4.4 Rationale for the Recommendations

Article 153(5) allow for any person, including a member of parliament, to be invited to participate in the deliberations of councils. The reasoning and rationale for Members of Parliament leaving MP out the Councils was expressed in the Report of the Annel Silungwe Technical Committee and affirmed by the Constitutional Court in the case of *Noel Siamondo and others v The Attorney General 2016* that Councils belonged to the executive arm of government and leaving them out would enhance separation of powers.

3.5. Definition of Youth, Child and Adult

Term of Reference

(j) Receive submissions from the people of Zambia with respect to the definition of Youth, Child and Adult.

Provision of current Constitution with respect to the Term of Reference

Article 266

“266. “adult” means a person who has attained, or is above, the age of nineteen years;

“child” means a person who has attained, or is below, the age of eighteen years; and

“older member of society” means a person who has attained, or is above, the age of sixty years”.

3.5.1 Submissions Received by the Committee

Most submitters expressed a strong desire for clear, consistent and harmonised definitions of a child, youth and adult. The majority view was that a child should be defined as any person below 18 years, aligning with international standards such as the Convention on the Rights of the Child. Many highlighted that the current inconsistencies across statutory and customary laws created ambiguity in areas such as child protection, defilement, marriage and access to social and health services.

Most submitters supported defining youth within the range of 18–35 years, noting that this is widely accepted in national policies and regional frameworks (AU, SADC). However, some submitters argued for extending youth status to 40 or even 45 years, citing delayed economic independence, unemployment, extended schooling and shifting social realities. A minority also proposed narrower brackets of 18–30 years or 19–34 years, while others suggested multi-tiered categories of child, adolescent, youth, young adult and adult.

With regards to the definition of an adult, most submitters stated that adulthood starts at 35 or 36 years. Some submitters stated that adulthood starts at 40 or 45 when youth definitions were expanded upward. A few submitters stated that adulthood starts at 18 which is the age of majority. Other unique submissions included the introduction of a “senior citizen” category at 65+.

3.5.2 Observations of the Committee

Youth

The Committee observed that there were diverse definitions with regard to a youth with most stating the age range of 15 – 35 years and the minority view stating the age range of 15 – 45 years. In this regard the Committee noted that there are different perceptions of age identity with respect to who can be defined as a youth. Some of the proposed definitions of a youth were based on special circumstances with respect to social cash transfer, CDF and other youth empowerment related programmes.

Child

The Committee observed that most of the submissions proposed that the definition of a Child should be a person between 0 and 18 years old, highlighting the need to align the age range with internationally recognised definitions.

Adult

The Committee observed that the word adult appears only once in the Constitution in Article 45(1)(b) to define the basis of an electoral system that it ought to be based on the universal adult suffrage based on the equality of a vote. Most submissions defined an adult as a person who has attained the age of 18. However, the

Committee noted the importance of specifically defining an adult for electoral and other social economic factors.

3.5.3 Recommendations of the Committee

The Committee recommends the following:

- (a) Amend Article 266 to provide for the definition of:
 - (i) Youth to mean a person who has attained 18 years and is below 35 years;
 - (ii) “Child” to mean “a person who is below the age of 18, inclusive of an unborn child”; and
 - (iii) Adult to mean “a person who has attained, and is above the age of 18 years.

3.5.4 Rationale for the Recommendations

The recommended definitions will provide consistency and clarity of the age ranges in the legislative framework.

3.6. Attorney-General, Solicitor-General, and Secretary to the Cabinet.

Term of Reference

(k) Receive submissions from the people of Zambia with respect to Constitutional Office holders, specifically the tenure of office of Attorney-General and Solicitor-General, and the qualifications of the Secretary to the Cabinet.

Provision of the current Constitution with respect to the Term of Reference

Article 176(3)

“176. (3) A person qualifies to be appointed as Secretary to the Cabinet if that person has or had at least ten years experience as a permanent secretary or equivalent rank.”

Article 178(1)(b)

*“178. (1) The office of the Attorney-General becomes vacant if—
(b) another person assumes the office of President;”*

Article 179(4)(b)

*“179. (4) The office of Solicitor-General becomes vacant if—
(b) another person assumes the office of President;”*

3.6.1 Submissions Received by the Committee

Most submitters emphasized continuity in office of Attorney-General and Solicitor-General to avoid institutional gaps during government transitions. Others preferred that these officers leave with the appointing President. On qualifications for Secretary to the Cabinet, many supported maintaining the 10-year Permanent Secretary experience requirement, while others argued for reducing it to 5 years to broaden the pool of eligible candidates.

Most submissions recommended introducing fixed-term contracts for the Attorney-General and Solicitor-General which would allow them to remain in office until replacements are appointed. Many also supported depoliticising these roles and ensuring professional continuity.

With regards to the qualifications of the Secretary to the Cabinet, submitters expressed different views with some favouring the existing 10 years of Permanent Secretary experience, while others proposed reducing the years of experience to the range of 5 – 7 years to increase flexibility without undermining competence.

3.6.2 Observations of the Committee

The Committee observed that the submissions highlighted the importance of the offices of Attorney-General, Solicitor-General and Secretary to the Cabinet. While different views were expressed with regard to the tenure and qualifications of these offices, the

Committee observed the collective calls for ensuring suitably qualified and experienced professionals in these offices. The submissions also showed collective concern regarding the lack of stability during transitional periods.

3.6.3 Recommendations of the Committee

The Committee recommends the following:

- (a) Amendment of Articles 178(1)(a) and 179(4)(a) of the Constitution to provide for the sitting Attorney-General and Solicitor-General remain in office until the next Attorney-General and Solicitor-General assume office; and
- (b) Amendment of Article 176(3) to provide for 10 years experience in the civil service at director, equivalent or higher level with a minimum of 5 years at Permanent Secretary level to qualify to be appointed as Secretary to the Cabinet.

3.6.3 Rationale for the Recommendations

The office of the Attorney General and Solicitor General being the chief legal advisors to the government must have a good transition and not be vacant at any time as the government needs legal advice.

The eligibility to qualify to the office of Secretary to the Cabinet needs to cover the pool of qualified public servants to avoid the risk

of having a time when we have no person to fit the role and therefore resort to appointing persons unconstitutionally.

3.7 Provisions connected or incidental to the TORs

Term of Reference

(l) Receive submissions from the people of Zambia with respect to provisions of the Constitution that are connected or incidental to the above areas.

Provision of the Current Constitution with respect to the Term of Reference

Article 51:

“51. A person is eligible for election as an independent candidate for a National Assembly seat if the person—

(a) is not a member of a political party and has not been a member of a political party for at least two months immediately before the date of the election; and

(b) meets the qualifications specified in Article 70 for election as a Member of Parliament.”

Article 53:

“53. (1) Where only one candidate is nominated for election as President, Member of Parliament or councillor, by the date and time set by the Electoral Commission for receiving nominations and at

the close of the nomination period, that candidate shall be declared duly elected.

(2) A person may, within seven days of a declaration made in accordance with clause (1), challenge the declaration, as prescribed.

(3) The processes specified in clauses (1) and (2) shall be completed at least thirty days before a general election.”

Article 58(2):

“58. (2) The number of constituencies shall be equal to the number of seats of elected members in the National Assembly.”

Article 59:

“59. The Electoral Commission shall, in delimiting the boundaries of constituencies and wards—

- (a) take into account the history, diversity and cohesiveness of the constituency or ward;*
- (b) have regard to population density, trends and projections;*
- (c) ensure that the number of inhabitants in each constituency or ward is reasonable, taking into account the means of communication and geographical features;*
- (d) ensure that constituencies and wards are wholly within districts; and*
- (e) seek to achieve an approximate equality of constituency and ward population, subject to the need to ensure adequate representation for urban and sparsely populated areas.”*

Article 70:

“70. (1) Subject to clause (2), a person is eligible to be elected as a Member of Parliament, if that person—

- (a) is a citizen;*
- (b) is at least twenty-one years old;*
- (c) is a registered voter;*
- (d) has obtained, as a minimum academic qualification, a grade twelve certificate or its equivalent; and*
- (e) declares that person’s assets and liabilities, as prescribed.*

(2) A person is disqualified from being elected as a Member of Parliament if that person—

- (a) is validly nominated as a candidate in a presidential election;*
- (b) is a public officer or Constitutional office holder;*
- (c) is a judge or judicial officer;*
- (d) has a mental or physical disability that would make the person incapable of performing the legislative function;*
- (e) is an undischarged bankrupt;*
- (f) is serving a sentence of imprisonment for an offence under a written law;*
- (g) has, in the immediate preceding five years, served a term of imprisonment of at least three years;*
- (h) has, in the immediate preceding five years, been removed from public office on grounds of gross misconduct; or*

- (i) *holds or is acting in an office, as prescribed, the functions of which involve or are connected with the conduct of elections.”*

Article 71:

“71. A nomination for election to the National Assembly is valid if the candidate—

- (a) *has paid a prescribed election fee to the Electoral Commission; and*
- (b) *is supported by at least fifteen persons registered as voters in the constituency in which the candidate is standing for election.”*

Article 72:

“72. (1) A Member of Parliament shall, except the Speaker and the First Deputy Speaker, vacate the seat in the National Assembly upon a dissolution of Parliament.

(2) The office of Member of Parliament becomes vacant if the member—

- (a) *resigns by notice, in writing, to the Speaker;*
- (b) *becomes disqualified for election in accordance with Article 70;*
- (c) *acts contrary to a prescribed code of conduct;*
- (d) *resigns from the political party which sponsored the member for election to the National Assembly;*
- (e) *is expelled from the political party which sponsored the member for election to the National Assembly;*
- (f) *ceases to be a citizen;*

- (g) having been elected to the National Assembly, as an independent candidate, joins a political party;*
- (h) is disqualified as a result of a decision of the Constitutional Court; or*
- (i) dies*

(3) The office of a nominated Member of Parliament becomes vacant if the member—

- (a) resigns by notice, in writing, to the speaker;*
- (b) is disqualified under Article 70;*
- (c) acts contrary to a prescribed code of conduct;*
- (d) ceases to be a citizen;*
- (e) dies; or*
- (f) has the member's nomination revoked by the President.*

(4) A person who causes a vacancy in the National Assembly due to the reasons specified under clause (2)(a), (b), (c), (d), (g) and (h) shall not, during the term of that Parliament—

- (a) be eligible to contest an election; or*
- (b) hold public office.*

(5) Where a Member of Parliament is expelled as provided in clause (2)(e), the member shall not lose the seat until the expulsion is confirmed by a court, except that where the member does not challenge the expulsion in court and the period prescribed for challenge lapses, the member shall vacate the seat in the National Assembly.

(6) Where a court determines that an expulsion of a member, as provided in clause (2)(e), was not justified, there shall be no by-election for that seat and the member shall opt to—

(a) *remain a member of the political party and retain the seat; or*

(b) *resign from the political party and retain the seat as an independent member.*

(7) *Where a court determines that an expulsion of a member, as provided in clause (2)(e), was justified, the member shall vacate the seat in the National Assembly.*

(8) *Where a vacancy occurs in the National Assembly, the Speaker shall, within seven days of the occurrence of the vacancy, inform the Electoral Commission of the vacancy, in writing, and a by-election shall be held in accordance with Article 57.*

(9) *If a political party is dissolved, a Member of Parliament shall retain the member's seat as an independent member."*

Article 99

"99. The Chairperson of the Electoral Commission shall be the Returning Officer in an election to the office of President."

Article 51:

"51. A person is eligible for election as an independent candidate for a National Assembly seat if the person—

(a) *is not a member of a political party and has not been a member of a political party for at least two months immediately before the date of the election; and*

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“53. (1) Where only one candidate is nominated for election as President, Member of Parliament or councillor, by the date and time set by the Electoral Commission for receiving nominations and at the close of the nomination period, that candidate shall be declared duly elected.

(2) A person may, within seven days of a declaration made in accordance with clause (1), challenge the declaration, as prescribed.

(3) The processes specified in clauses (1) and (2) shall be completed at least thirty days before a general election.”

Article 58(2):

“58. (2) The number of constituencies shall be equal to the number of seats of elected members in the National Assembly.”

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“59. The Electoral Commission shall, in delimiting the boundaries of constituencies and wards—

- (a) take into account the history, diversity and cohesiveness of the constituency or ward;*
- (b) have regard to population density, trends and projections;*
- (c) ensure that the number of inhabitants in each constituency or ward is reasonable, taking into account the means of communication and geographical features;*
- (d) ensure that constituencies and wards are wholly within districts; and*

- (e) *seek to achieve an approximate equality of constituency and ward population, subject to the need to ensure adequate representation for urban and sparsely populated areas.”*

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- (a) is a citizen;*
- (b) is at least twenty-one years old;*
- (c) is a registered voter;*
- (d) has obtained, as a minimum academic qualification, a grade twelve certificate or its equivalent; and*
- (e) declares that person’s assets and liabilities, as prescribed.*

(2) A person is disqualified from being elected as a Member of Parliament if that person—

- (a) is validly nominated as a candidate in a presidential election;*
- (b) is a public officer or Constitutional office holder;*
- (c) is a judge or judicial officer;*
- (d) has a mental or physical disability that would make the person incapable of performing the legislative function;*
- (e) is an undischarged bankrupt;*
- (f) is serving a sentence of imprisonment for an offence under a written law;*

- (g) has, in the immediate preceding five years, served a term of imprisonment of at least three years;*
- (h) has, in the immediate preceding five years, been removed from public office on grounds of gross misconduct; or*
- (i) holds or is acting in an office, as prescribed, the functions of which involve or are connected with the conduct of elections.”*

Article 71:

“71. A nomination for election to the National Assembly is valid if the candidate—

- (a) has paid a prescribed election fee to the Electoral Commission; and*
- (b) is supported by at least fifteen persons registered as voters in the constituency in which the candidate is standing for election.”*

Article 72:

“72. (1) A Member of Parliament shall, except the Speaker and the First Deputy Speaker, vacate the seat in the National Assembly upon a dissolution of Parliament.

(2) The office of Member of Parliament becomes vacant if the member—

- (a) resigns by notice, in writing, to the Speaker;*
- (b) becomes disqualified for election in accordance with Article 70;*

- (c) acts contrary to a prescribed code of conduct;*
- (d) resigns from the political party which sponsored the member for election to the National Assembly;*
- (e) is expelled from the political party which sponsored the member for election to the National Assembly;*
- (f) ceases to be a citizen;*
- (g) having been elected to the National Assembly, as an independent candidate, joins a political party;*
- (h) is disqualified as a result of a decision of the Constitutional Court; or*
- (i) dies*

(3) The office of a nominated Member of Parliament becomes vacant if the member—

- (a) resigns by notice, in writing, to the speaker;*
- (b) is disqualified under Article 70;*
- (c) acts contrary to a prescribed code of conduct;*
- (d) ceases to be a citizen;*
- (e) dies; or*
- (f) has the member's nomination revoked by the President.*

(4) A person who causes a vacancy in the National Assembly due to the reasons specified under clause (2)(a), (b), (c), (d), (g) and (h) shall not, during the term of that Parliament—

- (a) be eligible to contest an election; or*
- (b) hold public office.*

(5) *Where a Member of Parliament is expelled as provided in clause (2)(e), the member shall not lose the seat until the expulsion is confirmed by a court, except that where the member does not challenge the expulsion in court and the period prescribed for challenge lapses, the member shall vacate the seat in the National Assembly.*

(6) *Where a court determines that an expulsion of a member, as provided in clause (2)(e), was not justified, there shall be no by-election for that seat and the member shall opt to—*

(a) remain a member of the political party and retain the seat; or

(b) resign from the political party and retain the seat as an independent member.

(7) *Where a court determines that an expulsion of a member, as provided in clause (2)(e), was justified, the member shall vacate the seat in the National Assembly.*

(8) *Where a vacancy occurs in the National Assembly, the Speaker shall, within seven days of the occurrence of the vacancy, inform the Electoral Commission of the vacancy, in writing, and a by-election shall be held in accordance with Article 57.*

(9) *If a political party is dissolved, a Member of Parliament shall retain the member's seat as an independent member."*

Article 99:

"99. The Chairperson of the Electoral Commission shall be the Returning Officer in an election to the office of President."

Article 100(1)(e):

“100. (1) A person qualifies to be nominated as a candidate for election as President if that person—

(e) has obtained, as a minimum academic qualification, a grade twelve certificate or its equivalent;”

Article 149:

“149. (1) The President may, subject to the approval of the National Assembly, create or divide a Province or merge two or more Provinces, as prescribed.

(2) A Province shall consist of such number of districts, as prescribed.

(3) A district shall consist of such number of wards, as prescribed.

(4) A Province, district and ward shall be delimited, as prescribed.

(5) Without prejudice to clause (1), sixty percent or more of the registered voters in a Province may petition the President to—

(a) merge a Province with another Province; or

(b) divide a Province into two or more Provinces.

(6) Where the President receives a petition under clause (5), and after due inquiry, the President may, by statutory order, declare the merger of the Province with another Province or the division of the Province into two or more Provinces, subject to ratification by the National Assembly.

(7) Where the National Assembly ratifies the establishment of a new Province under this Article, the Electoral Commission shall delineate the boundaries of the Province created.”

Article 100(1)(e):

“100. (1) A person qualifies to be nominated as a candidate for election as President if that person—

(e) has obtained, as a minimum academic qualification, a grade twelve certificate or its equivalent;”

Article 149:

“149. (1) The President may, subject to the approval of the National Assembly, create or divide a Province or merge two or more Provinces, as prescribed.

(2) A Province shall consist of such number of districts, as prescribed.

(3) A district shall consist of such number of wards, as prescribed.

(4) A Province, district and ward shall be delimited, as prescribed.

(5) Without prejudice to clause (1), sixty percent or more of the registered voters in a Province may petition the President to—

(c) merge a Province with another Province; or

(d) divide a Province into two or more Provinces.

(6) Where the President receives a petition under clause (5), and after due inquiry, the President may, by statutory order, declare the merger of the Province with another Province or the division of

the Province into two or more Provinces, subject to ratification by the National Assembly.

(7) Where the National Assembly ratifies the establishment of a new Province under this Article, the Electoral Commission shall delineate the boundaries of the Province created.”

3.7.1 Submissions Received by the Committee

Submitters presented some constitutional and governance concerns that were connected or incidental to the Terms of Reference. The major themes included:

- (a) Ministers must be appointed from outside Parliament;
- (b) Councillors should be paid gratuity. Further, the submitters proposed that Councillors and ward development committee members should be paid a salary; and
- (c) Replace the words “Grade 12 certificate” with words “School Certificate”.

3.7.2 Observations of the Committee

The Committee observed that a number of submissions were made to the effect that Ministers must be appointed from outside Parliament to ensure separation of powers and that Members of Parliament should concentrate on representing their constituents.

A number of submitters also emphasized that Provincial Ministers must be appointed from outside Parliament and be appointed from persons living in the Province.

The proposal to appoint Ministers from outside Parliament and to allow them to continue in office after the dissolution of Parliament responds to a long-standing public demand expressed through successive constitutional review processes. This reform is essential to achieving a clear and genuine separation of powers between the Executive and the Legislature, thereby strengthening the principle of checks and balances in governance. Further, it will enable MP's to spend more time in their Constituencies. The President will have a larger pool from which to appoint Ministers.

Allowing Ministers to remain in office after Parliament is dissolved will also promote continuity and stability in governance, ensuring that essential executive functions are not disrupted during election periods.

Most submitters proposed that Councillors should also be paid gratuity. Further, the submitters proposed that Councillors and ward development committee members should be paid a salary.

3.7.3 Recommendations of the Committee

The Committee recommends the following:

- (a) Amend Articles 116 and 117 to provide for the appointment of Ministers/Provincial Ministers from outside Parliament, subject to ratification;
- (b) Councillors should be paid gratuity. Further, the submitters proposed that Councillors and ward development committee members should be paid a salary; and
- (c) Replace the words “Grade 12 certificate” with words “School Certificate”.

3.7.4 Rationale for the Recommendations

The proposal to appoint Ministers from outside Parliament and to allow them to continue in office after the dissolution of Parliament responds to a long-standing public demand expressed through successive constitutional review processes.

This reform is essential to achieving a clear and genuine separation of powers between the Executive and the Legislature, thereby strengthening the principle of checks and balances in governance.

Further, it will enable MP’s to spend more time in their Constituencies.

PART IV

4.0 SUMMARY OF RECOMMENDATIONS

4.1 The Electoral Process and Electoral System

4.1.1 Delimitation and delineation of Constituencies and Wards

Recommendations

- (a) Harmonise and correct all omissions and mistakes in Constitutional provisions to ensure non-contradictions, non-ambiguity and harmonisation of provisions on the electoral system and process, including impacting provisions;
- (b) Amend Article 52 by inserting a new clause 5 after clause 4 which will allow for a person who loses a nomination petition before the tribunal to appeal to the Constitutional Court within 7 days of the decision and for the Court to hear and determine the appeal within 21 days from the date of lodging an appeal;
- (c) Delimitation should be conducted and the new numbers of constituencies determined using a transparent process;

- (d) Amend Article 68 to reflect the new number of seats in the National Assembly and to remain locked in the Constitution;
- (e) Amend Articles 47 and 68 to introduce mixed member representation in the National Assembly based on the proposed numbers for women, youth and PWD and also engage with ECZ to appreciate the total number of new seats to be created that would replace the existing 156 constituencies provided in Article 68;
- (f) Repeal and replace Article 58(5) to read –

“(5) The Electoral Commission shall, at intervals of not more than ten years, review and, where necessary, the names and alter the names and delineate boundaries of constituencies and wards”;
- (g) Provide a new clause 8 under Article 58 to ensure that the details of delimitation shall be prescribed by an Act of Parliament;
- (h) Amend Articles 47 and 68 to introduce the Mixed Member Proportional Representation system and increase the number of Constituencies;
- (i) Amend Articles 47 and 68 to introduce a mixed member representation system in the National

Assembly, ensuring seats for women, youth, and persons with disabilities (PWDs), as follows:

- (i) two hundred and twenty-six Members of Parliament holding constituency-based seats;
- (ii) forty Members of Parliament holding reserved seats as follows:
 - 1. sixteen women;
 - 2. twelve youths; and
 - 3. twelve persons with disabilities;
- (j) not more than ten nominated Members of Parliament;
- (k) the Vice-President;
- (l) the Speaker; and
- (m) the First and Second Deputy Speakers;
- (n) The number of constituencies shall be locked in the Constitution, in essence Article 68 shall state the number of constituencies and married to Article 58 on the number of Members of Parliament;

- (o) Retain Article 58 regarding the number of wards being prescribed;
- (p) Amend Article 58 to provide for Mixed Member Proportional Representation; and
- (q) Harmonise the electoral laws and electoral system.

4.1.2 Effective Participation of Women, Youths and Persons with Disabilities in Elective Positions and Governance Institutions.

Recommendations

- (a) Amend Article 47(2), 57, and 58 of the Constitution to provide for a Mixed Member Proportional Representation Electoral System, as follows:
 - (i) first-past-the-post electoral system for Members of Parliament contesting under constituency-based seats based on the delimitation and delineation already proposed; and
 - (ii) proportional representation electoral system for election based on a party list system, where voters cast their vote for a political party appearing on the ballot, and not for individual candidates listed in the party list, as prescribed.

- (b) Provide for a percentage of representation based on the number for PR system, on the closed party list, number of constituency-based seats;
- (c) Amend Article 68(2)(b) to include the number of women, youth and persons with disabilities, which may also require new clauses as to how the nomination of these marginalised groups will be nominated;
- (d) Insert a new clause to the effect that the seats under the proportional representation electoral system, shall be distributed, after an election, by the Electoral Commission, to political parties, in proportion to the total number of seats won by a political party in the election, calculated as a percentage of the vote a party received, and as prescribed; and
- (e) In addition, a new clause should be inserted to the effect that the winning candidates, who contested the election under the proportional representation electoral system, shall be chosen from the top of the closed party list, in the order of preference set by the political party.

4.1.3 By-elections

Recommendation

Maintain the current Constitutional provisions on By-elections.

4.1.4. Nominated Members of Parliament

Recommendations

- (a) Retain Article 69 on nomination of Members of Parliament;
- (b) Amend Article 68(2)(b) to replace the number of nominated “8” MPs with 5% of constituency- based seats at any given time; and
- (c) Nomination of Members of Parliament by the President should be maintained.

4.1.5 Filing-in of fresh nominations after the resignation of a candidate in Presidential, Parliamentary and local government elections.

Recommendations

- (a) Amend Article 52(6) to ensure that elections should proceed after resignation;
- (b) There must be clear timelines in Article 52(6) in the event that fresh nominations are required to be filed;
- (c) Amend Article 52 to provide for:
 - (i) the sponsoring political party to file fresh nomination in the event of death;
 - (ii) other candidates not to be made to pay for the filing of fresh nominations in the event of death;
 - (iii) in the event of disqualification by a Court, the elections should proceed; and
 - (iv) a political party shall be given 7 calendar days within which to file fresh nominations in the event of death of a candidate.

4.1.6. Transitional and Statutory Mechanisms

Recommendations

- (a) Amend 81 of the Constitution to state that the term for a Member of Parliament is 5 years and that even if Parliament dissolves 3 months before elections, Members of Parliament shall be paid for the full 5-year term, having been deemed to have served for 5 years;
- (b) There should be harmonisation on the tenure of elected positions; and
- (c) Maintain two 5-year term limits for the President.

4.2 Term of Member of Parliament and Office of Minister

Recommendations

- (a) Maintain the status quo that there should be no term limits for the Members of Parliament; and
- (b) Amend Articles 116 and 117 to provide for the appointment of Ministers/Provincial Ministers from outside Parliament, subject to ratification;

4.3. Hearing of Presidential, Parliamentary and Local Government Election Petitions

Recommendations

- (a) Amend Article 101(5) and 103(2) to replace the 14 days with 21 calendar days which include Saturday and Sunday, despite the provision under Article 269(d), for Presidential Election Petitions;
- (b) Amend Article 73(3) to include 30 calendar days for the determination of the appeal from the High Court for a Parliamentary Election Petition;
- (c) Amend to add the word “and determine” after the word “hear” in Presidential, Parliamentary and Local Government Election Petition;
- (d) Provide for a specific time frame for the petition to be heard and determined within 30 calendar days; and
- (e) For the Local Government petitions the status quo must be maintained.

4.4 Composition of Local Government and the Tenure of Office of Local Government Officials

Recommendations

- (a) Maintain the status quo that Members of Parliament should not form part of the councils;
- (b) Article 153(2)(c) remains as is in the Constitution;
- (c) Article 153 should adopt the proportional representation system for election based on a party list system for women, youth and persons with disabilities as part of the Mixed Member Proportional Representation system; and
- (d) Amend Article 154(2)(b) to abolish the two 5-year term limit for the Mayor or Council Chairperson.

4.5. Definition of Youth, Child and Adult

Recommendations

- (a) Amend Article 266 to provide for the definition of:
 - (i) “Youth” to mean a person who has attained 18 years and is below 35 years;

- (ii) “Child” to mean “a person who is below the age of 18, inclusive of an unborn child”; and
- (iii) “Adult” to mean “a person who has attained, and is above the age of 18 years.

4.6. Tenure of Office of the Attorney-General and Solicitor-General, and the Qualifications of the Secretary to the Cabinet.

Recommendations

- (a) Amend Article 178(1)(a) and 179(4)(a) of the Constitution to ensure that the sitting Attorney-General and Solicitor-General remain in office until the next Attorney-General and Solicitor-General assume office; and
- (b) Amend Article 176(3) to provide that a person qualifies to be appointed as Secretary to the Cabinet if that person:
 - (i) has or had at least five years’ experience at director level in the Civil Service; and
 - (ii) has or had at least five years’ experience as a Permanent Secretary or equivalent rank.

4.7 Provide for matters connected with, or incidental to, the foregoing.

Recommendation

- (a) Ministers must be appointed from outside Parliament;
- (b) Councillors should be paid gratuity. Further, the submitters proposed that Councillors and ward development committee members should be paid a salary; and
- (c) Replace the words “Grade 12 certificate” with words “School Certificate”.

PART V

5.0 SUBMISSIONS OUTSIDE THE TERMS OF REFERENCE

During the public sittings, members of the public made submissions on subjects that were outside the Terms of Reference.

The following were the submissions received:

- (a) Calls for expanding the Bill of Rights to include economic, social and cultural rights;
- (b) Recommendations on constitutional guarantees for pension rights to prevent unilateral changes;
- (c) Removal of the word “auxiliary” from Article 192 of the Constitution of Zambia (Amendment) Act No. 2 of 2016, as it relates to the Zambia National Service (ZNS), on account that the Zambia National Service is an independent Defence unit of the Republic and not an auxiliary institution to any other Defence unit;
- (d) Zambia should make laws to recognize and support freedom fighters;
- (e) Strengthen the advisory role of the House of Chiefs, particularly on land, natural resources, succession disputes and cultural matters;

- (f) Citizens urged for constitutional protection of customary boundaries and traditional authority, and inclusion of chiefs in district and provincial planning;
- (g) Recognition of Chiefs should be brought back in the Constitution to ensure dignity and avoid succession disputes;
- (h) Revisit the Barotseland Agreement of 1964, recognise or renegotiation within a broader national dialogue framework; and
- (i) Appointments for Chief Justice, deputy Chief Justice, Judges and Inspector General of Police should be done by an Independent Body.
- (j) Consequential amendments must be done to Articles 64 and 65.

APPENDICES

Appendix I: Members of the Technical Committee

1. Hon. Justice Mr. Christopher Sichimwa Mushabati (Rtd),
Chairperson
2. Dr. Landilani Banda, Vice Chairperson and Spokesperson
3. HRH Chief Chamuka, Mr. Morgan Kumwenda - Member
4. HRH Chief Nyamphande, Mr. Gerry Lintini - Member
5. Mr. Douglas Tambulukani - Member
6. Dr. Bishop David Masupa - Member
7. Mr. Isaac Mwanza - Member
8. Mrs. Isabel Mutembo Mukelabai - Member
9. Mr. Guess Nyirenda - Member
10. Mr. Ngande Mwanajiti - Member
11. Mr. Rabbison Mafeshi Chongo - Member
12. Ms. Grace Manyonga Sinkamba - Member

13. Mr. Fred Wamundila Waliuya - Member
14. Ms. Ruth Kay Kangwa - Member
15. Mrs. Doreen Njovu-Kabwe - Member
16. Mr. Gregory Chifire - Member
17. Fr. Cletus Kalukango Chooka Mwiila - Member
18. Bishop Paul E. Mususu - Member
19. Rev. Ackson Banda - Member
20. Apostle Charles Sakavumbi Ndandula - Member
21. Mufti Ikram Sanaullah - Member
22. Mr. Kamallesh Manubhai Shah - Member
23. Rev. Rodwell Chinyakasa - Member
24. Ms. Eva Jhala - Member
25. Dr. Vanny Munyumbwe - Member

Appendix II: Legal and Drafting Experts

1. Mrs. Mwenya Kaela Bwalya, Permanent Secretary (Legal), Ministry of Justice
2. Mrs. Doris Katebe Mwiinga, Independent Consultant
3. Ms. Bubala Chibbonta, Chief Parliamentary Counsel, Ministry of Justice
4. Ms. Hope Chanda, Director, Zambia Law Development Commission
5. Mr. Chola Mwewa, Independent Consultant

Appendix III: Secretariat of the Technical Committee

1. Mr. Mumba Tembo, Secretary to the Technical Committee
2. Mr. Francis Chilunga, Vice Secretary to the Technical Committee
3. Ms. Caroline Chiyoowa, Director – Finance, Cabinet Office
4. Mr. Mutumba Pumulo, Director, Cabinet Office
5. Mr. Owen Kanyanta, Director, Cabinet Office
6. Dr. Mary Namusokwe, Director - Finance, Ministry of Justice
7. Ms. Christine Phiri, Director - Human Resources and Administration, Ministry of Justice
8. Mr. Stanslous Tembo, Assistant Director - Human Resources and Administration, Ministry of Justice
9. Ms. Hellen Moonga, Management Analyst, Cabinet Office

APPENDIX IV: Programme of Work



REPUBLIC OF ZAMBIA

TECHNICAL COMMITTEE ON CONSULTING AND DRAFTING AMENDMENTS TO THE CONSTITUTION OF ZAMBIA, 2025

PROGRAMME OF WORK

	DATE	ACTIVITY
1	Monday, 27th October, 2025	CENTRAL, NORTH-WESTERN, NORTHERN, WESTERN AND EASTERN PROVINCES Pay Courtesy Calls on: <ul style="list-style-type: none">▪ Provincial Administration.▪ Traditional leaders▪ Receipt of Submissions from Traditional Leaders.
2	Tuesday, 28th October, 2025	Public Sittings and Receipt of Submissions

		<ul style="list-style-type: none"> • Central Province - Provincial Administration Conference Hall in Kabwe. • North-Western Province -. Solwezi Municipal Council Chamber in Solwezi • Northern Province – Kasama Council Chambers in Kasama • Western Province - Mongu Council Chambers in Mongu • Eastern Province - Uncle Chipeta Lodge in Chipata
3	Wednesday, 29th October, 2025	<p>Public Sitings and receipt of Submissions.</p> <ul style="list-style-type: none"> • Central Province - Provincial Administration Conference Hall in Kabwe. • North-Western Province -. Solwezi Municipal Council Chamber in Solwezi • Northern Province - Kasama Council Chambers in Kasama

		<ul style="list-style-type: none"> • Western Province - Mongu Council Chambers in Mongu • Eastern Province - Uncle Chipeta Lodge in Chipata
4	Thursday, 30th October, 2025	<ul style="list-style-type: none"> • Virtual Sittings and Receipt of Submissions (Central, North -Western, Northern, Western and Eastern Provinces) <p>Submissions will be made in the Council Chambers in all districts.</p>
5	Monday, 3 rd November, 2025	<p>SOUTHERN, COPPERBELT, MUCHINGA AND LUAPULA PROVINCES</p> <p>Pay Courtesy Calls on:</p> <ul style="list-style-type: none"> • Provincial Administration. • Traditional leaders <p>Receipt of Submissions from Traditional Leaders</p>
6	Tuesday, 4th November, 2025	Public Sittings and Receipt of Submissions

		<ul style="list-style-type: none"> • Southern Province - Choma Municipal Council Chamber in Choma • Copperbelt Province – Levy Mwanawasa Stadium Conference Room in Ndola • Muchinga Province – Chinsali Municipal Council Conference Hall in Chinsali • Luapula Province – Sali Lodge River Lodge in Mansa
7	Wednesday, 5th November, 2025	<p>Public Sitings and Receipt of Submissions</p> <ul style="list-style-type: none"> • Southern Province - Choma Municipal Council Chamber in Choma • Copperbelt Province – Levy Mwanawasa Stadium Conference Room in Ndola • Muchinga Province – Chinsali Municipal Council Conference Hall in Chinsali

		<ul style="list-style-type: none"> • Luapula Province – Sali Lodge River Lodge in Mansa
8	Thursday, November, 2025	<p>Virtual Sittings and Receipt of submissions (Southern, Copperbelt, Muchinga and Luapula Provinces)</p> <p>Submissions will be made in the Council Chambers in all districts.</p>
9	Monday, 10th November, 2025	<p>LUSAKA PROVINCE</p> <p>Pay Courtesy Calls on:</p> <ul style="list-style-type: none"> ▪ Provincial Administration. ▪ Traditional leaders ▪ Receipt of submissions from Traditional Leaders - Mulungushi International Conference Centre (Kenneth Kaunda Wing)
10	Tuesday, 11th November, 2025	Public Sittings and Receipt of Submissions

		Lusaka – Mulungushi International Conference Centre (Kenneth Kaunda Wing)
11	Wednesday, 12th November, 2025	Public Sitings and Receipt of Submissions Lusaka – Mulungushi International Conference Centre (Kenneth Kaunda Wing)
12	Thursday, 13th November, 2025	Virtual Sitings and Receipt of Submissions Submissions will be made in the Council Chambers in all districts.
13	Sunday, 16th November, 2025 to Tuesday, 18th November, 2025	Finalisation of the Report
14	26th November, 2025	Handover of the Report and the Bill

APPENDIX V: Data Capturing Forms



REPUBLIC OF ZAMBIA

DATA CAPTURING FORM FOR RAPORTEURS

DATE:

VENUE:

S/N	SUBMITTERS NAME / ORGANISATION	ISSUE	CONSTITUTION PROVISION	SUBMISSION/ RECOMMENDATIONS	JUSTIFICATION

ANNEXURE

Constitution of Zambia (Amendment) Bill, 2025

THE CONSTITUTION OF ZAMBIA (AMENDMENT) (NO.) BILL, 2025

MEMORANDUM

The object of this Bill is to amend the Constitution of Zambia so as to -

- (a) provide for a mixed-member proportional representation electoral system for election of Members of Parliament and councillors to guarantee the representation of women, youths and persons with disabilities in the National Assembly and councils;
- (b) revise the composition of the National Assembly and councils;
- (c) revise the provision relating to filing of fresh nominations;
- (d) provide for clarity on the period within which an election petition shall be concluded;
- (e) harmonise the term of Parliament and councils;
- (f) provide for the appointment of Ministers and Provincial Ministers from outside the National Assembly;

- (g) remove the two-term limit for the office of mayor and council chairperson;
- (h) revise the qualifications for appointment to the office of Secretary to the Cabinet;
- (i) revise the tenure of office for the Attorney-General and Solicitor-General;
- (j) revise and insert new definitions; and
- (k) provide for matters connected with, or incidental to, the foregoing.

MULILO D. KABESHA S.C.,
Attorney-General

**A BILL
ENTITLED**

An Act to amend the Constitution of Zambia.

Enactment

ENACTED by the Parliament of Zambia.

Short title

1. This Act may be cited as the Constitution of Zambia (Amendment) (No.) Act, 2025, and shall be read as one with the Constitution of Zambia, in this Act referred to as the Constitution.

Cap. 1

Amendment of
Article 47

2. Article 47 of the Constitution is amended by the-

- (a) deletion of clauses (2) and (3) and the substitution therefor of the following:

(2) Elections to the National Assembly shall be conducted under a mixed-member proportional representation electoral system consisting of –

- (a) the first-past-the-post electoral system where candidates contesting for constituency-based seats are elected directly based on a simple majority vote; and
- (b) a prescribed closed party-list system of proportional representation where candidates for reserved seats are elected based on the valid votes

cast for
parliamentary
candidates
representing
political parties in
a general
election.;

(3) Elections to councils shall be conducted under a mixed-member proportional representation electoral system consisting of –

- (a) the first-past-the-post electoral system where candidates for election as mayor or council chairperson are elected directly based on a simple majority vote;
- (b) the first-past-the-post electoral system where candidates contesting for ward-based seats

are elected
directly based on
a simple majority
vote; and

- (c) a prescribed
closed party-list
system of
proportional
representation
where candidates
for the prescribed
number of
reserved seats are
elected based on
the valid votes
cast in each
council for local
government
election
candidates
representing
political parties in
a general election.

(4) The reserved seats referred to in clauses (2)(b) and (3)(c) shall be distributed, after a general election, by the Electoral Commission, to political parties, in

proportion to the total number of valid votes received by parliamentary candidates or local government election candidates within a district as prescribed; and

- (b) renumbering of clause (4) as clause (5).

Amendment of Article 51

3. Article 51(a) of the Constitution is amended by the deletion of the words “of the election” and the substitution therefor of the words “for nominations”.

Amendment of Article 52

4. Article 52 of the Constitution is amended –

- (a) by the deletion of clause (1) and the substitution therefor of the following:

(1) A person who intends to be a candidate for election as President, Member of Parliament for a constituency-based seat, mayor, council chairperson or councillor for a ward-based seat shall file that person’s nomination

paper to a returning officer, supported by an affidavit stating that the person is qualified for nomination for election as President, Member of Parliament for a constituency-based seat, mayor, council chairperson or councillor for a ward-based seat, in the manner, on the day, and at the time and place set by the Electoral Commission, by regulations.

- (b) in clause (4), by the insertion of the words “and determine” immediately after the word “hear”;
and
- (c) by the deletion of clauses (5) and (6) and the substitution therefor of the following:

(5) A person aggrieved by a decision of a court or tribunal under clause (4) may, within seven days of the decision, appeal to the Constitutional Court.

(6) The Constitutional Court shall hear and

determine an appeal filed under clause (5) within twenty-one days from the date of the appeal being filed.

(7) The processes specified in clauses (1) to (6) shall be completed at least thirty days before a general election.

(8) Where a candidate

-

(a) resigns after having been nominated in accordance with this Article, the candidate shall not be eligible to contest the election, and the election shall be held on the date prescribed for holding the election;

(b) has been disqualified by a court or tribunal, after close of nominations, the candidate shall not be eligible to contest the elections, and the election shall be held on the date prescribed for holding the election; or

(c) dies before the date prescribed for the holding of an election, the Electoral Commission

shall cancel
the election,
and call for
the filing of a
fresh
nomination
by a
candidate
sponsored by
the political
party whose
candidate
died, and the
election shall
be held
within thirty
days of the
filing of the
fresh
nomination.

Amendment
of Article 58

5. Article 58 of the Constitution is
amended by the deletion of –

(a) clause (2) and the substitution
therefor of the following:

(2) The number of
constituencies shall be equal

to the number of constituency-based seats; and

(b) clause (5) and the substitution therefor of the following:

(5) The Electoral Commission shall, at intervals of not more than ten years, review as prescribed the names and boundaries of constituencies and wards and, where necessary alter the names and delineate the boundaries of the constituencies and wards.

Repeal and replacement of Article 68

6. The Constitution is amended by the repeal of Article 68 and the substitution therefor of the following:

Composition of National Assembly

68. The National Assembly shall consist of –

(vii) two hundred and twenty-six Members of Parliament holding constituency-based seats;

(viii) forty Members of Parliament holding reserved seats as follows:

4. sixteen women;
 5. twelve youths; and
 6. twelve persons with disabilities;
- (ix) not more than ten nominated Members of Parliament;
 - (x) the Vice-President;
 - (xi) the Speaker; and
 - (xii) the First and Second Deputy Speakers.

Amendment of Article 70

7. Article 70(1)(d) of the Constitution is amended by the deletion of the words “grade twelve certificate” and the substitution therefor of the words “school certificate”.

Repeal and replacement of Article 71

8. The Constitution is amended by the repeal of Article 71 and the substitution therefor of the following:

Nominations for National Assembly election

71. (1) A parliamentary candidate’s nomination is valid if the candidate –

- (a) has paid a prescribed election fee to the Electoral Commission; and
- (b) is supported by at least fifteen persons registered as voters in the constituency in

which the candidate is
contesting for election.

(2) A nomination for reserved seats in
the National Assembly is valid if a prescribed
election fee is paid to the Electoral
Commission.

Amendment
of Article 73

9. Article 73 of the Constitution is
amended by the –

(a) deletion of clause (2) and the
substitution therefor of the
following:

(2) The High Court
shall hear and determine a
National Assembly election
petition within ninety days of
the filing of the petition.;

(b) insertion of the following new
clause immediately after clause
(3):

(4) The Constitutional
Court shall hear and
determine an appeal from a
decision of the High Court

made under clause (3) within thirty days of the filing of the appeal.; and

(c) renumbering of clause (4) as clause (5).

Amendment of Article 81

10. Article 81 of the Constitution is amended by the deletion of clause (3) and the substitution therefor of the following:

(3) Parliament shall stand dissolved ninety days before the holding of the next general election but Members of Parliament shall be deemed to have served until a day before the next general election.

Amendment of Article 82

11. Article 82(2)(e) of the Constitution is amended by the deletion of the words “grade twelve certificate” and the substitution therefor of the words “school certificate”.

Amendment of Article 100

12. Article 100(1)(e) of the Constitution is amended by the deletion of the words “grade twelve certificate” and the substitution therefor of the words “school certificate”.

Amendment of Article 101

13. Article 101 of the Constitution is amended by the –

- (a) deletion of clauses (3), (4), (5), (6) and (7) and the substitution therefor of the following:

(3) If at the initial ballot a presidential candidate does not receive more than fifty percent of the valid votes cast, the Returning Officer shall make a declaration that none of the presidential candidates received more than fifty percent of the valid votes cast.

(4) Where a declaration is made in accordance with clause (3), a second ballot shall be held within thirty-seven days of the initial ballot if a presidential election petition is not filed under Article 103, where the only candidates shall be the presidential candidates who obtained –

- (a) the highest
and second

highest
number of
valid votes
cast in the
initial ballot;
or

- (b) an equal
number of
the valid
votes cast in
the initial
ballot, being
the highest
votes
amongst the
presidential
candidates
that
contested for
election to
the office of
President.;
and

- (c) renumbering of clause (8) as
clause (5).

14. Article 102 of the Constitution is amended in –

- (a) clause (1)(c) by the deletion of the figure “101” and the substitution therefor of the figure “103”; and
- (b) clause (4)(c) by the deletion of the figure “101” and the substitution therefor of the figure “103”.

Repeal and replacement of Article 103

15. The Constitution is amended by the repeal of Article 103 and the substitution therefor of the following:

Presidential election petition

103. (1) A person may, within seven days of a declaration under Article 101(2), (3) or (5), petition the Constitutional Court to nullify the election of the President-elect or the election of a presidential candidate in the initial ballot on the ground that –

- (a) the President-elect or presidential candidate was not validly elected; or
- (b) a provision of this Constitution or other law relating to presidential elections was not complied with.

(2) The Constitutional Court shall hear and determine a presidential election petition within twenty-one days of the filing of the petition.

(3) The Constitutional Court may, after hearing a presidential election petition –

- (a) declare the election of the President-elect valid;
- (b) nullify the election of the President-elect;
- (c) declare the election of a presidential candidate in the initial ballot valid;
- (d) nullify the election of a presidential candidate in the initial ballot;
- (e) disqualify a presidential candidate from being a presidential candidate in the second ballot; or
- (f) grant any other relief the Court considers just.

(4) A decision of the Constitutional Court under clause (3) is final.

(5) Where the election of the President-elect is nullified by the Constitutional Court, a presidential election shall be held within thirty days from the date of the nullification.

(6) Where the election of a presidential candidate in the initial ballot is nullified by the Constitutional Court, a second ballot shall be held within thirty days from the date of the nullification.

Repeal and
replacement
of Articles 116
and 117

16. The Constitution is amended by the repeal of Articles 116 and 117 and the substitution therefor of the following:

Ministers

116. (1) The President shall, subject to ratification by the National Assembly, appoint, as Ministers, a prescribed number of persons who are not Members of Parliament.

(2) A person is eligible for appointment as a Minister if the person qualifies for election as a Member of Parliament.

(3) A Minister shall be responsible, under the direction of the President, for the policy and strategic direction of a Ministry, department or other State institution as assigned by the President.

(4) A Minister –

(a) shall attend and speak in the National Assembly when requested to do so by the Speaker or for a particular

purpose upon notice to the Speaker but shall not vote; and

(b) may introduce a Government Bill to the National Assembly.

(5) The office of Minister becomes vacant –

(a) if the Minister is removed from office by the President;

(b) if the Minister resigns, by notice in writing to the President;

(c) if the Minister dies;

(d) if another person assumes the office of President; or

(e) if the Minister has a mental or physical disability that makes the Minister incapable of performing the functions of that office.

Provincial
Ministers

117. (1) The President shall, subject to ratification by the National Assembly, appoint a Provincial Minister for each Province.

(2) A person is eligible for appointment as a Provincial Minister if the person –

- (a) qualifies for election as a Member of Parliament; and
- (b) is not a Member of Parliament.

(3) The office of Provincial Minister becomes vacant –

- (a) if the Provincial Minister is removed from office by the President;
- (b) if the Provincial Minister resigns, by notice in writing to the President;
- (c) if the Provincial Minister dies;
- (d) if another person assumes the office of President; or
- (e) if the Provincial Minister has a mental or physical disability that makes the Provincial Minister incapable of performing the functions of that office.

(4) A Provincial Minister shall –

- (a) be the head of Government in the Province;

- (b) ensure that national policies are implemented in all districts in the Province; and
- (c) ensure that the concurrent functions of the Province and the exclusive functions of the local authorities are performed in accordance with this Constitution and other laws.

(5) A Provincial Minister shall attend and speak in the National Assembly when requested to do so by the Speaker or for a particular purpose upon notice to the Speaker but shall not vote.

Amendment of
Article 153

17. Article 153 of the Constitution is amended –

- (a) in clause (4)(c), by the deletion of the words “grade twelve” and the substitution therefor of the words “school certificate”; and
- (b) by the insertion of the following new clause immediately after clause (6):

(7) A council shall stand dissolved ninety days before the holding of the next

general election but councillors shall be deemed to have served until a day before the next general election.

Amendment of Article 154

18. Article 154 of the Constitution is amended by the deletion of clause (2) and the substitution therefor of the following:

(2) A mayor and council chairperson shall be elected directly, in accordance with Article 47(3)(a) during elections for councillors, as prescribed.

Amendment of Article 159

19. Article 159(4) of the Constitution is amended by the insertion of the words “and determined” immediately after the word “heard”.

Amendment of Article 176

20. Article 176 of the Constitution is amended by the deletion of clause (3) and the substitution therefor of the following:

(3) A person qualifies to be appointed as Secretary to the Cabinet if that person –
(iii) has or had at least five years’ experience at director level in the Civil Service; and

- (iv) has or had at least five years' experience as a Permanent Secretary or equivalent rank.

Amendment
of Article 178

21. Article 178(1) of the Constitution is amended by the-

- (a) deletion of paragraph (b); and
- (b) renumbering of paragraphs (c) and (d) as paragraphs (b) and (c), respectively.

Amendment
of Article 179

22. Article 179(4) of the Constitution is amended by the-

- (a) deletion of paragraph (b); and
- (b) renumbering of paragraphs (c) and (d) as paragraphs (b) and (c), respectively.

Amendment
of Article 266

23. Article 266 of the Constitution is amended by the –

- (a) deletion of the definitions of “civil society”, “older member of society” and “young person”;
- (b) deletion of the definitions of “adult”, “by-election”, “child”, “election”, “general election”, “public officer”, “term” and “youth” and the

substitution therefor of the following in the appropriate places in alphabetical order:

“adult” means a person who has attained the age of eighteen years;

“by-election” means an election to fill a vacancy in the office of a Member of Parliament holding a constituency-based seat, mayor, council chairperson or councillor holding a ward-based seat;

“child” means a person who is below the age of eighteen years;

“election” means an election to the office of President, Member of Parliament, mayor, council chairperson or a councillor;

“general election” means elections to the office of President, Member of Parliament, mayor, council chairperson or a councillor when held on the same day;

“public officer” means a person holding or acting in a public office;

“term” means a period commencing when Parliament or a council first sits, after a general election, ending when Parliament is dissolved, except as is provided under Article 106; and

“youth” means a person who has attained the age of eighteen years, but is below the age of thirty-five years; and

(c) insertion of the following new definitions in the appropriate place in alphabetical order:

“constituency-based seat” means a seat in the National Assembly that is held by a Member of Parliament elected under the first-past-the-post electoral system;

“parliamentary candidate” means a person nominated to contest for election as a

Member of Parliament for a constituency-based seat;

“reserved seat” means a seat in the National Assembly or council that is held by a Member of Parliament or councillor elected under a closed party-list proportional representation electoral system; and

“ward-based seat” means a seat in a council that is held by a councillor elected under the first-past-the-post electoral system.