



REPUBLIC OF ZAMBIA

Ministry of Justice

**PROPOSED GUIDELINES
FOR THE
PUBLIC VALIDATION PROCESS
OF THE CONTENTS OF THE FINAL DRAFT
ZAMBIAN CONSTITUTION**

Date of Release: 13 January 2015

1.0. INTRODUCTION

The constitution review process has been on-going since 16 November 2011 following the appointment of a twenty member Technical Committee by the late Republican President Michael Chilufya Sata. The Technical Committee was mandated to prepare a draft republican constitution that would adequately reflect the aspirations of the people of Zambia.

The Technical Committee on Drafting the Zambian Constitution (TCDZC) commenced its operations in December 2011 and prepared the first draft constitution which was launched for public debate in March 2013. Additionally, the first draft constitution was and subjected to broad consultations with members of the public and experts through District Consultative Fora in more than 80 districts, Provincial Conventions in all ten provinces. Further, a Sector Groups Convention bringing together technocrats from different walks of life and a National Convention which was a representative forum bringing together different stakeholders from the districts, provinces, interest groups, political parties, NGOs, Church, youths, Government and students; were held. Over 10,000 people participated in the constitution consultative process, representing the highest number of stakeholders to participate in a constitution review process in Zambia. The Committee subsequently finalized its work in December 2013 with the preparation of a final draft constitution.

On 23 October 2014, Government, through the Acting Minister of Justice-Hon. Dr. Ngosa Simbyakula, officially launched the general public validation process when he tabled the final draft constitution before the National Assembly. Further, Hon. Dr. Simbyakula indicated that guidelines for the validation process will be released to the public at the earliest opportunity. It is in this regard that the Ministry of Justice has prepared the said guidelines as reflected in this document.

PURPOSE OF THE PUBLIC VALIDATION PROCESS

Government fully recognizes that the process of constitution making has been going on for a number of years and a good number of Zambians – individually or through organisations have made several proposals for consideration in the new constitution. The purpose of this stage of the constitution making process therefore is as follows:

1. To provide Zambians an opportunity to validate the contents of the final draft Zambian constitution;

2. To provide Zambians an opportunity to assess whether the final draft constitution adequately reflects/meets their aspirations; and
3. To provide an opportunity to stakeholders to check for any inconsistencies between Articles and clauses;

Generally, this public validation process is NOT designed to receive new submissions beyond what was received by the Technical Committee during its nation-wide consultative process. The public validation process is intended to be a quality assurance process in order to ensure that the final product is acceptable and responsive to needs of the Zambia people.

OUTLINE OF THE PUBLIC VALIDATION PROCESS

The following are the steps that will constitute this stage of the constitution making process:

1. Government officially tables the final draft constitution before the National Assembly
2. The Ministry of Justice facilitates the printing of the final draft constitution and makes available electronic copies on a number of websites including the National Assembly of Zambia website (www.parliament.gov.zm) Electoral Commission of Zambia (www.elections.org.zm), Judiciary (www.judiciary.gov.zm); and the University of Zambia, School of Law www.zamlji.org.zm
3. Newspaper inserts of the final draft constitution included in the Times of Zambia, Post Newspapers and the Zambia Daily Mail.
4. The Ministry of Justice, working with provincial administrations, facilitates the wide distribution of hard copies of the final draft constitution to all districts;
5. The Minister of Justice establishes a small multi stakeholder Eminent Group of Persons (representing different interest groups) to facilitate consensus building on the final draft constitution and oversee the validation process. Additionally, the Minister of Justice appoints a small secretariat within the Ministry to provide technical and administrative support to this stage of constitution making;

6. Members of the general public are invited to send in their comments directly to the Ministry of Justice or through comment boxes placed at all 150 Constituency offices and District Commissioners' offices in all districts. Comments can be submitted in hard copy or by electronic mail using the address: zambianconstitution2015@gmail.com ;
7. The Ministry of Justice will make arrangements with ZAMPOST for post paid postage for letters from individuals, particularly in the far flung areas who may not have access to the comment boxes at the Constituency office or Offices of the District Commissioners;
8. The Eminent Group of Persons, will facilitate the review of all comments received and the subsequent drafting of the revised final draft constitution. This will be submitted to the Minister of Justice for onward submission to Cabinet for guidance on the next steps to follows;
9. The Government releases the revised final draft constitution to the public and facilitates parliamentary debate on the constitution amendment bill.

DURATION OF THE PUBLIC VALIDATION PROCESS

The public validation process will run from 1 January 2015 until 20 May 2015
The Minister of Justice will keep the public informed if there are any changes to the dates announced for public consultations

BASIC REQUIREMENTS OF SUBMISSION OF COMMENTS

Members of the public are invited to make their comments or submissions in English or any of the seven (7) official languages of Zambia. This is a Validation process and members of the public should ensure that they confine themselves to validating the contents of the final draft. Members of the general public are invited to adhere to the following simple guidelines in making their submission to the Ministry of Justice:

1. *Details of the person(s) making their comments or submission* – clearly state the full names, address (including name of district), contact telephone/mobile number and email address if available. The contact information is important, in the event that the Ministry of Justice or EPG would like to make a follow up on the submission made.

2. ***Citation of Article and Clauses*** – it is important that a person making comments or submissions, should make the correct reference to the Article and Clause in the draft constitution e.g. Article 100, Clause 2(b) on page xxx of the Draft Constitution.
3. ***Concise presentation of comments or suggestions*** – having cited the Article and/or Clause, clearly and in a few words, make your comment or suggestion on the Article e.g. *Article 100 as presented contradicts what is proposed in Article 98 and I suggest the following(state in your own words)*. Please DO NOT draft your suggestion or proposed text of the constitution, simply state the principle(s) of the change you are proposing.
4. ***Reasons for Comments or Suggestions*** – kindly state the reasons for your comments and suggestions. The reasons provided should give any reader an understanding of why your comment or suggestion is important.

CONTACT DETAILS

For any information and further clarifications, kindly contact Permanent Secretary – Legislative Drafting at the Ministry of Justice in Room 11, Fairley Road Ridgeway Lusaka. Telefax 260 211 256926

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