

## INTRODUCTION

The Citizens' Convention which was held at the Mulungushi Conference Centre in Lusaka from the 1st - 10th March 1996 was the culmination of efforts by Civil Society and other interested citizens to advocate a popular mode of adoption of the Republican Constitution.

On 22 November 1993 the Government appointed a Commission to review the 1991 Constitution. This was in response to sentiments from various quarters in the country that the 1991 Constitution had essentially been a care-taker document meant to allow for multi-party elections. There was therefore need for a Constitution to be made that would be a lasting document and more importantly express the will of the Zambian people.

The Mwanakatwe Commission was mandated under Term of Reference 1 to collect views by all practicable means from the general public in both rural and urban areas, from Zambians living abroad on what type of Constitution Zambia should enact bearing in mind that the Constitution should exalt and effectively enhance and promote legal and institutional protection of fundamental human rights and stand the test of time.

Term of reference No. 9 directed the Commission to "recommend on whether the Constitution should be adopted by the National Assembly, or by a Constituent Assembly, by a National Referendum or by any other method.

After collecting submissions around the country the Mwanakatwe Commission recommended in its Report and Draft Constitution that "in agreeing with the overwhelming views of petitioners and the rationale or reasons advanced, the Commission finds it unavoidable and compelling to recommend unanimously adoption by a Constituent Assembly and a National referendum."

It was Governments' reaction to this recommendation that necessitated the birth of the Civil Society Action Committee.

The Government, going against the recommendations of the Constitution Review Commission, reacted by producing a White Paper to be presented to Parliament for adoption and enactment. They said in it that "a Constituent Assembly is a transitional measure to be used where a Parliament is not universally constituted by the majority of citizens such as was the case in Namibia and South Africa. The issue of a Constituent Assembly does not therefore arise in the Zambian situation where a Parliament is constituted through universal adult suffrage."

The Civil Society Action Committee was made up of 27 organisations representing civil society and concerned citizens who came together with the aim of providing a forum for dialogue on the issue of the constitution and particularly to agitate for the adoption by a Constituent Assembly.

The background to a demand for adoption by a Constituent Assembly was the realisation that once again a Constitution was about to be passed that would not represent the will of the Zambian people. Zambia in its 31 years of independence had already had three constitutions each passed by different Governments to serve their own ends.

It was therefore important to allow for the people to adopt the constitution so that it could be seen as theirs and therefore be a lasting document.

Initially, the Civil Society Action Committee did not concern itself with substantive provisions of the Constitution. What was being requested was that the people be allowed to adopt their own constitution via a

Constituent Assembly. This body would then debate the provisions and present the agreed-on document to Parliament for enactment.

The Steering committee for Civil Society undertook many activities in its attempt to convince Government and gather public support for a Constituent Assembly. The very first activity was a planned mass rally at the freedom statue on 10th October, 1995, for which the police withdrew the permit after initially granting it. They later dispersed the people who still gathered despite the withdrawal and arrested four members of the Steering Committee, Fr Joe Komakoma, Mr Morse Nanchengwa, Mr Sam Mulafufu and Mrs Lucy Sichone..

These later appeared in Court but while their case was still in court, it was overtaken by a landmark judgement in the Supreme Court declaring inter alia that the provision requiring citizens to obtain a permit before having a public meeting infringed their human rights.

Following frustration by police of plans to conduct rallies the steering committee decided to produce publications and advertisements giving reasons for the call of a popular mode of adoption of the constitution. Each organisation undertook to carry out an education campaign on the reasons why Civil society was advocating for a Constituent Assembly.

On the 26th of January 1996 all 27 organisation forming the Civil society Action committee took part in a demonstration outside Parliament buildings. The demonstration which consisted of representatives from each organisation lining the road to Parliament with pro-constituent Assembly banners attracted a lot of attention from government and the MMD. The Republican vice-president went on record to urge the police to prevent the demonstraton from going on saying it was a demonstration by anarchists bent on fanning chaos that would frighten investors away.

The MMD for it's part had a meeting called by the provincial leadership specially to discuss the demonstration. There it was resolved and announced that the party would break up the demonstration by violent means. An attempt to do so was made but prevented by the police.

Government at all times maintained its position that those calling for a Constituent Assembly were trying to usurp the powers of a Parliament legally constituted by the people. They said concerns that the ruling party had an overwhelming majority hi Parliament and could therefore pass a document tailored to their needs were unfounded. Government incessantly accused members of Civil Society as being sponsored by enemies of the country to hijack the Constitution.

For the period of its life the activites of the Civil Society Action Committee recieved wide coverage in the press. It's activits were reported and a number of views expressed in various articles.

In November of 1995 Civil Society gathered all interested citizens and organisations to a conference on the constitution with the following aims:

- **To discuss and understand the context in which the Zambian people who petitioned the commission prayed for a broad based national convention or assembly as a means by which to reach consensus on the provisions of a constitution to stand the test of time.**

- **To agree on a course of action and modalities through which to achieve the adoption of the constitution through a broadly based forum such as a constituent assembly.**

It was at this conference that it was agreed that since government had gone ahead and produced a White Paper and was going to produce a Draft Bill in spite of all calls for dialogue and discussion, Civil society should organise a National Convention at which Citizens could discuss the Mwanakatwe Draft Constitution and come up with a position to be floated as an alternative to the Government White Paper.

The Convention took place as already said in March 1996. It was attended by 262 people, each participating as a citizen and not representing any organisation. (A participant list is annexed to this report.)

Participants at the convention discussed only the Mwanakatwe Draft Constitution article by article. This was debated and consensus reached.

The agreed positions were then produced as the "***Citizen's Green Paper***"

The following therefore, is a report of the discussions as they took place at Mulungushi Conference Centre from the 1st to the 10th of March 1996.

Appendixed to the report are all the submissions that were made and discussed at the convention. These include submissions by committees set up by the convention to consider particular issues. Of special mention is the submission on women's rights (***Appendix 7***).

A delegation from the Barotse Royal Establishment submitted a position on the Barotse Agreement of 1964. This was not discussed by the convention but it was agreed that it would be included in the report (*see Appendix 20*).

## **CITIZENS CONVENTION - PROCEEDINGS**

In the first session a point of order was raised as to whether the debate could go ahead as government had already presented the Constitution Amendment Bill to Parliament.

There was general consensus that the debate on the draft constitution proceeds. That the participants at the end of the conference should come up with:-

- **strategies on the way forward**
- **political action to ensure people's participation**
- **involve churches and donors and all stakeholders to put pressure on government**

The house also agreed to issue a statement in the newspapers and on Television in reaction to government's proposed Constitution Amendment Bill 1996. (See appendix 1 )

It was thereafter decided that an overview of the Constitution Amendment Bill be presented for the benefit of all participants who may not have known what was contained in the Bill. This was presented as follows:

That the bill was not an enactment of the constitution but an amendment of the Mvunga

Constitution. The Reasons for the amendment were in the memorandum of the amendment 1 - 14

*The preamble was not really apart of the constitution but this amendment sought to include certain things*

- included women this time (gender)
- provided for Zambia as a Christian nation

*Some things had been left out*

- right to work, protection in employment instances, Rights to economic, social and cultural aspirations,
- rights of family and the pledge for the rights to education

*Part 1 was new*

The provision excluded the possibility of Zambia being a federal state

*Part 2*

All marriages as grounds for citizenship had been left out.

*Article 7*

There had been re-wording on how a person may lose citizenship, it appeared to be the same but specifically said a person might lose their citizenship if acquired by fraud.

*Part3*

Had been totally left out, Article 39 clause 3 stated that before this part can be amended it required a referendum, i.e. the Bill of Rights.

Although the Government White Paper agreed to gender neutral language the Bill was still gender biased.

34.3

Required that both parents of a Presidential candidate be born in Zambia

34.3

Required the President to be of good character - a Presidential candidate must be a member of a political party or sponsored by a political party.

- numbers of sponsors for a Presidential nominee should be 200 supporters nationwide.

34.8

Referred to the numbers of votes cast, it had provided for a simple majority, no requirement for a second ballot

34.9

The president shall be sworn in within 24 hours and hand over within 14 days. The defeated can not do any duties.

*34 Tenure of office*

Two terms. These however did not provide a time frame. This meant the terms began to run in 1991. (The presenters interpretation) This was an amendment bill and so began in 1991.

41.

Retaining officer in Presidential elections was to remain the Chief Justice.  
Full bench of a supreme court

#### *44. Functions of President*

Nominations that the President makes are ratified by parliament. If parliament does not ratify the first two nominees the third nominee will take office whether Parliament ratifies or not.

#### *45. Vice - President*

Provided that the VP was to be appointed from MPs

43.

Contrary to the Mwanakatwe Draft Constitution, Ministers would continue to be appointed from amongst MPs.

#### *49. Cabinet*

When the President was absent it was not automatic that the Vice President would act, but that the acting President will be elected by Cabinet.

51.

Accountability of Cabinet appeared to have extended to the Deputy Ministers through the collective responsibility notion.

- The Attorney General was to be an ex-officio member of Cabinet.

54.3 Government not to sign any treaties without the legal advice of the Attorney General

- The right to resign of the Attorney General had been provided for.

#### *55 Solicitor General*

Provided that he/she can be removed by the President.

56 DPP continued to have a bias towards criminal law practice and continued to be appointed by the President.

- The DPP to be under the direction of the Attorney General in matters of public interest.

Number of nominated MPs was retained

65. Provided that a Presidential candidate could not stand as an MP.

65.3.4 Chiefs who wished to stand had first to abdicate their chieftainship.

65.7.e - added that any person working for institutions/bodies in which Government had an interest may not get involved in politics.

69 - Dealing with the Speaker: The Speaker did not have to be a Member of Parliament

71.2 c Where an MP changed his/her political party or became an independent etc.,

No house of representatives provided for

74. *On removal of nominated MPs* the President can remove them or change them at

anytime. 76 *On the Electoral Commission* the provisions of the Mvunga Constitution were

retained 79 *Altering the Constitution* - This had not been touched.

90 *Investigator General* - Parliamentary Ombudsman had not been taken up

91 *Has added new provisions* - made specific reference to Industrial Relation Court, Subordinate Courts, Local Courts and made provision for other lower Courts

92. *On the Independence of the Judiciary* a provision for a code of conduct by which they should abide had been included

91.4 Judicial Power to rest in the Judicature

91.4 Also gave principles at which the Judicature could practice their authority

- Justice not to be delayed (but time frame not given )
- Compensation for unjust loss
- Objective
- undue regard to technicalities shall never bar administration of justice.

97.5 All judges to read their own judgement

95. Had included Chairperson / Deputy of the Industrial Relations Court to have security of tenure as the High Court Judges.

97. *Appointment of Judges* - he/she should have served a minimum period of 10 years before being appointed to the High Court and 15 years to the Supreme Court.

98. *Removal of Judges* - incompetence had been added (High Court, Supreme Court, Industrial Relations)

98.3 Gave power to the President, subject to ratification of the National Assembly, to remove a Judge for gross misconduct without a tribunal unless he felt there was to be an investigation.

109.2

*Part 9 On Directive Principles and Citizens duties*, quite a number of recommendations from Mwanakatwe had been left out.

*Participation of women*, popular participation and marriage and family had been left out. On the Environmental Policy, no consultation was provided for. The Motto of "One Zambia, One Nation" was left out.

*No 13* - Sought to introduce duties of citizens such as patriotic and loyal to Zambia and to provide defense and military services when called upon.

*Part 12*

Human Rights Commission had not really been given much i.e. powers, resources etc were not provided for in the constitution.

As a reaction to this presentation participants felt that the piecemeal approach Government had taken in coming up with the Constitution Bill took away the right of the people to adopt their own constitution and wondered whether there was anything that could be done using the current Constitution to address the problem.

From the discussion it was realized that under the current provisions there was no mechanism for a citizen to influence the constitution. Participants however still felt that the Constitution Amendment Bill contained things that did not come from the people of Zambia and thus was a Fraud.

It was agreed that only The **Mwanakatwe Draft Constitution** would be discussed, during the Citizens' Convention, as it reflected the views of the people. The idea was to debate the provisions and come up

with a people's constitution in reaction to the Government's constitution. Thus the Mwanakatwe Draft Constitution was adopted as the working document.

## **THE MWANAKATWE DRAFT CONSTITUTION**

### **PREAMBLE**

Participants felt that the preamble was acceptable because it was in the Mwanakatwe Draft Constitution which reflected the views of the people.

### **PART 1 Chapter 1**

Participants agreed with the provisions of the draft constitution except for **Article 3** where there was a suggestion that the mode of adoption of the constitution be included. There was no final agreement on the inclusion of the mode of adoption in the end.

### **Chapter 2.**

It was agreed that the directive principles of state policy should remain but should include a gender policy (*See appendix 2*)

That **Article 9** (i) should have the following added i.e. by promoting national unity, justice, freedom, peace and stable...

(3) substitute 'and' where there is 'on' religious values, so that it may read "... all people are entitled to their cultural, ethnic and religious values".

**Article 10** (5). That this paragraph on affirmative action be repeated on all the policies i.e. Economic labour, etc., to read, ".....The state shall pursue a deliberate policy of enhancing meaningful participation of women..... "

(6) Should include the word gender i.e. the end of the sentence should read - no gender, ethnic group or tribe shall dominate Government.

**Article 12** Should have (2) which reads... have a right to maternity leave in connection with .....the right to fair labour practices .....

### **PART 11 Chapter 3**

19 (1) b Agreed that the period required for one to become a citizen should be left to parliament to decide i.e. the ten years proposed in the Mwanakatwe Draft Constitution.

Also that marriage should be a qualification to apply for citizenship.

## **PART III Chapter 4**

25 (1) To add to The Bill of Rights that international instruments conventions, which Zambia has ratified, should be enforced in the Zambian Courts.

That these instruments should further be ratified by the legislature who should enact it into law within 90 days.

That this chapter should include the right to development as a fundamental right. That fundamental rights be stated as applying to everyone regardless of color, creed, gender, etc., these should include economic, cultural and social rights. (Here there was no consensus on the death penalty). That the right to life remains as it is and retain only 3 (a) of the clauses and remove b, c, d as they are subject to abuse.

### **Chapter 5**

No changes

### **Chapter 6**

No changes

## **PART IV Chapter 7**

82 (2) There was no consensus on the re-election of the president. But that the commencement date should start with the new constitution.

(3) That this clause be thrown out. That the vice president should only act for 90 days after which elections should be held.

84 (2) (c) Agreed that what was recommended in the Mwanakatwe Draft Constitution be retained, that nominations of the presidents should be supported by 100 people from each province.

90 (1) Agreed that the medical board to examine the President should be independent. The team should be appointed by the medical council in conjunction with the Chief Justice and should include the president's own physician. The number of the team should be as recommended by the Mwanakatwe Draft Constitution that the board should consist of not less than 3 persons.

91 (1) The house agreed to have a Constitutional Court rather than a tribunal to look into the complaints regarding the President. The powers to impeach should lie only with Parliament. The Constitutional Court should only investigate and send its findings to Parliament. Agreed that one person can initiate the petition for the impeachment of the President. That the Supreme Court and not parliament should decide on the impeachment of the President.

**91** (3) The Chief Justice shall appoint a tribunal of not less than two qualified members..... add .... of which at least half are women to look into the matter of the impeachment of the President.

**94.** There was agreement that there should be decentralization of power as regards the functions of the President but that there should be a lot of reflection on how this should work

**94** (3) that subsection (b ) be deleted which provides for the President to initiate laws for submission to



the National Assembly.

## **Chapter 8**

A group was chosen to draft a proposal on the functions of the vice president (see **appendix 3**)

## **Chapter 9**

107 Committee set up to look in the issues of reprimanding non-performing Mps (**see appendix 4**). There was consensus that Cabinet should be appointed from outside Parliament.

**Chapter 10 No change**

**Chapter 11 No change**

## **PARTY Chapter 12**

125 (1) The number of MPs should be included in the Constitution but should be flexible as the population changes.

That **Article 133** be deleted altogether.

**Chapter 13 No change**

**Chapter 14 No change**

**Chapter 15 No change**

## **Chapter 16**

**160** (2) (a) should be specific on the qualification of Parliamentary Ombudsman i.e. High Court Judge and (a) and (c) should be combined to emphasise the 10 years..

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That **Article 133** be deleted altogether.

**Chapter 13** No  
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**Chapter 14** No  
change

**Chapter 15** No  
change

## **Chapter 16**

**160** (2) (a) should be specific on the qualification of Parliamentary Ombudsman i.e. High Court Judge and (a) and (c) should be combined to emphasise the 10 years.

**162** (4) should be deleted which provides that a tribunal should inquire into the removal of the Parliamentary Ombudsman.

## **PART VI Chapter**

**17**

That traditional courts be maintained. That land issues be dealt with by chiefs.

That 171 (3) be deleted which provides that the offices of the Chief Justice and his deputy Shall become vacant upon assumption by any person to the Office of the President.

## **Chapter 18**

174 (8) should be added to say Judges of the Supreme Court must be required to write individual judgement.

176. (3) (a) the sentence should end at National Assembly to read the Constitutional Court shall have jurisdiction ..... over any alleged violations of human rights by this constitution ..... any inquiry into the constitutionality of any law including an Act of Parliament.

176 (8) be deleted

On 177 there was agreement that the president of the Constitutional Court would be elected by and from among the judges.

**Chapter 19 No changes**

**PART VII Chapter**

**20**

191 (a) Change the word 'transferred' to 'evolved'<sup>1</sup>. To read "the system shall be such as to ensure that functions,... are developed and evolved from the central government..."

**Chapter 21 No change**

**PART VIII Chapter**

**22**

205 which asks chiefs to give up chieftainship upon joining politics should be deleted

**Chapter 23**

A committee to sit and look into the input of traditional leaders in the legislature to enable participation in legislative functions, (see **appendix 5**)

**PART IX**

**Chapter 24 No charge**

**PART X**

**Chapter 25**

233 (1) to be amended that the President should not be the one to appoint an electoral commission to ensure independence.

234 (3) That the provision of registers of voters should be a continuous process.

236 Should compel citizens to vote.

#### **Chapter 26**

Everybody agreed that the President appoints the Heads of the Commissions but a draft committee was going to work on the tenure of office for the Heads of these commissions. (See **Appendix 1\$**)

#### **Chapter 27 No change**

#### **Chapter 28**

253 (1) (a). The full House and not the Speaker shall appoint a person to the judicial commission.

253 (1) (h) "appointed by the President" be deleted to read "a member to represent the Law Association of Zambia to be nominated by the Association".

254. To provide for the appointment of the speaker in the functions and powers of Judicial Service Commission.

#### **Chapter 29**

259. The Law Development Commission is there to develop laws after research and should not present bills to Parliament. The commission should be self accounting and should present periodic annual reports to parliament.

### **PART XI Chapter**

#### **30**

The Governor of the Bank of Zambia should be a non-partisan person.

145 should be adjusted so that bills are not introduced by the executive alone.

264. A clause should be included that will empower MPs to alter the budget as they see it fit.

268. People of Zambia should not suffer at the expense of debt repayment. Citizens should be told how national debts are being repaid. The tightening of accountability over debt needs to be considered.

#### **Chapter 31 No change**

#### **Chapter 32 No change**

#### **Chapter 33**

**279** (2) The chairperson for the Bank of Zambia Board should be appointed from amongst the members of the board by the members.

279 (4) be deleted on the appointment being revoked by the President in the interest of the nation. **PART XII**

**Chapter 34 No  
change**

**Part XIII**

**Chapter 35 No  
change**

**Chapter 36 No  
change**

**CONCLUSION**

Viewed from the perspective of the organisers the Citizen's Convention was a great success. Participants travelled from every province in the country. What was particularly notable was the number and avid participation by ordinary citizens contributing in whatever language they felt comfortable in. To cater for everyone, proceedings were in English but with simultaneous translation into four local languages and any other on request. Some participants volunteered to take turns at translations at no cost.

The fact that each participant was asked to contribute a sum of K5,000 to the cost of the convention was not a deterrent to wide participation as had been initially feared.

As said above the resolutions of the citizen's convention were published as the Citizen's Green Paper. (**See Appendix IS**)

This was distributed to each of the participants to the convention. The green Paper was further made available to government as the citizens' contribution to the process of constitutional making.

Government's first reaction was to deny any knowledge of the document. In subsequent statements however, the Minister of Legal affairs attacked the green paper as being a position of very few people and for failing to reach conclusive positions on certain subjects. To the organisers this was an acknowledgement that government had read and taken notice of the Green Paper.

The main objective of the citizen's convention was to give the people of Zambia a forum which really should have been provided by government to debate their constitution. For the first time in the history of the country citizens came out, at a round table, and voiced their opinion on what they wanted to see in the fundamental law of the land.

**POST SCRIPT**

On the first day of the citizen's convention government presented a Constitution Amendment Bill to Parliament. It was consequently passed and assented-to to become law.

Efforts continued to be made while the Bill was in Parliament and even after it was passed to persuade government to reconsider its stance.

Government continued to maintain its position, and held an election under the controversial Constitution to return to power.

On the face of it therefore, Civil Society lost its battle.

However, posterity shall know that the people of Zambia tried this one time to have a Constitution that would be acceptable by all and a document that would advance democratic principles and the right of the individual citizen.

**06/12/96**

*Appendix 1*

**CITIZENS CONVENTION COMMUNIQUE  
NUMBER 1**

We the citizens, women, men, and young people, meeting at the Mulungushi International Conference Centre, this 1st day of March, 1996, belonging or not belonging to various social economic and political groups from all parts of rural and urban Zambia, having gathered to review and express our concern over the adoption and content of the next Republican Constitution, and the need to build a consensus over the same, do call upon the President of the Republic of Zambia, in his capacity custodian of the Constitution to:

1. Uphold the Constitution and respect the sovereignty of the people of Zambia by withdrawing the 1996 Draft Constitution Bills
2. Facilitate genuine consultation with each stakeholder
3. Stop organising block voting and abridging the rights of individual Zambians to express their view on a matter of national importance, in particular, to stop the intimidation of Members of Parliament, the Press, civil servant, party members and the press.

We are dismayed by the present government's insensitivity and arrogance of presenting the Constitution of Zambia Bill 1996 and the Constitution of Zambia (Amendment Bill 1996) to parliament, this unilaterally initiating the process of enacting a Constitution by a shortcut method, limited to the narrow interests of a one party and male-dominated parliament.

We are appalled that this action is a direct affront to the expressed wishes of the overwhelming number of petitioners to the Constitutional Review Commission, and the unanimous recommendation of the commissioners that the Constitution be adopted through a Constituent Assembly and National Referendum.

We are concerned, that this unilateral arrogant action amounts to a dangerous confrontation with the people of Zambia, which undermines and destabilises the democratic process, the sovereignty of the people and national peace.

We are further concerned, that if the President continues to be unaccommodating and unresponsive to the demands for a national consensus over the Constitution, he shall be abdicating his constitutional responsibilities and shall be held solely responsible for the consequences.

It is for this reason, that we appeal to Members of Parliament to act responsibly and disassociate themselves from

this fraudulent attempt by government to subvert and circumvent the freedom and right of Zambians to adopt and determine their Constitution.

Even more importantly, we encourage the people of Zambia to form a united front, to resist and condemn all and any attempt to derail the democratic process, by imposing a Constitution without a broad national consensus, similar to the 1991 Constituent Assembly at the Cathedral of the Holy Cross in Lusaka.

We express our outrage and condemn the continuing harassment, persecution and prosecution of journalists and with other advocates of democracy, with particular reference to, the plight of Mrs Lucy Sichone, Mr Fred Mmembe, Mr Bright Mwape and Mr Arthur Simuchoba, with who we are in solidarity.

In the meantime, we the citizens, women, men, and young people meeting at the Convention, will continue to exercise our constitutional responsibilities and obligation to ensure that the people of Zambia shall adopt and determine their own /Constitution. An action plan to this effect shall be determined by this Convention.

Signed:

**CHAIRMAN STEERING COMMITTEE -1996 CITIZENS CONVENTION.**

*Appendix 2*

## **GENDER POLICY**

1. The State shall ensure that all government action and policies are gender responsive.
2. Measures shall be taken to ensure gender balance on all constitutional and other bodies controlled by the State
3. The State should ensure protection from gender discrimination.

*Appendix 3*

## **THE VICE PRESIDENT**

**Resolved to amend Article 101 (2), on the election of the Vice President, to read:**

shall be appointed from among the elected members of parliament by the President ratified by parliament.

**Resolved to enhance functions of the Vice President by amending Article 105 to include being:**

1. Head of Government.

2. Head of Government business in Parliament.
3. In charge of Cabinet Office and Civil Service.
4. Vice President shall preside over Cabinet in the absence of the president

Vice President shall coordinate and supervise functions of ministers and ministries

#### ***Appendix 4***

### **CONTRIBUTION TO THE DEBATE ON THE RECALL OF MEMBERS OF PARLIAMENT**

The current debate on the draft constitution has shown that even those men and women who have abandoned the halls of power, have compromise democratic principles in favour of partisan or other private agenda. This was evident in the debate on whether the two terms presidential restriction was to be enforced when the new constitution amendments are to be enacted, or to back date this restriction to 1964.

This experience of leaders being inconsistent in formulating policies must show us that NO leader can be trusted blindly. Therefore the recall of a member of parliament by the electorate must be put in the constitution. If the president can be impeached in the current constitution, why should it not be possible to recall a member of parliament? MPS must realise that they are servants of their electorate. The recall of an MP must have no restrictions of time limit etc., if the electorate are not happy with their MP, then they have the right to vote her or him out. Through a vote of no confidence.

This is Probably the only change to our constitution which will produce committed, serious progressive and representative debate and action in our national assembly. Every MP will now become answerable to the electorate.

#### ***Appendix 5***

### **LOCAL GOVERNMENT**

#### **(A) Local Government**

Should be based at the district.

Traditional rulers must be incorporated into the district automatically and should sit with the District commissioner.

There is need for Constitutional devolution of power. The district should be

the focus as Councillors have no role

This is a chance for the uplifting the lives of our people. The dual system must work in tandem.. Provincial



admin./ local authority / Traditional authority. Empowerment - control their own lives. Structure and strategy must be aligned. Leaders of provinces must be accountable to the people. Chiefs should participate in the local government administration. Present system contributed to suppression of the power of chiefs.

**(B) Functions of the House of Chiefs (additions)**

218 (a) Administer of justice as prescribed by an Act of Parliament

- (b) Initiate development projects
- (c) Promotion of traditional and cultural values

203 (3) The process of installation and grading shall be vested in the local tradition.

(d) Traditional Rulers shall be consulted on the following matters before any bill is passed in the National Assembly:

- i) Land
- ii) Culture
- iii) Conservation
- iv) Constitution bills

***Appendix 6***

**PART VI - THE JUDICIARY CHAPTER 17 - ADMINISTRATION  
OF JUSTICE**

**JUDICIAL POWER**

I submit as follows that a new clause should follow immediately after Article 167 to read as follows:

ARTICLE NO 167 CLAUSE (1)

'The judicial power of the Supreme Court will always be supreme that is in the interpretation of the Republica Constitution and all legislation applicable to Zambia. All citizens and all institutions including the president of the Republic of Zambia and parliament will be legally<sup>1</sup>

***Appendix 7***

**RIGHTS OF WOMEN AND CHILDREN**

**PREAMBLE**

The Mwanakatwe Constitution Review Commission of 1993 - 1995 was charged with the task of collecting view from the people of Zambia on the future Republican Constitution which should stand the test of tie

Noting that these submissions, especially of the women of Zambia, to the Commission had been rejected by the Government in its White Paper No. 1 of 1995, we the Women's Movement of Zambia demand that the rights and freedoms of Women and children embodied in the Mwanakatwe Constitution Review Commission Draft be enshrined in the Republican Constitution of Zambia.

Whereas:

Zambia is a signatory to the Convention on the Elimination of all forms of Discrimination Against women (CEDAW) and the Convention on the Rights of the Child (CRC);

The current stage of African development is progressive and enacting gender sensitive Constitutions like those of Uganda, Ethiopia and South Africa.

Zambia played a key role in the making of progressive and enacting gender sensitive Constitutions like those of Uganda, Ethiopia and South Africa;

Only recently Zambia accented to the African and Global Platforms for Action which bind the State further to safeguarding the rights and freedoms of woe and children in the Constitution which is the highest law of the land.

*Zambia*, still remains a male-dominated society where women and children continue to be marginalised at all levels in order to correct this discrimination the following rights and freedoms f women and children, who constitute 68% of the population, should be enshrined in the Republica Constitution of Zambia

## 1.0 RIGHTS OF WOMEN

- 1.1 That women have equal rights and freedoms with men in the enjoyment of the rights, freedoms and protection as guaranteed in the constitution of Zambia' in all aspects'.
- 1.2 Considering that women have traditionally been viewed with inferiority and are discriminated against, they have the right to the benefit of affirmative action undertaken for the purpose of introducing corrective changes to such heritage.
- 1.3 Women shall have the right to maternity and pregnancy leave with full remunerations. The duration of maternity leave shall be determined by law having regard to the nature of the work, the women's health and the welfare of the child and its family.
- 1.4 All laws, customary practices and stereotyped attitudes which are against the dignity, welfare of interest of women or which other wise adversely affect their physical and mental well being be prohibited;
- 1.5 Women shall have the right to demand that their opinions be heard on matters of national development policies, on plans and project implementation, and in particular on projects affecting their interests.
- 1.7 Women shall have equal rights with men regarding the use, transfer, administration and control of land and enjoy the same rights with men with respect to inheritance
- 1.9 Women shall have the right of access to education and information, on family planning so as to enhance their good health and prevent health hazards resulting from child birth
- 1.10 Women shall have the equal rights with men with respect to marriage, during and at its dissolution
- 1.11 Women shall have equal treatment and opportunity to participate in the political, economic social and cultural life of the nation
- 1.12 Women shall have equal right with men to chose a name and nationality

## 2.0 RIGHTS OF CHILDREN

### PREAMBLE

Children constitute a major percentage of the Zambian population. Furthermore Zambia has ratified all conventions regarding the rights and freedoms of children and should consequently enshrine these rights and freedoms in the Republica Constitution. The state of children in Zambia today is pathetic and the current laws and practices urgently need unhauling in accordance with historic, political, social and economic developments in the region and globally.

2.1 For the purpose of this article, a child means every human being below the age of 18 years old.

2.2 Every child shall be entitled to all fundamental rights and freedoms set forth in this constitution, except as qualified by law for the protection of the child as required by his/her status as a minor

2.3 Every child shall be entitled to:

- the right to name and nationality
- the right to be cared for by its parents or legal guardian
- Protection against physical and mental ill-treatment and all forms of neglect, cruelty or exploitation;
- The right to basic education for the first 9 years
- Rest, leisure and to engage in play and recreational activities
- The highest attainable state of physical and mental health
- Security, basic nutrition and social services
- Reasonable provision out of the estate of her or his parents;
- Protection from cruel and inhuman punishment including corporal punishment and
- Protection from harmful cultural practices.

2.4 No child shall be employed or permitted to engage in any occupation or employment which would prejudice or interfere with hers or his health, education or physical, mental or moral development

Provide that the National Assembly may by legislation provide for employment of a young person for a wage under certain conditions

2.5 In all action concerning a child undertaken by public or private institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be the primary consideration

2.6 In the administration of justice, every child shall be treated in a manner appropriate for her or his age. In applying this provision:

- Juvenile offenders shall be tried in juvenile courts which shall use special trial and sentence procedures;

- Children in remand or correctional institutions shall be kept separate from adults; and
- No child shall be sentenced to death

2.7 No child shall be discriminated against irrespective of her/his parents or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic, or social origin, property, disability, birth or marital status.

- 2.8 Every child without a family or in other difficult circumstance shall be entitled to assistance from the State
- 2.9 Parliament shall enact legislation for the establishment of special institutions to provide for the welfare, upbringing and education of orphans and other children displaced from their families.
- 2.10 No child shall be recruited into the armed forces.
- 2.11 There shall be established a child protection agency with competence to receive and act upon reports from the general public on the violation of children's rights.
- 2.12 Parliament shall enact legislation for the better regulation of this article

### 3.0 THE RIGHT TO FOUND A FAMILY

We recommend that the recommendations of the Mwanakatwe Commission on the right to found a family should be reinstated as follows:

- 3.1 Every person should have the right to found a family
- 3.2 Marriage and the family had the natural and fundamental basis of society should enjoy a special protection of the state; and
- 3.3 Marriage should be based on the free and full consent of the intending parties, being of full age and capacity;

### 4.0 DIRECTIVE PRINCIPLES OF STATE POLICY

We recommend that these should be reinstated and Gender Policy be included as follows:

#### 4.1 Gender Policy

The State shall ensure gender balance and fair representation of marginalised groups on all Constitutional and other bodies controlled by the State.

***Appendix 8***

## **CHILDREN'S RIGHTS**

All children shall have equal rights and entitlement regardless of sex and marital status of their parents ( point was raised and agreed for rephrasing) delete from 3 the last paragraph which read as follows;

Provided that the National Assembly may by legislation provide for the employment of a young person for a

wage under certain conditions

but insert in the substantive clause an age limit END

*Appendix 9*

## **CHAPTER 1**

Land and other natura 1 resources - to read

8. All land and other natural resources belong to the Zambian people and the People, facilitated by Traditional and State Institutions, shall have the responsibility of conserving, utilizing and managing the same for the common good of the present and future generation.

END

*Appendix 10*

## **LAND AND NATURAL RESOURCES - POLICY**

Land and natural resources shall be owned and controlled and used by the citizens of Zambia and appropriate legislation should be enacted to ensure that rights legal and customary of the citizens over their land and natural resources are not taken away, abused or misused and that 95% (Ninety -five ) of the land mass of Zambia must be owned, occupied, controlled, and enjoyed by the citizens of Zambia.

END

**LABOUR POLICY**

2. The state shall ensure that women have the right to maternity and pregnancy leave and are protected from all forms of gender discrimination and harassment in all places of work.

END

**Article 264**

(a) The Minister

(b) The minister responsible for public finance shall cause to prepare and shall lay before the National Assembly, at least 180 days before the presentation of an annual budget, a draft the proposal of the annual budge reflecting the estimate of revenues and expenditures of the Republic, which shall inter alia, reflect capital and current expenditure of the government for that financial year.

(c) The national Assembly shall establish a specific budget committee, composed of back benchers members of Parliament representing all parties in Parliament to examine and deliberate on the draft proposal of the annual budget presented by the minister, which shall inter alia, reflect a reassessment of prioritisation and bench mark parameters of the capital and current expenditure of the government for that financial year

(d) The budget committee, shall be facilitated to conduct public hearings, to consider views and expressed interest of the general public, civil society and to other interested 'publics' over the draft proposed of the annual budge presented by the Minister responsible for public finance.

(e) The budget Committee, shall, after including deliberations and public hearing over the draft

proposal of the annual budget submit it, refereed back and consider proposals to the minister responsible for public finance within 90 days of having receiving the draft proposal.

(f) The national Assembly, shall have full powers to accept or reject all or any part of the financial budge proposal prepared and laid before the National Assembly, in accordance with

END

*Appendix 13*

## **SUBMISSION TO THE CITIZEN'S CONVENTION ON THE DRAFT CONSTITUTION**

### **CHAPTER 24 Article 227**

#### **and 232**

Inspector General of Police and Commissioner of Prisons, even through are appointed by the President, should be non partisan. The removal of the aforesaid holders of such offices, should be by recommendations of tribunal as provided for below. In this way mainly, the Police force will be able operate non partisan. This provision will safeguard politicization of these institutions.

### **Chapter 26**

#### **Investigative Commissions**

(1) The articles as provided for under the draft constitution Chapter 26 are acceptable in a democratic and plural political environment. The investigative commissions should be responsible to the electorates and in this case, the commissions should be responsible to national Assembly which comprises representatives from all constituencies of political parties and the Government. This set-up provides independence of the commissions and grants protection from the executive who may interfere with the cases as the situation has been in Third Republic. This structure safeguards against the President to cover up the reports submitted and possibly shield Ministers and other public holders of offices.

(2) Additional article should be provided under chapter 26 as regards remove of head of the investigative commissions. The article should provide as follows:-

- (i) The head of the investigative commission may be removed from the office only for
  - a) inability to perform the functions of his or her office
  - b) misbehavior or incompetence and shall not be removed except in accordance with the provisions of this article
- (ii) If the appointing authority considers that the question of removing the head of the Commission, under this article, ought to be investigated, then the Chief Justice shall appoint a tribunal which shall consist of a Chairperson and not less than two other members who hold or have held or are qualified to hold high judicial office.
- (iii) The tribunal shall inquire into the matter and report on the facts thereof to the appointing authority and advise whether the head of the commission ought to be removed from office under this article for inability as aforesaid or for misbehavior or incompetence.
- (iv) Where a tribunal appointed under clause (3) advises that the head of the Commission ought to be removed from office for inability as aforesaid or for misbehavior, or incompetence, the appointing authority shall remove such head of the Commission from office

- (v) If the question of removing the head of the commission from office has been referred to a tribunal under clause (3) the appointing authority may suspend such head of the commission from performing the function of his office or her office and any such suspension may at any time be revoked by the appointing authority and shall in any case to have effect if the tribunal advises that the head of the commission ought not to be removed from office.

END

## **Appendix 14**

### **PREROGATIVE OF MERCY**

95. The president may

- (a) grant persons convicted of an offense a pardon, either complete or subject to lawful conditions
- (b) grant persons a respite, either indefinite or for a specified period, of the execution of the punishment of the person for an offense
- (c) substitute a less severe form of punishment for the punishment imposed on a person for an offense
- (d) remit the whole or part of the punishment imposed on persons for an offense, penalty, forfeit or confiscation otherwise due to the government account of an offense

### **ADVISORY COMMITTEE**

96 (1) There shall be an advisory committee on the prerogative of mercy which shall consist of three permanent members one from the Ministry of Legal Affairs, the Ministry of Home Affairs, and the Ministry of Health. There shall be the other members which shall be selected as follows:

- a) one person with expertise in human rights nominated by the Law Association of Zambia
  - b) one person nominated from a women organisation
  - c) one person nominated from a religious organisation
- 
- 2) The President may appoint another person to the advisory committee on an ad hoc basis for the purpose of advising him or her in matter relating to persons convicted by courts martial
  - 3) A member of the advisory committee shall hold office for the duration of the term of office of the President
  - 4) Where any person has been sentenced to death for any offense, the advisory committee shall meet to consider the question of the President's exercise of the powers conferred on him or her in Article 95.
  - 5) Subject to clause (4) the President shall refer to the advisory committee any question as to the exercise of the powers conferred upon him or her in Article 95.
  - 6) The advisory committee shall determine its own procedures.

Note; The president was given a carte blanche in this section. The word ANY has been deleted, however, it is not for this committee to specify the limitations or conditionalities of exercising the prerogative. With members of an advisory committee from different sectors, factors can be more objectively considered. It could be for the Legislature to prescribe factors to be considered which in effect would circumscribe the presidential



power to pardon)

END

*Appendix 15*

CLOSING STATEMENT  
**BY THE CIVIL SOCIETY COMMITTEE ON THE CONSTITUTION AT THE CITIZENS'  
CONVENTION**

Mulungushi Conference Centre, March 1-10, 1996

Distinguished Participants  
Fellow citizens

May I start by thanking you all for having faithfully attended this convention from day one to day ten, and for seriously considering the provisions of the draft constitution.

Sincere thanks also to all those who have worked behind the scenes to ensure that meals, study material, etc, were organised.

Many thanks once again to all of you for your financial, material and moral support to the steering committee. Fellow Citizens,

This convention has demonstrated that the constitution is not a mysterious document for legal experts, but rather an embodiment of the people's will. Contrary to the oft repeated sentiments by some government leaders that calls for the Constituent Assembly were only from certain individuals and NGOs, participation at this convention has put to rest that fallacious argument. Citizens have stated for themselves the need for popular participation in Lozi, Nyanja, Tonga, Bemba and English.

I am of the opinion that this convention has achieved two objectives:

- a) we have stated our substantive and positive position on the provision of the draft constitution
- b) we all are better educated on what a constitution should and should not

provide

Fellow Citizens,

May I now comment on the rationale for what we are doing, and why the debate must continue.

Almost five years ago, the people of Zambia were convinced that change of government and the system of governance was necessary if their lot was to improve: better roads, better housing, more food, better schools, more rights and freedoms. At that time it was felt that the underlying cause of our misery was a bad government. With the advent of Multi-party politics we were all swayed to embark on a democratisation experiment - a system of governance that would be characterised by transparency, accountability and the rule of law. The foundation of democratic governance is a sound constitution. Indeed in 1993, a Constitutional Review Commission was appointed by President Chiluba.

The process set in motion by the appointment of that commission is what we have all contributed to at this convention. We must therefore remain committed as men and women, young and old, as members of political parties, NGOs and indeed in our right as concerned citizens, to see this process to its logical conclusion. We must ensure that for once, the people of Zambia have a say over how they want to govern themselves, now and in the future.

We have all noted with grave concern government's intentions to make, adopt and enact a new constitution. By introducing the Constitution of Zambia (Amendment) Bill 1996, the government has sent notice that they are not prepared to allow citizens to participate in the creation and adoption of the new constitution.

Although the proposed Bills are styled "amendment", these Bills amount to creating a constitution by re-enacting some of the provisions in the old constitution and introducing new provisions that are neither in the 1991 constitution nor the Mwanakatwe recommendations. Whichever way you look at it, the government is creating, adopting and intends to enact a new constitution alone, without informing and consulting the people. As a matter of principle this is wrong. If this Bill goes through in Parliament, the new constitution will be highly discriminatory, it will not be based on consensus and will have taken away the sovereign power of the people to adopt for themselves their own constitution. A constitution, being supreme law, even a good one, with good provisions, and written with the best of intentions is not legitimate and not acceptable if the people do not participate in its creation.

Citizens have a natural right to resist bad laws. We call upon all citizens to take up the challenge of resisting bad laws that breed bad governance. We implore you to continue demanding the adoption of our new constitution by a Constituent Assembly and a National Referendum.

The challenge before us is that as individuals and organisations we must ensure that the Mwanakatwe Process is pursued to its logical conclusion by devising such strategies as lobbying, petitions, public meetings, debates, and so on, based on the resolutions of our Convention. Our common front is the promotion of the principles of good governance. Our energies must converge on this single most important issue and fight for our birth rights. The Steering Committee will ensure that the Green Paper is produced and circulated to the President in his capacity as President of the Republic of Zambia, the Chief Justice, Speaker of the National Assembly, the International Community and all registered participants at this Convention.

What we are dealing with is a political problem, created by politicians, past and present. We are therefore asking citizens and all politicians to commit themselves to addressing the national questions facing us today: poverty reduction, good governance, human rights and ultimately a good constitution.

I thank you,

Morse Nanchegwa  
Chairperson

**The Steering Committee  
on the Mode of Adopting the Constitution  
P.O.BOX 31965  
Lusaka**

**PRESS RELEASE**

The "**Green Paper**" is the fruit of an initiative started by a number of Church organisations and NGOs in October, 1995. They came together to form the Steering Committee on the Mode of Adoption of the Constitution (Henceforth "the Steering Committee"). Their agenda was single: to raise public awareness and elicit public resistance of Government's measures to push the Constitution quickly through Parliament without a proper national and popular debate.

A Citizen's Convention was organised and took place from 1st-10th March 1996 at the Mulungushi International Conference Centre.

The Main objective of this convention was to discuss the Mwanakatwe Draft Constitution so as to come up with an alternative to the Government White Paper no. 1 of 1995 which would be termed the **Citizens Green Paper**.

For this reason the Participants to the convention discussed only the Mwanakatwe Draft Constitution. Other documents such as the Government White Paper no. 1 of 1995 and the Constitution of Zambia (Amendment) Bill, 1996 were not considered in the deliberations.

This was primarily because these documents contain provisions that were are not in the Mwanakatwe Draft Constitution. In this regard we should make mention of three very fundamental provisions which are in the Government white Paper and Constitution of Zambia (Amendment) Bill but which are not in the Mwanakatwe recommendations or the Draft Constitution:

- The Declaration of Zambia as a Christian Nation
- Amendments to chapter 6 (the Judiciary)
- Retroactive effect of legislation as per Article 78 (7)

The green Paper is therefore the product of deliberations by citizens on the actual submissions made to the Mwanakatwe Draft Commission.

Finally it can be noted from the deliberations of the Convention and the Green Paper that there is a need for a more popular way of adoption of the Republican Constitution as a surest way of reaching consensus.

Civil Society will be launching the Citizen's Green Paper at a Press conference in the Club Lounge of the

Pamodzi Hotel on Thursday the 11th of April 1996, at 10.00hrs.

*Appendix 17*

## **CITIZENS' "GREEN PAPER"**

### **SUMMARY OF RESOLUTIONS BY THE CITIZENS' CONVENTION ON THE DRAFT CONSTITUTION**

**Mulungushi International Conference Centre 1st to 10th  
MARCH 1996**

#### **INTRODUCTION**

The "green paper" is the fruit of an initiative started by a number of Church organisations and NGOs in October, 1995. They came together to form the Steering Committee on the Mode of Adoption of the Constitution (Henceforth "the Steering Committee"). Their agenda was single: to raise public awareness and elicit public resistance of Government's measures to push the Constitution quickly through Parliament without a proper national and popular debate.

The Steering Committee organised a National Conference that took place on November 24-25, 1995, at the Mulungushi International Conference Centre. From this Conference, it became clear that people wanted a more popular mode of adoption as a surest way of reaching a consensus. However, proper national forums for debate were not forthcoming. It was then agreed that citizens should organise their own forums if government was not ready to do this. The idea of the Citizens' Convention was then mooted. In March 1996, the convention became a reality.

The Convention was attended by a total number of 257 registered participants from all provinces in Zambia. This does not include participants from Lusaka who came in for short periods but did not stay for the duration of the Convention. A full participant list will appear in a formal Report on the Convention. Proceedings were conducted in English with simultaneous translation into Tonga, Lozi and Nyanja for the participants who were not conversant with the official language.

The "Green Paper" is not a legal document. It is a summary of the discussions of the citizens who participated in the Convention. They discussed the Mwanakatwe Draft Constitution Article by Article. They made comments which were debated upon after which a broad consensus was reached.

The "Green Paper" is not a "final" document. It was resolved that the document will serve as a document for further national debate. The common feeling among participants was that the "green paper" will still need to be further debated by another body, preferably, a Constituent Assembly. Hence, the references herein to this body on issues that the Citizens' Convention could not agree upon.

#### **THE CONVENTION THE**

#### **PROCESS**

While some invitations were sent to organisations, participation and voting was done on individual basis.

Participants were able to study the Draft Constitution article by article and debated those articles on which issues were raised. Overall, participants agreed with the Constitutional Review's Recommendations, however, in some cases, changes were made. Decisions were arrived at by way of general consensus and where necessary by voting.

## **SUMMARY OF PROCEEDINGS**

The following were the major outcomes of the Convention:

- » the Constitutional Review Commission's Draft Constitution was deemed a good working document which lays a good foundation of Zambia's future Constitution.
- \* basic principles of good governance were agreed upon *inter-alia*: rule of law; respect for human rights; separation of powers; removal of discriminatory clauses in the Constitution particularly those clauses that would tend to favour the ruling party and incumbent office bearers; minimisation of political interference in the running of state institutions; promotion of the common good and participation of a greater number of citizens in national matters; respect for the will and sovereignty of the people.
- \* that since this is going to be the first time Zambian citizens will have a chance to participate meaningfully in the constitutional reform process, the Draft Constitution must go through a process of popular debate and analysis until consensus is reached.
- \* there was a strong feeling among participants that the government was trying to avoid the participation of the people in the making of the Constitution by attempting to create, adopt and enact a new Constitution under the guise of 'amending' the 1991 Constitution.
- \* participants resolved to carry out various activities to lobby for the continuation of the constitutional review process. Political parties, churches, NGOs, unions, and other interest groups resolved to carry out legal and peaceful activities within their mandate.

## **RESOLUTIONS**

***All the Articles not referred to in these resolutions, were accepted as provided in the Mwanakatwe Draft Constitution (MDC).***

### **PART 1 : NATIONAL SOVEREIGNTY AND THE STATE**

#### **CHAPTER 1 : The Republic Resolved to enhance Article**

##### **8 to read:**

All land and other natural resources belong to the people of Zambia, who, facilitated by traditional and state institutions, shall have the responsibility of conserving, utilizing and managing the same for the common good of the present and future generation. Appropriate legislations should be enacted to ensure that rights, legal and customary, of the citizens over their land and natural resources are not taken away, abused or misused.

## **CHAPTER 2: Directive Principles of State Policy**

### **Resolved to enhance Article 9 (1) to read:**

All organs of the state and all the people of Zambia shall work towards the realization of the National Motto of "One Zambia, One Nation" by promoting national unity, justice, freedom, peace and stable political conditions.

### **Resolved to alter Article 9 (3) to read:**

All the people of Zambia shall be entitled to their cultural, ethnic and religious values.

### **Resolved to enhance article 10 (6) to read:**

The composition of the government shall be fairly and broadly representative of all the regions and social groups of the country and no one gender, ethnic group or tribe shall dominate government.

### **Resolved to change Article 12 to add to existing clause, a second clause to read:**

12 (2) The state shall ensure that women have the right to maternity and pregnancy leave and are protected from all forms of gender discrimination and harassment in all places of work.

### **Resolved to include a new Article entitled "Gender Policy" to read:**

- (1) The state shall ensure that all government action and policies are gender responsive.
- (2) Measures shall be taken to ensure gender balances on all constitutional and other bodies controlled by the state.
- (3) The state should ensure protection from gender discrimination.

## **PART III: FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS**

### **CHAPTER 4: Protection of Fundamental Human Rights and Freedoms**

#### **Resolved to add an extra clause to Article 23, namely Article 23 (4) to read:**

Signed International conventions, after debate by parliament, should be passed into appropriate domestic law.

#### **Resolved to enhance Article 25 to encompass the right to development, to read:**

The State shall make such arrangements to ensure that resources are first and foremost directed to development, which includes; education, health, shelter and food.

#### **Resolved to delete from Article 25 (3) subsections (b), (c) and (d)**

#### ***DISCUSSION ON THE DEATH PENALTY (referred to a Constituent Assembly for agreement).***

#### **Resolved to amend Article 59 "Rights of children" as follows;**

Clause (2) (d): the right to free basic education

The deletion, in Clause (3), of sentence beginning from 'Provided that the National Assembly...' to the end leaving: No child shall be employed or permitted to engage in any occupation or employment which would prejudice or interfere with his or her education or physical, mental or moral development

**Resolved to rephrase clause 7 to read:**

All children have equal rights and entitlement regardless of the marital status of their parents.

Resolved to add new clauses to include:

- (8) No child shall be forced into marriage.
- (9) No child shall be sentenced to death.
- (10) No child shall be recruited into the armed forces.
- (11) The State shall take care of orphaned children.

***N.B. For the purpose of these clauses, a child is defined as any person below the age of Eighteen (18) years.***

**Resolved to include an Article on Rights of the Youth to read:**

The youth shall be assisted with vocational and skills training and with access to employment.  
*(This was to oblige government to take care of its youth.)*

**PART IV: THE EXECUTIVE CHAPTER 7 : The President Resolved that**

**Article 82 (1) should delete the following sub-clauses:**

- (b) his or her parents are Zambian citizens born in Zambia,
- (d) he or she is of good character

**Resolved to amend Article 82 (1) (a) to simply read:**

he or she is a citizen of Zambia by birth or descent.

***N.B. Resolved to delete 303 (1) and (2) which are made it redundant by this provision. Resolved that Article 82 (1) (c) be amended to read:***

he or she has attained the age of twenty one years.

**Resolved that the date of commencement of this Constitution would be:**

its date of enactment.

Resolved that clause 82 (3) be deleted (it violates principles of election)

Resolved to rephrase Article 86 to read: This constitution shall provide for independent candidates.

In reference to Article 90 clauses (1), (2), and (3), it was resolved that the medical board to examine the President should be independent. The team shall be appointed by the Medical Council in conjunction with the Chief Justice and include the President's own physician. The number of the team should not be less than 3.

In reference to Article 91, it was resolved that a petition to impeach the President can be initiated by one citizen of Zambia. It was further resolved that the Supreme Court and Parliament should decide on impeachment of the President.

***N.B. Consensus was not reached on the number of signatures the petitioner would need for the process to begin in the Supreme Court. Matter left to the Constituent Assembly. Resolved to enhance clause 91 (3) (a) to read:***

The Chief Justice shall appoint a Tribunal which shall consist of a Chairperson and not less than two other members. The members shall hold, have held, or be qualified to hold high Judicial Office.

**In reference to Articles 92 & 93 it was resolved that:**

The Vice President can only act for 90 days after which a Presidential election should be held.

Resolved to amend 94 (2), (a) on the functions of the President, to read:

'initiate' instead of 'formulate' the policy of the government.

Resolved to redraft 94 (4) (a) to read:

In the event that the National Assembly refuses to ratify the appointment of a person nominated to any office provided for in this constitution, National Assembly shall furnish reasons for such refusal which reasons shall not be inquired into by any court.

Resolved to amend 94 (4) (c) to indicate that:

The President should continue nominating and consulting until he/she nominates a candidate that National Assembly accepts.

It was resolved to amend Articles 95 and 96, as follows:

Article 95. "Prerogative of Mercy", The president may:

- (a) grant persons convicted of an offence a pardon, either complete or subject to lawful conditions;
- (b) grant persons a respite, either indefinite or for a specified period, of the execution of the punishment of the person for an offence;
- (c) substitute a less severe form of punishment for the punishment imposed on a person for an offence;
- (d) remit the whole or part of the punishment imposed on persons for an offence, penalty, forfeit or confiscation otherwise due to the government account of an offence.

Article 96. "Advisory Committee"

96 (1) There shall be an advisory committee on the prerogative of mercy which shall consist of three permanent members one from the Ministry of Legal Affairs, the Ministry of Home Affairs, and the Ministry of Health. There shall be other members which shall be selected as follows:

- (a) one person with expertise in human rights nominated by the Law Association of Zambia;
- (b) one person nominated from a women organisation;
- (c) one person nominated from a religious organisation.

(2) The President may appoint another person to the advisory committee on an adhoc basis for the purpose of

advising him or her in matters relating to persons convicted by court martial.

(3) A member of the advisory committee shall hold office for the duration of the term of office of the President.

(4) Where any person has been sentenced to death for any offence, the advisory committee shall meet to consider

the question of the President's exercise of the powers conferred on him or her in Article 95.

(5) Subject to clause (4) the President shall refer to the advisory committee any question as to the exercise of the

powers conferred upon him or her in Article 95.

(6) The advisory committee shall determine its own procedures.

*N.B. The president was given a carte blanche in this section. The word ANY was been deleted, however, it is not for this Committee to specify the limitations or conditionalities of exercising the prerogative. With members of an advisory committee from different sectors, factors can be more objectively considered. It could be for the*



*Legislature to prescribe factors to be considered which in effect would circumscribe the presidential power to pardon.*

#### CHAPTER 8: Vice President

Resolved to amend Article 101 (2), on the election of the Vice President, to read:

shall be appointed from among the elected members of parliament by the President ratified by parliament.

**Resolved to enhance functions of the Vice President by amending Article 105 to include being:**

1. Head of Government.
2. Head of Government business in Parliament.
3. In charge of Cabinet Office and Civil Service.
4. Vice President shall preside over Cabinet in the absence of the president
5. Vice President shall coordinate and supervise functions of ministers and ministries.

#### CHAPTER 9: Ministers

**Resolved to amend Article 107 (5) to read:**

A person who contested and lost in any election to the National Assembly or office of President or Vice President shall not be appointed a Minister or Assistant Minister for the term of that National Assembly or such office.

#### PART V : LEGISLATURE

#### CHAPTER 12: The National Assembly

**Resolved that there should be some nominated members of Parliament**

to allow for balance in regards to gender, tribes or other marginalised groupings.

***N.B. The issue of who will nominate the MPS and what kind of Parliamentary system we should have was left to the Constituent Assembly. In relation to this was a presentation of a report on Proportional Representation, This was also referred to the Constituent Assembly / Referendum. See appendices in the Formal Report.***

**Resolved to amend Article 131 (2) (b) to read:**

90 days instead of two years.

**Resolved to amend Article 134 (2) to read that:**

Nine people are required to raise a petition against an MP and present it to the Constitutional Court. ***N.B. Matter was referred to the Constituent Assembly for further discussion.***

**Resolved to amend Article 134 (4) (a) to read:**

failure to reside in and to undertake reasonable visits to the constituency. **(N.B. The difficulty was to determine what is considered "reasonable visits".)**

**Resolved Article 135, it should be stated that:**

The Speaker should be nominated from outside Parliament by a Special Commission. ***(N.B. Name of Commission not discussed.)***

**Resolved that the qualifications of the Speaker should be specified and include:**

- \* Citizen of Zambia
- \* Non-partisan
- \* Minimum age of 35
- \* Be otherwise qualified for presidency
- \* Parliamentary experience
- \* Conversant with the official language.

**Resolved to delete all clauses to the resolution that speaker should come from outside the National**

**Assembly. CHAPTER 16: Office of the Parliamentary Investigator General Resolved that in Article 159;**

the title should read "Parliamentary Investigator General" instead of Ombudsman.

**Resolve to amend Article 160 as follows:** Delete (b) and;

Rephrase clause (2) to include qualifications for Parliamentary Investigator General, high judicial office / expertise in administration for not less than ten years.

**PART VI: THE JUDICIARY**

**CHAPTER 17: Administration of Justice**

**Resolved to alter Article 168 (e) to read:**

Such other traditional and lower courts as may be prescribed by an Act of the National Assembly.

**Resolved to delete clause (3) in Article 171.**

**Resolved additional clause 174 (8) to read;**

that judges should be obliged to write individual judgements.

**Resolved that in 176 (3) (c)**

A full-stop should be inserted after National Assembly.

**CHAPTER 18: Jurisdiction of Courts and Appointment of Judges**

**Resolved to amend clause (3) of Article 177 to read:**

The President of the Constitutional Court shall be elected by the Judges of the Constitutional Court from among themselves.

**PART VII: LOCAL GOVERNMENT**

**CHAPTER 20: Objective and Structure of Local Government**

**Resolved to:**

Rephrase Article 191 (a) to read: developed and devolved...

Delete 191 (b)

Rephrase 191 (e) to read: the system shall include full participation of traditional rulers.

## **Objectives of Local Government:**

**Resolved that the following shall be considered in 191 (a) - (e).**

- (i) Governance at the local level
- (ii) Development of local areas (replica of central government) No Defence, Foreign Affairs and Police Matters.

- (iii) Delivery of services (water, health, roads, Community Education, Recreations etc)
- (iv) Enforce bye-laws

**Resolved that in Article 192** the sentence should end at elected councils.

**Resolved to amend Article 193 (a) - (c) to read:**

- (a) City Council
- (b) Township
- (c) Rural District Council

## **CHAPTER 21: Local Government Administration**

**Resolved to:** delete Article 195

**Resolved to amend Article 198 (1) to read:**

There shall be a District Secretary who shall be appointed by the elected council.

## **PART VIII: TRADITIONAL CUSTOMARY**

### **CHAPTER 22 : Chieftaincy**

**Resolved to add a new clause to Article 203 to be (3) to read:**

The process of installation and grading shall be vested in the local tradition.

**Resolved to strengthen the role of chiefs in Article 204 by:**

Deleting, in 204 (1) the word "may" and replace it with "shall" i.e. Chiefs shall...

**Resolved to delete 204 (2)**

**Resolved to delete clause 205**

### **CHAPTER 23 : The House of Chiefs**

**Resolved to include the following to Article 218, on the Functions of the House of Chiefs.**

- (a) Administer of Justice as prescribed by act of Parliament.
- (b) Initiate development projects.
- (c) Promotion of traditional and cultural values.
- (d) Traditional rulers shall be consulted on the following matters before any Bill is passed in the national assembly:

- Land
- Culture
- Conservation
- Constitution Bills

**Proposed and resolved that - Chiefs be given legislative functions.**

***N.B. BAROTSELAND. Presentation from some Indunas of Western Province on the Barotse Agreement (appendix). Matter referred to a constituent assembly. More information is needed to allow people to get the correct impression. Dialogue and lobbying should continue.***

## PART X : COMMISSIONS

### CHAPTER 25 : Independent Electoral Commission

Resolved to amend Article 233, clause (1) to remove appointment by the President. Appointment should be by the Public Service Commission (PSC). The clause should read:

There shall be an Independent Electoral Commission which shall consist of a Chairperson and not more than four other members appointed by the Public Service Commission subject to ratification by the National Assembly supported by not less than two-thirds of the members thereof.

Resolved to rephrase Article 233 (4), so that intervals will be continuous, to read:

The Independent Electoral Commission shall revise the register of voters on a continuous basis.

Resolved to strengthen Article 234 (1) (d) to read:

to formulate and implement educational and other programmes for enhancing democracy, and the need to vote.

### CHAPTER 33

#### **BANK OF ZAMBIA**

Resolved to add to Article 271 another clause (e) to read:

the Auditor General shall be allowed to investigate malpractice in the Bank of Zambia.

Resolved to amend Article 279 (2) to read:

The chairman of the Board shall be appointed from amongst the members of the Board by the members.

### CHAPTER 34

*Referred to the Constituent Assembly.*

**11TH APRIL 1996**

It is my privilege this morning to present to you the Citizen's Green Paper on the Constitution of Zambia.

The green Paper is the end product of the determination and resilience shown by the citizens of Zambia to have a say on their constitution.

You will be aware that one of the Terms of Reference under which the Mwanakatwe Constitutional Review Commission worked obliged them to undertake wide consultations with the public and relevant social, political and economic groups on its terms of reference and to endeavor to ensure a high degree of public debate on constitutional proposals on a democratic Zambia.

when the Mwanakatwe Draft Constitution and Report were made public, government expressed its resolve in compliance with term of reference 14 to allow for extensive public debate of the Constitution before it was enacted.

Unfortunately, Government did not keep its word to make the Draft Constitution and Report widely available to the public or to provide fora for the intensive debate of substantive issues therein.

Instead, the process was begun to enact a constitution that could only be viewed as a government constitution. It was for this reason that a number of church organisations and NGOs came together in October, 1995.

Their aim was simply to raise awareness and ensure a high degree of public debate on substantive issues in the constitution and agitate for a popular method of its adoption.

When the Government insisted on going ahead with the production of a White Paper, Civil Society decided to bring together citizens to debate the Mwanakatwe Draft Constitution and come up with their position. Please note that participants to the Citizen's Convention did not consider any document other than the Mwanakatwe Draft Constitution.

It is civil society's view that it has carried out the process as it was envisaged by the government before it was side-tracked. That Government had intended for the Constitution to be produced by the people of Zambia is evidenced by the terms of reference prepared by the Government for the Review Commission. Unfortunately, it would seem that along the way

some considerations which have not been revealed to the people of Zambia obliged them to produce a "private constitution" .

the Green paper is not floated as a final or infallible document. It is a contribution to the ongoing debate which we expect will culminate in a popular mode of adoption of the constitution.

It is a position paper of the over 300 citizens who gathered at Mulungushi from the 1st -10th of March 1996. It is the duty of government to encourage similar process right across the country .

Let me state here that Civil Society is not and has never been against the enactment of the Constitution by Parliament. Enactment is parliament's constitutional duty and right. However, what is enacted should reflect the views of the people of Zambia. In other words, the views of a lot of "green papers" and thus the consensus of the people of Zambia.

The government should ensure that the Constitution Bill tabled before parliament is a document of the people by the people and for the people of Zambia.

Recommendations made to the Commission such as the insistence by the majority of petitioners on the adoption of the Constitution by a Constituent Assembly should not be projected as demands by particular groups but rather as issues that must be debated and consensus reached.

The Government having failed to organise a fora at which every citizen could participate in the production of this Constitution, it is correct to affirm that the Constitutional Amendment Bill of 1996 does not reflect national consensus on the Constitution. It is a Government Constitutional Bill.

We as citizens therefore demand that Government defer the tabling of this Bill until after the General Elections when we the people of Zambia can debate and adopt our Constitution for our parliament to enact a constitution which, allow me to use the worn out cliché, will stand the test of time.

Ladies and Gentlemen I present to you the ***Citizens' Green Paper***

***Appendix 19***

**REPORT OF THE PROCEEDINGS  
OF THE 1995 NATIONAL CONFERENCE  
ON THE MODE OF ADOPTION OF THE DRAFT CONSTITUTION**

**1.0 INTRODUCTION**

On 22nd November, 1993, the government appointed a Commission to review the current Republican Constitution. The Commission was mandated in accordance with Term of Reference No. 1 to:

Collect views by all practicable means from the general public both in rural and urban areas, from Zambians living outside Zambia, on what type of Constitution Zambia should enact bearing in mind that the Constitution should exalt and effectively entrench and promote legal and institutional protection of fundamental human rights and stand the test of time.

Yet another Term of Reference No. 9 directed the Commission to:-

Recommend on whether the Constitution should be adopted by the National Assembly or by a Constituent Assembly by a National Referendum or by any other method.

**1.1 MODE OF ADOPTION OF THE CONSTITUTION**

After due consultations with the people of Zambia as per Term of Reference No. 1, the Constitutional Review Commission observed and recommended as follows in both the Draft Report and Constitution:-

In agreeing with the overwhelming views of petitioners and the rationale or reasons advanced, the Commission finds it unavoidable and compelling to recommend unanimously adoption by a Constituent Assembly and a National Referendum.

**1.2 GOVERNMENT REACTION TO CONSTITUENT ASSEMBLY**

The Government White Paper has not accepted the demands of the Petitioners and the recommendations

of the Commission that the Draft Constitution should be adopted by a Constituent Assembly for the following reason "...a constituent assembly is a transitional measure to be used where a Parliament is not universally constituted by the majority of citizens as was the case in Namibia and South Africa. The issue of a Constituent Assembly does not therefore arise in the Zambian situation where a Parliament is constituted through universal adult suffrage.

### **1.3 CIVIL SOCIETY ACTION COMMITTEE**

It was in view of the government stance on the made adoption of the constitution that a group of organisations representing civil society and concerned citizens was formed with the aim of providing a forum through which to conduct meaningful dialogue on the issue of a Constituent Assembly or other National broad fora in which consensus can be reached on the contents of a future constitution to stand the test of time.

The civil society Action Committee on the constitution has a membership of twenty-one (21) organisations (see Appendix 1)

The committee hosted a two days National Conference on the process of adopting and enacting the Constitution on 24th and 25th November 1995 at Mulungushi Conference. The conference was well supported by all sections of society and constituted a broad representation of the Zambian people (Appendix II)

### **2.0 AIMS OF THE CONFERENCE**

- 2.1 To discuss and understand the context in which the Zambian people who petitioned the commission prayed for a broadly based National convention Conference or Assembly as a means by which to reach consensus on the provisions of a constitution to stand the test of time.
- 2.2 To agree on a course of action and modalities through which to achieve the adoption of the constitution through a broadly based forum such as a Constituent Assembly.

The two objectives above were discussed and agreed to within the context of the Agenda as given in Appendix III

### **3.0 PROCEEDINGS OF THE CONFERENCE**

#### **3.1 OPENING REMARKS - Morse Nanchengwa, Chairman, CCJP**

The Chair was grateful that the government had instituted the process of constitutional writing. He observed that for the first time in history, the people of Zambia can participate in making their own constitution. He however said government should in principle only facilitate for the process of constitutional making but beyond this, it was the responsibility of civil societies, ordinary men and women to take charge of their own affairs and give to themselves the kind of constitution they wanted.

He urged that;

1. The constitution, should be adopted by a Constituent Assembly because it was the best forum on which to do so.
2. The artisan and lopsided nature which characterised the adoption of the previous constitution stress the need for a broader and more objective fora to adopt the constitution.

Aim

He set the course of the meeting as one aimed at:-

agreeing on the process upon which consensus on why and how our constitution should be adopted will be based.

Procedure

The conference will therefore be based on a detailed analytical approach to all agenda issues to help achieve the above goal.

The conference's concern was not to re-debate provisions of the draft constitution but the mode of adoption of the whole constitution.

### **3.2 TERMS OF REFERENCE - Akashambatwa Mbikusita Lewanika**

Terms of reference were the core of the people's debate on the constitution. Mr Lewanika noted that how a constitution is adopted is more important than what constitution is adopted.

His paper reflected the historical perspective of the constitution making in Zambia and argued that the 1964 constitution was handed down to the Zambian people without their collective input. He observed that future efforts in constitutional revision were also marred by the lack of public participation.

On Specific Terms of Reference

1. A constituent assembly should not be defined from borrowed set ups in neighbouring countries or others as government and the Mwanakatwe commission defined it. A constituent assembly can be a fora that people choose to adopt their constitution.
2. The whole process of constitution review under the inquiries act was wrong Historically commissions by their inherent dependence on the President as appointing authority shakes its objectivity
3. Human Rights Call: The terms for an enhanced rights bill but the desire by government to avoid popular constitutional adoption has caused it to backpedal on this
4. The term saying review commission should recommend through people's participation the method of adopting the constitution has no basis and legitimacy if government says it's parliament was the best for the job. The people recommended a system that starts and ends with them.
5. The term of reference calling for enhanced multi-party system through the revised constitution has again failed by government rejection of people's democratic stand on various issues.

In the open debate it was pointed out by various participants that:

- # Constituent Assembly must adopt the constitution. Questioned Term of Reference 3 on human rights enhancement which has been dishonoured by rejection on new bill of rights.
- # Terms of Reference 14 on call for a public debate must be achieved by recognising that even petitioners to the current draft constitution were minimal and therefore we need more time to debate the draft in or outside a Constituent Assembly and translate draft in other languages.
- # It was observed that the draft costing KSOOO was unaffordable by most Zambians. Process of constitutional making should have started with open debate and narrowed down to a small group. Government



- should  
be a mere facilitator not the final voice on constitution making.
- # Terms of Reference 8 - Mwanakatwe review team should have drafted new constitution and not amended the 1991 one.
  - # Constitution must accommodate people's needs. The legitimacy of the constitution must be people driven.
  - # Term of Reference 9- Parliament as an adopting body has no legitimacy. The people's wish is that a Constituent Assembly does this. There was no real intention from government to draft a new constitution.
  - #Zambians have a right to question the commission, its product, and Term of Reference
  - # Term of Reference 14 gave commission power to publish proposals of the people through a draft constitution to solicit feedback. The commission did so but this annoyed the President. The Government further made U-turn on its commitment to create fora for debate and feedback by refusing to have a constituent assembly adopt the constitution. The debates that are haphazardly going on now are meaningless because no one is listening. What mechanism has government put in place to condense public feedback? Petitioners were unanimous on adoption by constituent assembly.
  - # Government should let the people's will prevail.
  - # Terms of Reference 7,1,14 - government failed to explain to the people what it hoped to do through the constitution review commission and why the people should participate.
  - # Zambia as a nation was remotely created from outside. It needs to get back itself by popular consensus and rebuild a spirit of the nation based on broadly accepted principles reflected in a people's constitution. MMD who dominate parliament are minority to make this consensus and that it why we need a Constituent Assembly to build consensus. They are a minority because, they are elected by a marginal number of voters and are therefore not widely representative of Zambians. They are elected on a questionable voters roll.

### **3.3 MWANAKATWE 1 & II STATISTICS**

Panel: *Azwell Banda, Lucy Sichone, Richard Mukelabai, Prof Patrick Mvunga* • Ex Commissioners.

Rodger Chongwe as legal affairs minister proposal for a committee of 8 to review constitution was shot down on grounds that people wanted a broad forum to discuss the constitution.

Open debate was agreed to by the Mwanakatwe Commission at its first meeting. It further said it would make public the draft constitution and solicit public feed back. This was only partly achieved. Against chairman's wish the constitution was for the first time made public before government got it.

### **RESERVATIONS**

There were two camps over the constitution. Government responded to recommendations of only one of these camps but did not respond to the minority report.

## THE PROCESS

The concerns of the people were on how the constitution could address the life and death issues on food, health, and all. It was up to the commission to interpret these wishes into the constitution.

They were concerned over issues of balance of leadership, federation and devolution of power.

No statistical evidence on number of petitioners per issue. Decisions of the commission in determining what should and should not be in the constitution was based on personal opinion or yes or no vote.

## JUSTIFICATION OF THE MINORITY REPORT

The people who wrote the minority report recognised that the commission could not present a report reflective of the views of the people by its inherent problems.

## ADOPTION

That terms of reference 9 empowered the commission to recommend method of adoption. Commission recommended constituent assembly as an AVOIDABLE forum to adopt the constitution

we the members of the commission are not infallible hence the importance of f Terms of Reference 9 to take the work of the commission back to the people for debate. term of reference 11 further said constitution should be made on basis of popular view but draft constitution rejected popular views on various issues including adoption government mandated commission to produce a petitioner based on draft constitution we were to take draft to the people before parliament enacted it. there was clear evidence of government loyalties which impaired the integrity of the commission to write a national constitution government was part of our problem on the commission and that it is why we needed a different fora outside cabinet to debate our constitution. parliament has never adopted a constitution merely enacts. 1964 Lancaster house adopted, parliament enacted 1972 Kaunda and his cabinet adopted, parliament enacted 1991 Cathedral forum adopted the constitution, parliament enacted. 1991 sets the precedence for our call for a constituent assembly today. No referendum nor special bill was enacted to hold the Cathedral meeting. Constituent Assembly does not therefore usurp parliamentary power Zambia lacks men of integrity who can do a job for us without biases recognise that the Constituent Assembly was a product of a government instruction to the commission in Terms of Reference 9 to recommend adoption process. a constitution by its nature derives it authority from the people. This emphasises the need for the people to have a final say. poor jobs in creation of constitution will beg for future efforts to re-do constitution.

In the open discussion that followed it was observed thus:-

constitution is above parliament because parliament derives its power from the constitution the constitutional issue should be left to the next government government position was expected because it was power. What we need to do is bring ourselves in contest

with government.  
where is the other draft constitution which we paid for, let us debate that and not this government white paper  
government has no rights but duties which are derived from the constitution  
democracy must be people based driven by majority will. Integrity and wisdom is not in town offices but  
in the majority of the peasants in rural areas.  
why did government throw this subject of constitution making to us if it can not listen to us  
translate constitution in local language  
Parliament is not legitimate. It has been elected from a voters register which disenfranchised many people.  
Constitution review was a cover up by the government which had already made up its mind on what it wanted.  
we are not ready constituent assembly yet because as far as terms of reference 14 is concerned on public consultations we have not achieved this.

#### 3.4 Submissions from the Royal Foundation (Traditional Rulers)

Only Constituent Assembly should adopt Constitution  
Current parliament elected on an illegitimate register and by a turn which is not representative.  
The reputation of government to pass law as behind the people takes away our trust in it to handle the constitution  
We call for bicameral system of parliament  
Traditional rulers have been betrayed before over land bill which government adopted whilst chiefs were still consulting the people.  
Chiefs are ready to fight for Constituent Assembly and will lead public protests to State House  
White Paper is hollow in many respects  
Hold draft constitution until after 1996 election if government can not listen now  
We have been blocked from presenting these views to the president because he has refused to see us.

#### 4.0 **PLENARY SESSIONS**

##### 4.1 The People's views:

The plenary session collected views from participants on what they thought was the way forward in achieving the goals set by deliberations on day one, mainly the adoption of the constitution by a constituent assembly and how to stop government from going ahead with legislation of the constitution against this resolve.

initiate action countrywide to stop parliament from adopting the constitution because government has announced that it would take the document to parliament in 30 days, our action must commence and end within this 30 day period. ;  
We should however consider that government may move treason charges against us should it pass this constitution into law against our will and we ignore it.  
It is not treason to debate our own constitution let alone reject what is not our constitution.  
we need to add to the present steering committee four other operational committees

- i) Constitutional Review Commission
- ii) Finance Committee
- iii) Constituent Assembly Organising Committee
- iv) Legal and Political Committee

In addition we need to call a citizens convention inviting people as citizens throughout the country. Make

draft and circulate if for debate and later call Constituent Assembly.

The effects of us not recognizing the constitution once passed by government in 30 days must be understood and how can we get out of it?

The terms of reference empower the commission to propose the methods of adoption and not enactment.

This has been so in Canada, Austria, New Zealand, and even Zambia.

The 1964 Cathedral meeting adopted the 1991 constitution before parliament enacted it.

Government call on adoption by parliament should therefore be ignored. The people should dictate their

will.

We should organise the people in 30 days but it is also true that government will proceed and legislate this constitution outside public involvement.

Youths who are the most effected should be involved in constitutional making

Government is not listening to people's views. We must move now. Set up committees today. Call citizens

convention and later Constituent Assembly

Our draft from the Constituent Assembly should be later passed to parliament, if this parliament refuses

we should fight to vote on current constitution and push out draft to the new parliament next year.

## 4.2 STRATEGIES

The issue at hand now is how do we stop government from going to parliament and adopt a constitution against the People's will.

hold mass demonstrations through political and civic organisations

lobby all opposition MP's to walk out of parliament if government does that

call for public boycott of the forthcoming local government elections as a protest to government action.

issue communique rejecting draft constitution. Call for citizens convention. Current draft constitution should be basis for debate. Call for Constituent Assembly later.

begin to involve people.

government must call a constituent assembly on the principles of the Cathedral meeting in 1991.

Lobby

the church, trade unions and donors who are the strength of MMD to exert pressure on government.

political parties should meet and find joint action over the matter. Constitution draft should wait until next

general elections are over. Form operational committees now.

Let as many Zambians appreciate this issue the way the participants of this conference have done. We will

have no problems achieving what we want.

We need more people to speak for the silent groups like youth, women and children, and this should be

embedded in constitution.

Whether or not the constituent assembly is legal is immaterial. It is the people's will which should matter.

MP's must boycott parliamentary sitting adopting this constitution.

The pillar of our society is peace and not documents like white papers. If these documents do not help

achieve peace, they are useless.

We need a year to debate constitution

lobby for aid freeze from donors

Serious minded MMD and opposition MP's should begin boycotting parliament in protest

hold mass rallies of students, trade unions and political parties

there is a constitutional crisis

the people may not have battalions but their will must be respected because it is their strength and can fight.

Lech Walesa in Poland is a lesson to us on what trade union can and cannot do

We need no other constituency to win our battle. We are a constituency in our right and we are big enough

to influence things.

Hold government accountable to Terms of Reference 14 calling for consultations with the people

Issue communique\* to remind president that he is liable to impeachment for ignoring people's views.

Put 30 days time frame for president to consult or be impeached  
Communique must state that we want a government of laws not people.  
Spread this message at every fora you find yourself at.

Let us continue with the same constitution until the 1996 general elections so that a more responsible government can attend to the issue.  
Only the C.A. must adopt constitution  
Communication be made to all people about our position.  
Open dialogue among all concerned parties over this matter  
Dialogue must be encouraged between us and government and government should not shun it.  
Hold meeting in provinces and districts about this issue  
Appeal to donor community for funding of this exercise and a convention  
If government cannot appoint a constituent assembly we will give ourselves one.

Adjournment

Session adjourned with a resolution that the first draft of the communique" be read to the conference after lunch.

#### **DRAFT COMMUNIQUE DEBATE**

Draft Committee read Communique" and was subject to a public discussion

Terms of Reference must be included because it created basis of the constitution process.  
More strong words used by the Mwanakatwe Commission, like the adoption of the constitution by a Constituent Assembly was UNAVOIDABLE by popular petition should be included.  
Use reference to Cathedral meeting as a simplified version for constituent Assembly.  
Add report and draft to the reference on 1995 constitution  
include reference to other groups like youth, like women as discussed.  
the part dealing with committees their composition and modus operandi be taken high up in the communique.  
the proposal for dialogue must be reflected.  
it is not clear how we will deal with the matter if government adopts against public will combine Royal Foundation with traditional rulers.  
include international community among recipients of communique"  
bring up the part saying - We reject the opening of Communique"  
insert dialogue before demonstration  
our resolve for a constituent assembly should be emphasised right at the top.  
the communique should hit the falsehood that parliament universally adopts constitution  
decide between Constituent assembly and referendum or whether we are calling for both  
include adjective CONCERNED in the preamble  
reference to legitimacy or illegitimacy of the voters register should be replaced with inadequacies of the register  
communique language should be sharper than it is  
the communique appears to disregard 1991 constitution and only refers to draft constitution  
the general view that we go by the 1991 constitution until 1996 general elections are over. That is missing in communique.  
in between 1964 constitution and 1991, have omitted the reference to 1972 constitution  
time of voters roll referred to as outdated must be included and the fact that it was last updated in 1987.  
include the sentence: "We reject the white paper" and anything arising out of it without popular participation of the people.  
communique should not be out rightly antagonistic of government

controversy should be taken out of communique. 1964 constitution was not the best constitution for Zambia and the best thing to do is leave out references to these past constitutions. the argument in the 1964, 1972 and 1991 constitution must be tied to the argument that they were adopted outside parliament must leave out the historical issues like references to past constitutions legitimacy or illegitimacy government does not arise because it is legitimate. It may not be representative but it is definitely legitimate. let us emphasise why Constituent Assembly and not parliament must adopt the constitution calendar of events which has been read in communique was not discussed here. Where has it come from? communique should not carry aggressive views let us deal with ways of adopting constitution and not ways of getting rid of an unpopular government because that is not our mission here dates should be left out of communique' that is an administrative issue communique\* should be emotion free history should not be deleted out of communique, it traces where we have come from communique<sup>1</sup> should be broader on the theme of adoption leave out the creation of committees to the steering committee. It is a management issue. this fora should not appoint anyone to the committees or set up any committees three things to emphasise:

- a) there has been no popular participation in previous adoptions of the constitution; that should be cardinal
- b) government asked review commission to propose mode of adoption in the terms of reference.
- c) people were unanimous on the constituent assembly as the mode of adoption.
- d) Royal Foundation and traditional rulers should be separated to avoid political manipulation were a few traditional rulers will stand and say they are not part of the Royal Foundation and disassociated themselves from this effort.

#### 4.4 FINAL COMMUNIQUE

The Communique" was re-drafted and later re-read to the conference.

##### Reactions

to whom is this communique" addressed. Limit it to just the President and citizens of Zambia. specify that government itself recognized the need for popular adoption by way of terms of reference 9 reference to the 1964 constitution should be deleted as said earlier we were unanimous on committees. Strike out the point that this meeting will create committees strike out 1964 and say all previous constitutions have excluded the people let us have Royal Foundation and then in brackets - traditional rulers emphasise that we now have an opportunity to adopt our own constitution judiciary is not included on circulation list why? specify that MP's are not representative of Zambians communique" should omit dates it is sufficient to say president and citizens, chief justice and speaker include marketeers union on list of recipients. They are influential after referendum include that it's the basis and authority for adoption of the constitution

##### ADOPTION OF COMMUNIQUE

The conference later adopted the communique" with the above changes taken into account. The final draft will be circulated to all participants together with conference report, (see **appendix dated 25/11/95 for the full communique**)

Conference was closed by chairman Morse Nanchengwa.

END

## **MEMBER ORGANISATIONS OF THE CIVIL SOCIETY ACTION COMMITTEE**

Africa Relief Foundation  
African Human Rights Network (Afronet)  
Catholic Commission for Justice and Peace  
Evangelical Fellowship of Zambia  
Family Life Movement of Zambia  
Foundation for Democratic Process  
Human Rights Association of Zambia  
Jesuit Centre for Theological Reflection  
Legal Resources Foundation  
Media Resources Foundation  
National Women's Lobby Group  
Non - Governmental Organisations Coordinating Committee  
The NGO Consultative Forum  
Women for Change  
The Socialist Caucus  
Youth Federation for World Peace  
Zambia Association for Research and Development  
Zambia Alliance of Women  
Zambia Council for Social Development  
Zambia Civic Education Association  
Zambia Independent Monitoring Team

## **STEERING COMMITTEE**

Catholic Commission for Justice and Peace (Mr Nanchemgwa, Mr Mulafufu, Fr Komakoma)  
Zambia Civic Education Association (Mrs Lucy Banda Sichone, Ms Munalula)  
Women for Change (Mrs E Sikazwe)  
Non Governmental Organisations Coordinating Committee (Mrs Jere)  
Media Resources Foundation (Mr Makayi)  
Foundation for Democratic Process

*Appendix 20*

## **SUBMISSION OF THE BAROTSE DELEGATION TO THE CIVIC EDUCATION CONVENTION ON THE REPORT OF THE CONSTITUTIONAL REVIEW COMMISSION HEADED BY MR JOHN MWANAKATWE, AS READ WITH THE GOVERNMENT WHITE PAPER NO. 1 OF 1995.**

### **I PREAMBLE**

Following the introduction of the Multi-Party political system and the establishment of the Third Republic in Zambia in 1991, the Government found it necessary to draft a new constitution that would cater for the needs of a democratic state.

The Government appointed a Constitutional Review Commission under the chairmanship of Mr John Mwanakatwe, SC. Among the terms of reference of the Commission were:

1. To collect view by all practicable means from the general public both in rural and urban areas and

from  
Zambians living outside Zambia, on what type of constitution Zambia should enact, bearing in mind  
that  
the constitution exalt and effectively entrench and promote legal and institutional protection  
of  
fundamental human rights and stand the test of time;

2. To recommend appropriate arrangements for the entrenchment and protection of human rights, the rule of law and good governance; and
3. To take into account the 1964 Republican Constitution and other previous constitutions, the views submitted to the Mvunga Commission and the constitutions of other countries.

The commission undertook its assignment and finally made 322 recommendations. Of these recommendations based on the views of the people of the Republic of Zambia, the Government, in its white paper, rejected 170 of them, including the Barotseland Agreement, 1964, accepted only 126 and noted 26.

Given this forum, the Barotse delegation wish to state emphatically the need for the recognition and reinstatement of the Barotseland Agreement 1964 and that it be included in the constitution as stated in the 1964 Republica constitution.

## II BAROTSELAND AGREEMENT, 1964

### 1. HISTORICAL BACKGROUND

It should be stated from the outset that the legal history of Barotseland is based on the following concession:

- a. The Ware Concession of 27th June, 1889
- b. The Lochner Concession of 26th June, 1890
- c. The Lawley Concession of 25th June, 1898 also known as Concession A,
- d. Concession B of 1900, and of 1906, and
- e. Concession Agreement of 11th August, 1909 and of 1923.

These were confirmed by the British Orders in Council of 1924, 1951, and 1953.

As can be seen from these legal arrangements Barotseland stood as a protectorate, very distinct from Northern Rhodesia. With the advent of nationalistic politics resulting in the agitating for sovereign status for Northern

Rhodesia, it became apparent that Northern Rhodesia could not attain independence on her own without seeking the cooperation of Barotseland.

Consequently, negotiations for a unitary independent Zambia were initiated among the three governments, namely, the British Government, the Northern Rhodesia Government and the Barotse Government. These negotiations culminated into the Barotseland Agreement, 1964.

### 2.. SALIENT FEATURES OF THE BAROTSELAND AGREEMENT



"The Appendix to the Barotseland Agreement, 1964 opens as follows:

Quote,

This Agreement is made this 18th day of May, 1964 between Kenneth David Kaunda, Prime Minister of Northern Rhodesia, on behalf of the Government of Northern Rhodesia of the one part and Sir Mwanawina Lewanika the Third, KBE, Litunga of Barotseland, acting on behalf of himself, his heirs and successors, his Council, and the Chiefs and people of Barotseland of the other part and is signed by the Right Honourable Duncan Sandys, MP, her Majesty's Principal Secretary of State for Commonwealth Relations and for the colonies, to signify the approval of her Majesty's Government in the United Kingdom of the arrangements entered into between the parties to this Agreement and recorded therein".

At Section 2 of the said Agreement under sub-heading: The Constitution of Zambia the Agreement says, and we quote:-

"The Constitution of the Republic of Zambia shall include the provisions agreed upon for inclusion therein at the Constitutional Conference held in May, 1964 relating, to:

- a. The protection of human rights and fundamental freedoms of the individual,
  - b. The Judiciary
  - c. The public service
- and those provisions shall have full force in Barotseland."

Section 4 sub-headed: The Litunga and His Council states:

1. The Government of the Republic of Zambia will accord recognition as such to the person who is for the time being the Litunga of Barotseland under the Customary Law of Barotseland...
2. The Litunga of Barotseland, acting after consultation with his Council as constituted for the time being under the Customary Law of Barotseland shall be the principal Local authority for the Government and administration of Barotseland.
3. The Litunga of Barotseland, acting after consultation with his Council shall be authorised and empowered to make Laws for Barotseland in relation to the following matters:
  - a. The Litungaship
  - b. The authority at present known as the Barotse Native Government (which shall thereafter be known as the Barotse Government).
  - c. The authorities at present known as the Barotse Native authorities.
  - d. The Courts at present known as the Barotse Native Courts;
  - e. The status of members of the Litunga's Council
  - f. Matters relating to Local Government;
  - g. Land;
  - h. Forests;
  - i. Traditional and Customary matters relating to Barotseland alone.
  - j. Fishing;
  - k. Control of hunting
    1. Game preservation
  - m. Control of bush fires
  - n. The institution at present known as the Barotse Native Treasury;
  - o. The supply of beer
  - p. Reservation of trees for canoes
  - q. Local taxation and matters relating thereto; and
  - r. Barotse local festival

Section 5: Sub-heading; Land; reads

1. In relation to land in Barotseland the arrangements set out in the annex hereto shall have effect, (see page 7 of the Agreement)
2. In particular, the Litunga of Barotseland and his Council shall continue to have the powers hitherto enjoyed by them in respect of land matters under customary law and practice.

... (8) Implementation

The Government of the Republic of Zambia shall take such steps as may be necessary to ensure that the Laws for the time being in force in the Republic are not inconsistent with the provision of this agreement

### 3. BREACH OF THE BAROTSELAND AGREEMENT, 1964

In view of the aforesaid, bearing in mind the present arrangements between the Government of the Republic of Zambia and the Barotse Government, it is clear that there is a breach of the Barotseland Agreement, 1964 on the part of the Government of the Republic of Zambia. For this reason the Barotse delegation wishes to seek the assistance of this convention in persuading the Government of the Republic of Zambia to open negotiations with the Barotse Government at the earliest possible time.

In contravention of Section 9 of the Agreement, and without the approval of the Litunga, nor consultation with him and his Council as soon as the Republic of Zambia was established the Government went on a deliberate campaign to pass a series of acts in parliament, aimed at undermining the Barotseland Agreement, 1964. This the Government of Zambia breached the Barotseland Agreement, 1964 in respect of

1. The powers of the Litunga and his Council as stipulated at section 4 of the Agreement
2. The Litunga's powers in respect of Land accordance with section 5 of the Agreement.
3. The status of the Barotseland Agreement, 1964 vis-a-vis the Republican Constitution as stated at sanction 2 of the Agreement

### 4. ARGUMENTS AGAINST THE AGREEMENT.

A number of arguments have been advanced against the Barotseland Agreement, 1964. Some of these arguments are;

- a. By insisting on the reinstatement of the Barotseland Agreement, 1964, the Lozis want to secede from the rest of Zambia, thus, fragmenting the country. This assertion cannot be entertained because, as has been shown above, the Agreement is the cord that binds together the two countries, Northern Rhodesia and Barotseland to make the Republic of Zambia. If we remove the Agreement then we remove the bond between them. Each country stand alone. It follows therefore that the Agreement is essential element which maintains the unity of Zambia not the means for the break up of the country.
- b. It has also been said that since the Agreement was entered into in 1964 it is now old and archaic having lived through the First and Second Republics. Now in the Third Republic, it is stale. We do not subscribe to this view. It is a fact that every subsequent government takes on all legitimate responsibilities, obligations, treaties and agreements. Therefore, the present government is duty bound and has the moral obligation to recognize the Barotseland Agreement, 1964.
- c. Some quarters have Vehemently protest that there was no need for Barotseland to seek exclusive status

in Zambia; it is likely any other Province. On this, we wish to state that every individual, community or country has a personality and identity. Barotseland, too, has its own personality and identity. She concluded the concessions and treaties referred to above, She negotiated and signed the Barotseland Agreement, 1964. These are facts of history. They concern all the Lozis and should be respected by all other communities and persons. Treating Barotseland otherwise means denying her people their fundamental human rights and the right to self determination.

### III. RECOMMENDATIONS

The Barotse delegation hereby makes the following recommendations:

1. That the Barotseland Agreement, 1964 be included in the new Republica Constitution
2. That the new constitution be adopted by a Constituent Assembly.

Thank you.

### **Appendix 21**

#### **LIST OF PARTICIPANTS CITIZENS' CONVENTION MARCH 1-10,1996**

- |                             |                             |                            |
|-----------------------------|-----------------------------|----------------------------|
| 1. .MrPandoliker            | 20. Ms Rose Lishebele       | 40. Ms Anna Musiwa         |
| 2. Mr John Mubanga          | 21. Mr Constantino Bbolo    | 41. Mbuyuwana M. Lewanika  |
| 3. Mr Fidelis M. Nsoftva    | 22. Ms Emma Choombe         | 42. Dr Inonge M Lewanika   |
| 4. Mr Kapembwa Lamba        | 23. Ms Agnes                | 43. Dr Bright Chunga       |
| 5. Mr C J Siakalima         | 24. Ms Majorie Sinabuyu     | 44. Mr Aka. M. Lewanika    |
| 6. Ms Elizabeth Mubiana     | 25. Mr Wheat Munjela        | 45. Dr Michello Hansungule |
| 7. Ms Ireen Kabe            | 26. Mr Justin Masenke       | 46. Mr Gareth Annfield     |
| 8. Ms Monde Muleta          | 27. Ms Priscilla Mwindilila | 47. Ms Chilufya Kasutu     |
| 9. Ms M. Imasiku            | 28. Ms Pamela Pio           | 48. Mr Ken Samabi          |
| 10. Ms Mulemwa Ntambe       | 29. Ms Felicia Sakala       | 49. Mr Mbingi Mufalo       |
| 11. Mr George Nkumbwa       | 30. Ms Lungowe Kapande      | 50. Mr Danty Saunders      |
| 12. MsMutnaMoola            | 31. Ms Jean Mweene          | 51. Mr. Mann Banda         |
| 13. Ms Justina Mbulo        | 32. Ms Maggie Zama          | 52. Mr Inambao Mamunyima   |
| 14. Ms Patricia Chishimba   | 33. Ms Dorothy Njobvu       | 53. Mr Derrick Sinjela     |
| 15. Ms Mary Lwiindi         | 34. Ms Joyce Mvvila         | 54. Mr Johnwell Sinkala    |
| 16. Ms Veronica Harnuzyiile | 35. Ms Grace Mashano        | 55. Mr Henry Mtonga        |
| 17. Ms Mubita Kwalombota    | 36. Ms Annie Chiluta        | 56. Mr A. Zulu             |
| 18. Ms Rabbecca Chibaandula | 37. Mr Adolphus Mubanga     | 57. Mr G Musonda           |
| 19. Mr Bruno Moyo           | 38. Mr Sarandos Zaloumis    | 58. Dr Mutumba Bull        |
|                             | 39. Mrs Gladys Habulembe    |                            |

- |                            |                            |                           |
|----------------------------|----------------------------|---------------------------|
| 59. Ms Mary Chisanga       | 84. Dr Stephen Moyo        | 107. Mr BinaMoyo          |
| 60. Mr Lemon Banda         | 85. Mr Y Dodia             | 108. Ms Febby Phiri       |
| 61. Mr Vincent Mulenga     | 86. Mr K Lungu             | 109. Ms Lizzie Kapala     |
| 62. Col. W.D. Mbiya        | 87. Mr Charles Nyambe ,    | 110. MrJPSNgulube         |
| 63. Ms Getrude Nkuta       | 88. Ms Theresa Kambobe     | 111. Ms Exhilda Chisenga  |
| 64. Mrs Grace Kanyanga     | 89. Sr Auxilia Ponga (Dr)  | 112. Mr Johhanes Banda    |
| 65. Mrs Alice Munalula     | 90. Rev Franklin M'membe   | 113. MrPeniasBPhiri       |
| 66. MrNgande Mwanajiti     | 91. Ms Ireen K Kasanga     | 114. Mr Saul Simbulelo    |
| 67. Mr Austin Mbozi        | 92. Mr Fanwell Hibajene    | 115. Mr Morgan Sakala     |
| 68. Mr Kalila Chella Kunda | 93. Mr Humphrey Mulemba    | 116. Mr Stanley Simwiinde |
| 69. Mr Samson Banda        | 94. Gen. Malimba Masheke   | 117. Mr Bernard Banda     |
| 70. Mr R N Mukelabai       | 95. Dr Kenneth Kaunda      | 118. MrMililoBaka         |
| 71. Mr Robert Eno          | 96. Mr Daniel Lisulo       | 119. Mr Clint Tembo       |
| 72. Mr Robby Shabwanga     | 97. Dr Roger Chongwe       | 120. Mr A Z Phiri         |
| 73. Mrs H Muyoyeta         | 98. Mr Sebastian Zulu      | 121. Mr AnitoMuma         |
| 74. Mr Mainza Chona        | 99. Mr Isaac J Banda       | 122. Mr W. Chapwanyama    |
| 75. Dr Tukiya M. Kankasa   | 100. Ms Rose Banda         | 123. Ms Jessie Brome      |
| 76. Ms Laura Miti          | 101. Mr Oliver Simwampe    | 124. MrEKasonde           |
| 77. Mr T M Fara            | 102. Mr Lawrence Hakabondo | 125. Mr Bezaliel Banda    |
| 78. Ms Ethel K Jiri        | 103. Mr JohnSandwe         | 126. Mr Moses Kaulongombe |
| 79. Pof. Patrick M Mvunga  | 104. MrCJNdhlovu           | 127. Mr Charles Tembo     |
| 80. Mr Paul Kapongo        | 105. MrCMwiinga            | 128. Mr Matthews Chanda   |
| 81. Mr Martin Mwango       | 106. Mr M K Haantinga      | 129. Mr Siyunda Ilukena   |
| 82. Ms Charity Ngondo      |                            | 130. Ms Christine Daka    |
| 83. Dr Alfred Chanda       |                            | 131. Mr Charles Mannico   |

132. Mr Edward Banda
133. Mr Joseph Mumba
134. Mr Festo Njobvu
139. Ms Sylvia Simanya  
140. Ms P. Mulasikwanda  
141. Mr Peter Lishika
142. Mr M. Akakandelwa  
143. Mr Junior Kalumba  
144. Mr Kelvin Sampa  
145. Mrs Emily Sikazwe  
146. Sr Josephine Chingombe  
147. Mr JJSakala  
148. Mr Charles Luhla  
149. Ms Grace Ngoma  
150. Ms E. M. Tambulukani  
151. Ms Dorothy Mushiele  
152. Ms Launa Chipiza  
153. Mr Malipenga R Katoka  
154. Mr Lameck Gondwe  
155. Mr Lufeyo Banda  
156. Mr Akafumba, R.J.  
157. Mr Mwambazi JS  
158. Mr Charles Mfula  
159. Mrs Brown Ndawa  
160. Mr Masaninga Chirwa  
161. Mr Grandson T Sakala  
162. Mr Chizongo Mudenda  
163. Dr Mable Milimo
164. Mrs E J Chisenga  
165. Mr Melayi Mwale  
166. Mr Annos J Phiri  
167. Ms Ireen Sinyangwe  
168. Ms Sara Longwe  
169. Ms Faustina Chileshe  
170. Ms Lucy Muyoyeta  
171. Mr Alfred A K Ndhlovu  
172. Ms Gretelise Hobin  
173. Capt. Charles Mbilika  
174. Mr Kelvin Ndilla  
175. Mr W. Mukecaba  
176. Mr G. Sindwanyambe  
177. Mr Callistus K Nyambe  
178. Induna Angulu  
179. Mr Gabriel C Banda  
180. Senior Chief I Yeta ISI. Mr Arnold ASianga
182. Mr J D Kalisilira  
183. Mr J Mananga  
184. Ms Florence
135. Mr Clayson Hamasaka
136. Mr Mr Edward Mufulo
137. Mr Ben Kakoma Chibweshwa  
185. Mr Bruce Imboela  
186. Mr Kelvin Chongo  
187. Mr Wilstar Chongo  
188. Dr Simbaya Joseph  
189. Mr Ian Mabbolobolo  
190. Mr Azwell Banda  
191. Mr Dean Mung'omba  
192. Ms. Mulele  
193. Mr. Fazer Siwale
138. Ms Grace Sialumba
194. Mr Ceasar Shakalima  
195. Maulo Phiri  
196. Mr Dickson Jere  
197. Mr Emmanuel Nyoni
198. Mr Victor Kabwe  
199. Mr Bonny Ng'uni  
200. Mr Clement Katongo  
201. Isaac Masiye  
202. Donald Muwowo  
203. Mr John Shindamo  
204. Mr Morse Nanchengwa  
205. Mr S M Mulafufu  
206. Mr M. Kalungu-Banda
208. Mr Rhinos Simbulo  
209. Mr Lee Habasonda  
210. Dr Kasuka Mutukwa  
211. Ms Blandina Chimbwali  
212. Mr Jonas Mumba  
213. Fr Simon Kabanda
214. Mrs Mpundu Bweupe  
215. Ms Janet Ilunga  
216. Mrs Percivia Simukoko  
217. Fr Peter Chungu  
218. Fr Chashya Lufungulo  
219. Mr Mahongo Fumbelo  
220. Mr Harrison Lungu  
221. Mr WMvula  
222. Mr Muntongo Chaloba  
223. Ms Felinda Mvula  
224. Ms Lontia Banda  
225. Mr Daniel Syikando  
226. Ms Vanelesi Banda  
227. Mr Malvien Tanebuluka  
228. Ms Harriet Banda  
229. Mr Edson Mvula  
230. Mr Gibson M Mzyece  
231. Mr Vincent Jere  
232. Mr James Banda  
233. Mr Watson Chifuntu  
234. Mr Grey Zulu  
235. Mrs Theresa Che we  
236. Mr C.R Chileshe  
237. Mr Joshua Chella  
238. Rev. Richard Kambulu  
239. Mrs G Mutukwa

240. Dr L Sondashi  
241. Mr Derrick Chitala  
242. Mr M Kaira  
243. Mr R Banda  
244. Mr J Shamba  
245. Me Pherson Muyumbu  
246. Mrs Mwangala  
Zaloumis  
247. Richard N. Mukelabai  
248. Mr Kennedy Mooba  
249. Ms Jeen Mweene

251.

250. 22222Ms  
Priscilia Jere

Mrs Susan Jere

252. Sr  
Auxilia

Ponga

253. Fr Jo

eKomak  
oma

253. Mr David  
Mwitumwa

254. Dr Tukiya  
Mabula

255. Mr Partner  
Siabutuba

256. Ms Molly  
Mwafiililwa

257. Ms Mona  
Siyanga

258. Mr Bright  
Chabinga

259. Ms Isabel  
Sibombo

260. Ms  
Christine

Munalula

261. Mr. John  
Shindamba

262. Prof.  
Desai

Ravindra

263. Mr  
Alicangelo

Phiri

264. Mr  
Boniface Phiri

265. Mr Tiza  
Nsiwila

266. Mr.  
Nalumino

Nalumino

267. Mr.  
Mashekwa

Imbula

268. Mr.  
Mukelebai

Yusiku

269. Mr. Liboma  
Simataa

270. Mr.  
Mashewani  
J.M.

271. Mr. Paul  
Mwakwa

272. Mr. Denis  
Tambulukeni

273. Ms. Evelyn  
J. Kazembe

274. Mr. Teddy  
Kapya

275. Ms. Melvin  
Tambulukani

276. Mr. S. P.  
C. Moyo

277. Mr.  
Mwemba F.  
Dick

278. Mr. Justinn  
Milimo

279. Mr. Joseph Kaisala

280. Ms. Tracy Dexter

