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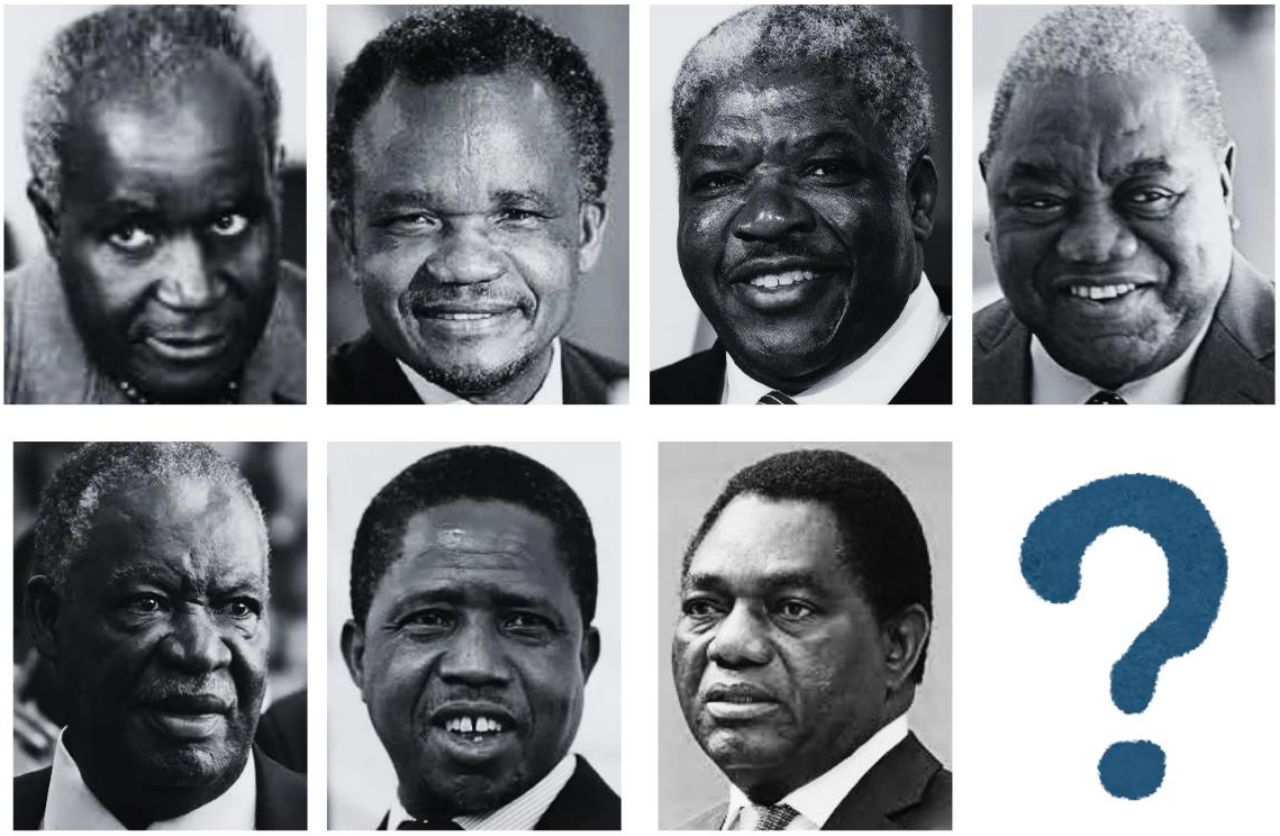

Position Paper on Proposals to Remove Presidential Term Limits and Extend Presidential Tenure

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Introduction

We, the Jesuit Centre for Theological Reflection (JCTR), are a Zambian faith-based research, education and advocacy organisation. We are also a founding consortium member of the Christian Churches Monitoring Group (CCMG). We engaged in the 2026 electoral cycle, including by making submissions on the process leading to the Constitution of Zambia (Amendment) Act No. 13 of 2025 (commonly referred to in public debate as Bill No. 7 of 2025; National Assembly of Zambia, 2025), tracking the delimitation exercise and making submissions on electoral-law reforms. We also convened policy engagements on voter education in correctional facilities and candidate asset and beneficial-ownership disclosure. We delivered voter and civic education through nine partner radio stations and community forums in Sinazongwe, Choma, Mazabuka, Monze and Nkeyema. We trained community journalists in election monitoring, deployed accredited monitors on polling day and monitored the 13 August 2026 general election at national and polling-station levels. Following polling day, we also monitored the count at the National Results Centre. This position paper builds on that work and sets out our position on renewed public debate about proposals to remove presidential term limits and lengthen the presidential term.

Article 106(3) of the Constitution establishes a disqualification rule: a person who has twice held office as President is not eligible for election as President. This is an institutional safeguard governing the exercise, transfer and renewal of executive political power. The question has re-entered public debate in two forms: proposals to remove the presidential two-term restriction and proposals to lengthen the presidential term itself. In October 2026, residents of Western Province launched a campaign in Mongu, under the name Project 2090, to petition the Speaker of the National Assembly and Members of Parliament to remove the presidential two-term limit. Their stated reason was that the constitutional amendments under Bill No. 7 of 2025 did not provide term limits for mayors, council chairpersons, Members of Parliament or councillors (Zambia News and Information Services, 2026). Separately, on 27 October 2026, the Zambia Youth Organisation Consortium submitted a petition, through nominated Member of Parliament Francis Kope, asking the National Assembly to consider a Private Member's Motion to abolish presidential term limits and the Grade 12 certificate requirement for parliamentary and council candidates ("Youths Petition Parley," 2026). Earlier, in November 2025, former Vice-President Enock Kavindele proposed to the Technical Committee on Constitutional Amendments a single, non-renewable seven-year presidential term (Kani, 2025).

This paper sets out the relevant constitutional framework, examines the historical context, responds to arguments for removing term limits and advances recommendations to inform debate on democratic consolidation and the maintenance of a peaceful political environment.

1. The Constitutional Framework

Article 106(3) of the Constitution provides that a person who has twice held office as President is not eligible for election as President. Article 106(1) provides for a five-year presidential term (Constitution of Zambia, 1991, art. 106). These provisions do not remove citizens' right to choose their President through elections. Rather, they establish a constitutional boundary on the number of times one individual may hold the highest public office.

Article 106(6) explains when a person is deemed to have served a full term. In particular, under Article 106(6)(a), a person is deemed to have served a full term where, on the date the President assumed office, at least three years remained before the date of the next general election. This provision formed part of the legal framework considered by the Constitutional Court in *its decision of 10 December 2024 in Michelo Chizombe v Edgar Chagwa Lungu and Others* (2024). The Court held that former President Edgar Lungu was ineligible to contest the 2026 presidential election or any future presidential election. The judgment addressed the transitional effect of the 2016 constitutional amendments and the treatment of Mr Lungu's first presidential term, rather than offering a free-standing reinterpretation of Article 106(6)(a). The Court's conclusion differed from the outcomes in earlier litigation concerning his eligibility in 2018 and 2021.

The public debate over removing presidential term limits must therefore be understood as a question of protecting Zambia's democratic order. Term limits are one of the institutional safeguards democratic systems use to prevent the excessive concentration of political power. They also encourage leadership renewal, strengthen accountability and make the peaceful transfer of power a normal feature of political life. The question is not simply whether citizens should be free to choose their government. It is whether democracy is adequately protected when those who exercise the highest public office remain subject to constitutional limits.

2. Historical Context

Zambia's own history demonstrates why this question deserves careful consideration. The country experienced a one-party political system from 1972 until the restoration of multiparty democracy in 1991. Before the one-party state, the Chona Constitutional Review Commission considered constitutional arrangements for the country. The 1973 Constitution established the United National Independence Party (UNIP) as the sole political party and entrenched a highly centralised system. The Second Republic's experience demonstrates the importance of institutional safeguards against excessive concentration of political power. Notably, the Chona Commission itself recommended that the President serve a five-year term, be eligible for a second term, and thereafter be ineligible to stand for at least five years (National Commission on the Establishment of a One-Party Participatory Democracy in Zambia, 1972, para. 48). That recommendation was not adopted, and the 1973 Constitution placed no limit on presidential tenure.

The return to multiparty democracy in 1991 represented a major constitutional and political transition. The 1991 Constitution introduced a two-term limit on the presidency as part of the constitutional arrangements of the new multiparty era, and the 1996 amendments recast the limit so that it applied to anyone who had already served two terms, including former President Kaunda (Dulani, 2011, p. 127; Gould, 2006, p. 932). It reflected a broader effort to build a political system in which government could change through competitive elections. In that system, presidential power would remain subject to constitutional limits. Presidential term limits are therefore part of Zambia's own constitutional development and democratic experience. They are not a foreign concept imposed on the country.

Zambia's experience under the one-party system also offers a lesson about the relationship between political competition, constitutional safeguards and peaceful leadership succession. The coup plots of 1980 (Larmer, 2010) and 1988 (United Press International [UPI], 1988) were followed by the attempted military takeover of June 1990 (Perlez, 1990). These episodes occurred against a background of economic difficulties, dissatisfaction with government policies and restrictions on organised political competition. Their motives and participants differed and should not be generalised to the wider population. They nevertheless illustrate the political tensions that can arise when citizens have few effective, constitutional avenues for challenging an incumbent government. Under the one-party system, citizens could not organise alternative political parties to compete for national leadership. This restricted political

competition may have contributed to the appeal of unconstitutional alternatives among some actors. Such means are not guaranteed to restore democratic choice and may instead displace civilian constitutional institutions. Zambia's return to multiparty democracy in 1991 demonstrated the importance of constitutional and electoral mechanisms through which leadership can change peacefully. This history reinforces the importance of preserving safeguards that promote political accountability, leadership renewal and predictable succession.

The debate over presidential term limits re-emerged prominently in 2001 when President Frederick Chiluba pursued a third term. The response brought together religious, professional and civil-society organisations through the Oasis Forum. The Forum included the Zambia Episcopal Conference (now the Zambia Conference of Catholic Bishops), the Christian Council of Zambia (now the Council of Churches in Zambia), the Evangelical Fellowship of Zambia, the Law Association of Zambia and the Non-Governmental Organisations Coordinating Council (Gould, 2006, p. 933; Kabanda, 2010, p. 4). Their involvement showed that presidential tenure was regarded not merely as a political contest, but as a matter of constitutional governance, accountability and the public good. Chiluba's bid unfolded within a wider regional pattern of efforts by incumbents to extend their tenure. In Zambia, opposition within his own party, public mobilisation and the lobbying of Cabinet ministers and Members of Parliament formed part of the resistance to the proposed constitutional change (Dulani, 2011, p. 128; Gould, 2006, pp. 932–933). The episode remains an important example of civil-society and political resistance to the removal of constitutional limits. The regional concern remains relevant. In Zimbabwe, Parliament approved constitutional changes in June 2026 and President Emmerson Mnangagwa signed them into law on 7 July 2026. The changes extended presidential and parliamentary terms from five to seven years, postponed the next presidential election until 2030 and replaced direct popular election of the President with parliamentary selection (Human Rights Watch, 2026). These changes therefore went beyond simply extending the length of a term.

3. The Current Debate

In September 2026, Florence Chileshe Chama, a UPND-nominated Member of Parliament, publicly expressed support for President Hakainde Hichilema remaining in office beyond 2031 (Munkombwe, 2026a). Her remarks were widely understood as supporting a change to the existing presidential term-limit framework and generated further public debate. Similar views

were later expressed by UPND National Youth Chairperson Gilbert Liswaniso, who said the ruling party could choose to remove the presidential term limit (Munkombwe, 2026c). UPND official Michael Chuzu also made remarks interpreted as supporting President Hichilema staying in office beyond the constitutional limit. On a television programme, he suggested that the President was completing the late Anderson Mazoka's term and would begin his own in 2031 (APA News, 2026). The significance of these statements lies not in the position of any one individual, but in the fact that presidential tenure has once again entered Zambia's public constitutional discourse. UPND Deputy Secretary General Gertrude Imenda described the proposal as the MP's personal wish, although the party did not categorically rule it out (Munkombwe, 2026a). At the same time, the UPND and State House publicly distanced the President from a third-term proposal and indicated that there was no official Government proposal to extend his tenure (APA News, 2026). These statements reflect the views of the individuals concerned and do not represent an adopted party or Government policy.

This raises an important question about the fairness of electoral competition. Unlike an incumbent, the opposition does not necessarily have the visibility of the office or access to state institutions and public communication structures. Where electoral competition is not level, saying that "the people can decide at the ballot box" may not address the institutional advantages enjoyed by an incumbent.

4. Constitutionalism and the Common Good

The constitutional question is equally important. Article 106(3) currently provides a clear disqualification rule for a person who has twice held office as President. Constitutional provisions may be amended only through the procedures established by the Constitution. That legal possibility does not, by itself, settle whether removing the term-limit safeguard would strengthen or weaken Zambia's democratic constitutional order. A constitution is intended not merely to facilitate the exercise of political power, but also to place limits upon that power.

This principle connects directly with Catholic Social Teaching, particularly the principle of the common good. In *Centesimus Annus*, Pope John Paul II values democracy because it enables citizens to participate in political choices, elect and hold accountable those who govern them, and replace them through peaceful means when appropriate (John Paul II, 1991, para. 46). Term limits give constitutional force to one aspect of leadership renewal: they make succession a predictable feature of the system rather than leaving it entirely to an incumbent's choice. Such

participation also presupposes informed citizens. Zambians therefore have a right to know what is being proposed about the presidency and to have open public platforms, including the public broadcaster, on which to debate it. Article 20 of the Constitution protects freedom of expression, including the freedom to receive and impart information and ideas. The Access to Information Act No. 24 of 2023 complements this by establishing a statutory framework through which citizens may access information held by public bodies.

Our own reflection on constitutionalism makes the same connection. Writing in *Global Common Good: Intercultural Perspectives on a Just and Ecological Transformation*, Fr Leonard Chiti draws on Catholic Social Teaching to define the common good as the sum total of the economic, political and cultural conditions of social life that make it possible for people readily and fully to achieve their human development (Chiti, 2015, pp. 106–107). He reminds us that the State exists to promote the common good and that the role of public authorities, including governments, is to serve that end (Chiti, 2015, pp. 112–113). On this view, a constitution is "an expression of the pursuit of the common good by all citizens", and its purpose is to define the duties, rights and functions of government and its organs (Chiti, 2015, pp. 110, 113). A good constitution serves the people: it puts them at the centre and ensures that institutions of governance are geared towards serving them (Chiti, 2015, p. 113). Fr Chiti also observes that many of Zambia's earlier attempts at constitution-making failed because too little consideration was given to whether their provisions promoted the common good (Chiti, 2015, p. 108).

From this perspective, the presidency is a public office and not the possession of the individual who occupies it. The authority attached to the office is entrusted to the President for the service of the people and must therefore remain subject to constitutional rules. Term limits provide one institutional means of ensuring that political authority remains temporary, accountable and open to renewal. As Fr Chiti puts it, "the primary responsibility of any power or authority is to protect and promote" the dignity of the human person (Chiti, 2015, p. 99).

The argument to preserve term limits is therefore not an argument against the will of citizens. Rather, it is an argument for the constitutional conditions within which democratic choice takes place. Term limits do not replace elections; they structure them. They ensure that political succession remains a normal and predictable part of democratic government and that no individual becomes permanently identified with the presidency.

Zambia's constitutional history and the Church's engagement in the 2001 third-term debate point to the same lesson. Presidential tenure is inseparable from democratic governance and the common good. The present debate is an opportunity to reaffirm that political authority is exercised in trust and good faith. Constitutional safeguards should apply equally to every holder of the presidential office. This matters because Zambia's history shows a recurring pattern: parties in opposition champion constitutionalism and the rule of law, but once in government they have often sought to amend the Constitution to suit their own aims. President Chiluba advocated term limits in 1991, yet by 2001 sought to amend the Constitution so that he could stand for a third term (Brookings Institution, 2011; Dulani, 2011, p. 127). Civil society has warned that it would be a similar contradiction for the UPND, which opposed former President Lungu's bid for another term, to pursue the removal of the presidential term limit now (Munkombwe, 2026b). Constitutional safeguards are meaningful only if they bind those in power as firmly as those seeking it.

We therefore argue for retaining Article 106(3) as a constitutional safeguard for presidential term limits. We further commit to working with churches, political parties and other civic actors to promote informed public discussion of presidential tenure. Civic education should explain the meaning and importance of presidential term limits for democratic governance. The concern is not with any particular President or political party. It is about ensuring that Zambia's constitutional democracy remains governed by the rule of law in ways that protect accountability, leadership renewal, peaceful succession and the common good.

5. Responding to Arguments for Removal

The argument that "the people should be free to choose" is important. However, democratic choice requires a fair electoral environment. That environment depends on the impartial conduct of state institutions, including the Zambia Police Service in regulating campaigns and public gatherings, the Zambia Defence Force where it is lawfully deployed during elections, the Electoral Commission of Zambia (ECZ) in administering the poll, and the judiciary in resolving electoral disputes. Concerns about the impartiality or independence of these institutions can weaken the claim that the ballot alone is sufficient to check an incumbent. The EU Election Observation Mission's final report found that incumbency advantages blurred the line between state and party, creating an uneven playing field, and that the campaign was marked by police bias and by a campaign calendar that restricted opposition candidates but did not apply to the incumbent President and Vice-President (European Union Election

Observation Mission to Zambia [EU EOM], 2026, pp. 7–8). Our own observation of the 13 August 2026 poll, through 25 accredited monitors in seven provinces, recorded procedural failures concentrated in the counting and closing stages. Monitors were excluded from the sealing and counting of ballots at the NRDC College Hall complex in Munali Constituency and from counting at Olympia Park Secondary School, and a presiding officer at Chelstone Secondary School proposed to transport unsealed ballot papers (Jesuit Centre for Theological Reflection [JCTR], 2026, pp. 7, 13). Media monitoring by MISA Zambia, covering 1,613 election-related stories across 15 outlets between June and July 2026, found that the ruling UPND accounted for 74 per cent of political-actor coverage in public media (ZNBC TV1, ZNBC Radio 2 and the Zambia Daily Mail), 85 per cent of which was positive (MISA Zambia, 2026, pp. 5, 18). The EU mission reported significant bias in state-owned media coverage and instances of misuse of state resources at ruling-party campaign events in eight provinces (EU EOM, 2026, pp. 28, 33). The SADC Electoral Observation Mission and other observer groups also made recommendations concerning the electoral environment (Southern African Development Community [SADC], 2026). The joint African Union–COMESA mission, for example, called on ZNBC to provide equitable airtime and coverage to all candidates in accordance with Article 50 of the Constitution (African Union & Common Market for Eastern and Southern Africa [AU–COMESA], 2026). These findings support scrutiny and reform; they do not, on their own, prove that every election institution acted improperly.

The argument that "development needs continuity" is also not sufficient to justify removing term limits. Sustainable development should depend on strong institutions and policies, not on the continued rule of one individual. Similarly, the claim that term limits are a "Western import" overlooks their purpose. The relevant question is whether term limits strengthen Zambia's constitutional democracy, accountability and peaceful leadership succession.

Proposals to lengthen the presidential term, for example from five to seven years, raise related concerns. A longer term reduces the frequency with which citizens can assess the President's performance at the ballot box. An extension that benefits a sitting President also changes the rules while that person is in office and may create an appearance of self-interest. Regional experience demonstrates that constitutional term limits and electoral arrangements can be altered in ways that weaken accountability. Zambia should assess any proposed change on its constitutional merits and its likely effects on democratic accountability.

6. Recommendations

We recommend that:

- Article 106(3) should be retained. This position is consistent with the importance of presidential tenure limits raised in successive constitutional review processes. The 2025 Electoral Reform Technical Committee report also records a range of public submissions supporting a two-term limit (Electoral Reform Technical Committee, 2025).
- Article 106(1) should be retained, and the presidential term should not be extended beyond five years.
- Article 79(3) should be amended to add Article 106 expressly to the provisions requiring a referendum, and we will advocate for this amendment. As the Constitution currently stands, Article 79(3) requires a referendum before alteration of Part III or Article 79 itself; Article 106 is not expressly included in that list (Constitution of Zambia, 1991, art. 79). Article 106 can therefore currently be altered by Parliament alone, through a Bill published in the Gazette at least thirty days before its first reading and supported at the second and third readings by not less than two-thirds of all members of the National Assembly (art. 79(2)). Because Article 79(3) also covers any alteration of Article 79 itself, extending referendum protection to Article 106 would require the Bill first to be put to a national referendum and approved by not less than fifty per cent of persons entitled to be registered as voters (art. 79(3)), in addition to meeting the requirements of Article 79(2).
- Parliament, political parties, churches and the Constitutional Court should uphold constitutional safeguards and promote peaceful leadership succession.
- Civic education on presidential term limits, constitutionalism, and democratic accountability should be strengthened, and we will intensify our own work in this area, including the risks of removing term limits or extending presidential tenure.
- Government should engage constructively with the findings and recommendations of international and regional election observers, including the EU Election Observation Mission, the SADC Electoral Observation Mission and the Joint African Union–COMESA Election Observation Mission (AU–COMESA, 2026), and treat evidence-based comment on governance as a contribution to democratic accountability rather than as interference.

7. Conclusion

Presidential term limits are not about preventing citizens from choosing their leaders. They are about ensuring that political power does not become permanently concentrated in one individual. Removing term limits or extending the presidential term could weaken leadership succession, increase the personalisation of presidential power and undermine institutional independence. Zambia should therefore retain Article 106(1) and (3), and consider stronger constitutional protection for these safeguards through the appropriate amendment procedure. Democratic stability is best secured by strong institutions and predictable rules, not by extending presidential tenure.

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