



REPUBLIC OF ZAMBIA

TECHNICAL COMMITTEE ON AMENDMENTS TO THE CONSTITUTION OF ZAMBIA, 2025

Submission Guide

October, 2025

Terms of Reference	Proposed scope
<p>1. Receive submission on provisions relating to the electoral process and the electoral system as a whole.</p>	<p>Considering all the provisions relating to the electoral process and the electoral system in the Constitution of Zambia as a whole, what do you think should be:</p> <ul style="list-style-type: none"> (i) changed, (ii) removed, or (iii) added. <p><i>On this term of reference, the Technical Committee seeks to consult you on Articles in the Constitution that may be too detailed or lacking sufficient details; provisions that are in the Constitution but they should not have been there; or provisions that should have been in the Constitution but they are not there.</i></p>
<p>(i) The delimitation and delineation of constituencies and wards, with a view to ensure fair, equitable and balanced representation and distribution of resources across the Republic</p>	<ul style="list-style-type: none"> - The Delimitation Report by the Electoral Commission has recommended an increase in the number of seats from one hundred and fifty-six (156) to two hundred and eleven (211). What is your submission on this recommendation? - What do you think about enshrining the actual number of seats in the Constitution? <p><i>On this sub-term of reference, the Technical Committee seeks to consult you on whether the Article in the Constitution, on composition of the National Assembly should be amended to increase the number of constituency-based seats from the current 156 to 211. The reason for this proposal is to actualise the delimitation report by the Electoral Commission, which itself is based on countrywide consultations and</i></p>

	<p><i>citizens are waiting for the implementation of their submissions some of which cannot be implemented without amending the Constitution.</i></p>
<p>(ii) The promotion and enhancement of effective participation of women, youths and persons with disabilities in elective positions and governance institutions in accordance with the principles of inclusivity, equality and equity.</p>	<ul style="list-style-type: none"> - What electoral system and/or appointment system should be enshrined in the Constitution to ensure that a reasonable number of women, youths and persons with disabilities are guaranteed ascendance to elective positions and governance institutions? <p><i>On this sub-term of reference, the Technical Committee seeks to consult you on whether the Constitution should provide for another electoral system in addition to the first-past-the-post system.</i></p>
<p>(iii) By-elections, considering various factors such as the cost of by-elections.</p>	<ul style="list-style-type: none"> - What provisions should be in the Constitution to reduce by-elections? <p><i>On this sub-term of reference, the Technical Committee seeks to consult you on what should be provided for in the Constitution of Zambia to ensure that when a vacancy occurs in an elective office (MP, Mayor/Council Chairperson, Councillor) there is no by-</i></p>

	<p><i>election but there is another constitutional way of filling the vacancy, which way must be cost neutral to the nation.</i></p>
<p>(iv) The numbers of nominated Members of Parliament</p>	<ul style="list-style-type: none"> - What do you think about the actual number of nominated MPs being enshrined in the Constitution? - If the number has to be enshrined in the Constitution, what number should be prescribed? <p><i>On this sub-term of reference, the Technical Committee seeks to consult you on the number of persons a sitting President can nominate to the National Assembly. The current number is eight (8). Should this number be increased or reduced? Should the number even sit in the Constitution or the Constitution should just provide the parameters for nomination, such as fraction of the total number of seats, under-represented region/gender/age-group etc after a general election, proportion of Cabinet Ministers that should not double as Minister and MP etc.</i></p>
<p>(v) The filing in of fresh elections after the resignation of a presidential, parliamentary and local government elections.</p>	<ul style="list-style-type: none"> - What should the Constitution provide regarding election candidates who resign after filing in nominations? <p><i>On this sub-term of reference, the Technical Committee seeks to consult you on what the Constitution should provide with regards to candidates who resign after filing in nominations. The current provision is that all other nominations for that particular seat become invalid, requiring the filing of fresh nominations.</i></p>

<p>(vi) Transitional and statutory mechanisms with a view to ensure predictability and clarity in the term of office of all elected representatives.</p>	<ul style="list-style-type: none"> - What do you think the Constitution should provide as to: <ul style="list-style-type: none"> (i) When the term of office for a Member of Parliament comes to the end? (ii) When the term of office for a Mayor/Council Chairperson comes to the end? (iii) When the term of office for a Councillor comes to the end. <p><i>On this sub-term of reference, the Technical Committee seeks to consult you on what should be enshrined in the Constitution to mark the end of a term of office. Currently it is merely assumed that once Parliament and Councils are dissolved the term of office for the elected officials also terminate. This, however, conflicts with other provisions in the Constitution that prescribe five years to a term of elective office. It is only in the office of President where there is predictability and clarity on the term of office and how to transition from one President to the next. For other elective offices, there is no transition mechanism (statute) sanctioned by the Constitution.</i></p>
<p>2. Provisions of the Constitution relating to the term of Member of Parliament and office of Minister</p>	<ul style="list-style-type: none"> - What should the Constitution provide with regards to the term of office Minister in relation to office of Member of Parliament? <p><i>On this term of reference, the Technical Committee seeks to consult you on what the Constitution should provide in terms of the relationship between being a Minister and being a Member of Parliament. Currently, there is no specific provision in the Constitution</i></p>

	<p><i>that expressly provides that once one ceases being a Member of Parliament he/she automatically ceases being a Minister. What is being followed is a court decision based on a specific set of facts.</i></p>
<p>3. Provisions of the Constitution relating to the hearing of Presidential, Parliamentary and local government election petitions with a view to enhance the administration of justice in such election petitions.</p>	<ul style="list-style-type: none"> - What should the Constitution provide with regards to the hearing of: <ul style="list-style-type: none"> (i) Presidential, (ii) Parliamentary, and (iii) Local government election petitions? <p><i>On this term of reference, the Technical Committee seeks to consult you on time-frames and modalities for hearing a Presidential, Parliamentary or local government election petition. Currently a Presidential election petition is heard by the Constitutional Court. Although the head of the Judiciary is the Chief Justice, who does not sit on the Constitutional Court bench, the decision of the Constitutional Court is final. The time for hearing the petition has also been of concern.</i></p>
<p>4. Composition of local government and tenure of office of local government officials.</p>	<ul style="list-style-type: none"> - What should the Constitution provide in terms of composition of local government? - Should MPs be part of local government? - Should Mayors and Council Chairpersons be restricted to two terms? <p><i>On this term of reference, the Technical Committee seeks to consult you on whether MPs should sit on Councils. The Committee also seeks</i></p>

	<p><i>to consult you on whether the Constitution should be amended to remove a two-term limit on Mayors and Council Chairpersons.</i></p>
<p>5. Definition of Youth, Child and Adult</p>	<ul style="list-style-type: none"> - What age limits should the Constitution prescribe for the following categories: <ul style="list-style-type: none"> (i) Youth (ii) Child (iii) Adult <p><i>On this term of reference, the Technical Committee seeks to consult you on whether the Constitution should be amended to define age limits assigned to youth, child and adult. Currently there is an overlap in the definitions provided in subsidiary legislations.</i></p>
<p>6. Tenure of office</p> <ul style="list-style-type: none"> (i) Secretary to the Cabinet, (ii) Attorney General, and (iii) Solicitor General 	<ul style="list-style-type: none"> - What qualifications and work-related experience should the Constitution prescribe for the Secretary to the Cabinet? - What should the Constitution prescribe in terms of when the Attorney General and Solicitor General should vacate office after a general election? <p><i>On this term of reference, the Technical Committee seeks to consult you on whether the Constitution should be amended to reduce the number of years of experience for a person to qualify for appointment as Secretary to the Cabinet. Further, the Technical Committee seeks to consult you on whether the Constitution should be amended to</i></p>

	<p>provide that the Attorney General and Solicitor General should continue in office, after a general election, until new office bearers are appointed.</p>
<p>7. Other submissions</p>	<p>What else would you like to be included in the Constitution of Zambia to remove the gaps (lacunae), for example, that you may have identified in the current Constitution of Zambia that are relevant to the terms of Reference of the Technical Committee?</p> <p><i>On this term of reference, the Technical Committee seeks to consult you on other matters that you think should be changed, removed or added to the Constitution.</i></p>