

The second sittings of the National Constitutional Conference (NCC) which started on Tuesday, January 8, 2008 at Mulungushi International Conference centre adjourned on Thursday, January 10, 2008 after three days of successful deliberations on the rules and regulations of the conference.

The Conference Chairperson Hon. Chifumu K.Banda MP, SC declared the conference closed at about 23.00 hours.



*His Honour the Vice President Rupiah Banda with Home Affairs Minister Hon. Rev. Lt. Gen. Ronnie Shikapwasha listening to deliberations during the January 8 to 10, 2008 NCC sittings*

During the sittings which were also attended by the Republican Vice President Rupiah Banda, the Conference started its business by considering the report of the NCC interim committee chaired by Lusaka Lawyer Dr Patrick Matibini which was appointed to develop the regulations, rules of procedure and disciplinary rules to govern the Conference and propose committees of the NCC.

The committee which was appointed on December 21, 2007 pursuant to subsection (3) and section sixteen (16) of the National Constitutional Conference act number 19 of 2007 developed :-

- The National Constitutional Conference (committees) regulations. These regulations will govern the conduct of proceedings at committee level.
- The National Constitutional Conference (Procedures) rules. This is a set of rules which will govern the general conduct of business during the sittings of the Conference.
- The National Constitutional Conference (Disciplinary committee proceedings) rules. These are rules pertaining to discipline of the members, members of staff of the Secretariat and members of the public in general.

Following the tabling of the report of the Matibini led interim committee, the Conference considered and approved all the regulations except for regulation 48 (2) which requires two thirds majority vote of the members to decide on an issue in cases where consensus is not reached.

Two opinions emerged over the interpretation of the two thirds majority. The provision states that “All questions before the conference shall be determined by consensus, but in the absence of consensus, the decisions of the conference shall be determined by a two-thirds majority vote of the members.”

Some members held that two thirds majority referred to two-thirds majority of the members forming a quorum (one-half) or two-thirds of half the number of members present.

The other members held that two-thirds majority refers to all members of the conference.

After a lengthy debate on this regulation, it was agreed that it be referred to the Attorney General for further legal interpretation.

The conference chairperson then told the members that they will be informed of the Attorney General’s opinion when the conference resume sittings on 22nd April, 2008.

These rules were published in the Government Gazette on Friday February 22, 2008 after they were ratified by the conference with amendments during the January 8 to 10 2008 NCC sittings. Therefore, the above instruments have since become binding on the conference.



*Interim Committee Chairperson Dr Patrick Matibini. His committee drew up the regulations which were adopted by the conference.*

Earlier, the Conference members elected the disciplinary committee as follows:-

1. Senior Chief Imwiko – House of Chiefs
2. Bishop Harrison Sakala—Pentecostal Assemblies of God Zambia
3. Hon. Mutale Nalumango, MP – National Assembly
4. Hon Sakwiba Sikota, MP – National Assembly
5. Mr Bwalya Chiti - MMD party official (unopposed)
6. Hon. Grace Njapau - National Assembly
7. Ms Grace Lombe Chitambala - NDF party official
8. Ms Charity Mphande Nanda – Local Government Association of Zambia (LGAZ)

The elections were conducted by the Electoral Commission of Zambia.

Members were also asked to indicate three (3) preferences of the committees in which they want to serve when sittings resume. Members will be placed into one Committee according to the provisions of their CVs and their preferences. The final composition of committees will be approved by the Conference. The following are the various committees established and approved by the NCC.

**1. General Constitutional Principles Committee (1)** - This committee has twenty-two terms of reference and the following are some of them – supremacy, interpretation and defense of the constitution, republican status and sovereignty of Zambia, use of national symbols and languages, political values, principles and objectives of the socio-economic and cultural values.

**2. Citizenship Committee (2)** – This committee has eleven (11) terms of reference to consider which include the existing citizenship and acquisition of citizenship by birth. Other areas where this committee will focus its attention on are citizenship by decent, registration and adoption. They will also tackle issues concerning dual citizenship, renunciation and deprivation of citizenship as well as the citizenship board.

Entitlement of a citizen and legislation on citizenship are also among the terms of reference.

**3. Human Rights Committee (3)** - A total of 64 terms of reference make up this committee. Top on the list are the fundamental rights and freedoms, duty of the State to promote the rights and freedoms as well as the application and interpretation of Bill of Rights. Right to life, human dignity, equality before the law, right to and fair administration of justice, rights of suspects, arrested and detained persons are also amongst the terms reference for this committee.

Other terms of reference are equality of both gender which includes rights of women, older members of society, children, youths and protection of young persons, family and persons with disability.

**4. Democratic governance committee (4)** –This committee has twenty- nine (29) terms of reference such as; basis of electoral system, election systems for Presidential, National Assembly and local government elections. Issues such as as the election date for general elections, franchise and electoral process also feature on the list of the terms reference.

**5. Executive committee (5)** – This is the committee where matters concerning the Office of President would be considered. Issues about Presidential candidate, nomination for election

as president, election of president and swearing in as well as transfer of power from outgoing President to the President elect will be discussed.

Election petition, tenure of office of president, removal of president on grounds of incapacity, impeachment of president for violation of the constitution or gross misconduct and many other issues will also be under consideration by this committee. The committee has a total of thirty- six (36) terms of reference.

**6. Legislative committee (6)** - This committee has thirty seven (37) terms of reference which mainly hinge on establishment of parliament, legislative powers and other functions of National Assembly as well as the composition of the National Assembly.

Other matters of interest which members of this committee will need to address, pertain to emoluments of members, parliamentary election tribunal as well as the offices of the Speaker and Deputy Speaker of the National Assembly.

Money bills, Presidential assent and referral, coming into force of laws and statutory instruments are among the broad terms of reference under this committee.

**7. Judicial committee (7)** – Thirty-eight (38) terms of reference make up this committee. The terms of reference include establishment of courts of judiciary, supreme and constitutional court and offices of chief justice and deputy chief justice.

The other terms of reference under this committee include matters pertaining to high court and its supervisory jurisdiction and divisions.

Appointment of judges of superior courts , acting appointments, qualification for appointment of judges of superior courts are also among the terms reference set for debate in this committee.

**8. Local Government Committee (8)** – With thirty –eight (38) terms of reference, this committee is mostly about matters related to administration of districts, district councils and how they are expected to function. Included are the functions that councils are expected to perform.

Also reflecting as terms of reference for this committee are issues about councilors, mayors and chief officers of district councils as they relate to their conduct and accountability.

Matters about provincial administration and the institution of chieftaincy are also among the many terms of reference under this committee.

**9. Public Service Committee (9)** – Key issues in this committee are to do with values and principles of the public service, conflict of interest, offices of the Attorney General and Solicitor General and retirement of public officers.

Other issues lined up for consideration are those to do with pension, gratuity or retrenchment benefit for public officers, office of parliamentary ombudsman and other related functions.

**10. Public Finance Committee (10)** – This committee has twenty –four (24) terms of reference which mostly hinge on finances. Issues such as imposition of tax, consolidated fund, withdrawal from consolidated fund, establishment of compensation fund, annual financial estimates, budget act, borrowing by government; and public debt among others will be considered by this committee.

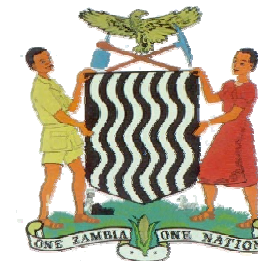
**11. Land and Environment Committee (11)** – There are eighteen (18) terms of reference pertaining to this committee that include among others basis of land policy, classification of land, State land, vesting of land as well as land tenure.

**12. Drafting Committee (12)** - This committee would provide drafting services to the conference and its committees as well as to conduct research into constitutional matters as determined by the conference and its committees. This Committee will also provide legal advisory services on constitutional matters and or any other legal services referred to it by the conference.

**13. Disciplinary Committee (13)** - This Committee is set to consider disciplinary matters relating to the members of the conference and members of staff of the Secretariat. The committee will also inquire into the conduct of any member or member of staff of the Secretariat.

**14. General purposes committee (14)** - This committee will be chaired by the NCC Chairperson and the three (3) deputies. The Chairpersons of various committees and their deputies will also be part of this committee. Their terms of reference for this committee include overall planning for the conference, consolidation of all the reports of the committees, and general guidance of the conference. This committee will also look into the administration and financial matters including the general welfare of the members of the Conference and the staff of the Secretariat.

The Conference will resume its third sittings on 22nd April, 2008. The NCC Secretary Mr. M. R. Mulele made the announcement on March 20, 2008 following the adjournment of Parliament.



# INFORMATION BROCHURE

## NATIONAL CONSTITUTIONAL CONFERENCE (NCC)

**(ENGLISH)**

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**Lusaka.**

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**JANUARY 8 - 10, 2008**

**(NCC SECOND SITTINGS)**

“NCC—MEETING TO ADOPT A PEOPLES CONSTITUTION”