

Press Statement

13th January, 2022.

Kabwata Parliamentary By-Election: A Litmus for Constitutional and Electoral Process Act Review

One resolve of any democratic nation is to have in place a supreme law of the land that is not only people driven, but able to stand the test of time serving as a basis for sustainable peace, unity and development. The Jesuit Centre for Theological Reflection (JCTR) notes with great concern the continued existence of ambiguities with regard to the current constitution, its interpretation, and more specifically, in this case, the weaknesses of Zambia's electoral processes.

The recent cancellation of the Kabwata parliamentary by-elections serves well as an illustration of the issues that call for reforms. According to the Electoral Commission of Zambia (ECZ) the Kabwata parliamentary by-election was scheduled to take place on 20th January, 2022. The seat in question fell vacant after the demise of the elected ruling United Party for National Development (UPND) Member of Parliament Honourable Levy Mkandawire. In a turn of events, ECZ through their Chief Electoral Officer on 10th January, 2022 announced the cancellation of the Kabwata parliamentary by-elections pursuant to Article 52(6) of the Republican Constitution, following the withdrawal of one of the contesting candidates.

It is evident that some provisions of the current electoral laws present serious political dilemma for a struggling economy such as that of Zambia. It is a known fact that with the current electoral legal framework, Zambia's political system remains vulnerable to inconsistencies and unnecessary wastage of public resources. This wastefulness is unacceptable given that these resources would have been channelled to improving social service delivery to the poor and vulnerable communities in Zambia.

It is clear that there is good case here to call for constitutional and electoral law reforms in order to transform our electoral laws to enable the country not only to cost effectively manage elections, but also to stem out a wave of nullifications of parliamentary elections. Postponement of elections and nullification of parliamentary elections have a long term effect of eroding confidence in the electoral process and of denying rights holders quality representation in the public governance system.

JCTR, therefore calls upon the government and all key stakeholders to urgently release a roadmap for a broad based constitutional review process. We also call for a road map for a number of legal reforms, including the electoral process law, access to information legislation, public order law, loans and guarantees (authorization) law, just to mention a few. The constitutional review process must commence now to allow for sufficient consultations from various stakeholders. This process must not be left close to the 2026 elections.

For further clarifications contact the Faith and Justice (F&J) Programme at the Jesuit Centre for Theological Reflection (JCTR) on 0955295881 and 0954755319. Email: manager.fj@jctr.org.zm, media.information@jctr.org.zm and admin@jctr.org.zm. Martin Mwamba Road, Plot 3813 Martin Mwamba Road, Olympia Park – Lusaka. P. O. Box 37774 Lusaka – Zambia.