

**REPORT OF THE COMMITTEE ON NATIONAL SECURITY AND FOREIGN AFFAIRS FOR THE SECOND SESSION OF THE ELEVENTH NATIONAL ASSEMBLY APPOINTED ON THURSDAY, 27<sup>TH</sup> SEPTEMBER, 2012**

Consisting of:

Rev Lt Gen R Shikapwasha, MP; (Chairperson); Ms S Sayifwanda, MP; Mr C L Bwalya, MP; Mr M Simfukwe, MP; Mr M J B Ng'onga, MP; Mr S Sianga, MP; Mr A Sichula, MP and Mr S Katuka, MP.

The Honourable Mr Speaker  
National Assembly  
Parliament Buildings  
**LUSAKA**

Sir,

Your Committee has the honour to present its Report for the Second Session of the Eleventh National Assembly.

**2. Functions of the Committee**

In addition to any other duties conferred upon it by the Honourable Mr Speaker or any other order of the House, your Committee oversees operations of the ministries of Defence, Home Affairs and Foreign Affairs.

In overseeing the activities of these Ministries, your Committee carries out the functions as set out below.

- (i) study, report and make recommendations to the Government, through the House, on the mandate, management and operations of the Ministries of Defence, Foreign Affairs and Home Affairs, departments and/or agencies under their portfolios;
- (ii) carry out detailed scrutiny of certain activities being undertaken by the Ministries of Defence, Foreign Affairs and Home Affairs, departments and/or agencies under their portfolios and make appropriate recommendations to the House for ultimate consideration by the Government;
- (iii) make, if deemed necessary, recommendations to the Government on the need to review certain policies and/or certain existing legislation; and
- (iv) consider any Bills that may be referred to it by the House.

**3. Meetings of the Committee**

Your Committee held fifteen meetings during the year under review.

**4. Programme of Work**

At the Committee's second meeting held on 10<sup>th</sup> October, 2012, your Committee considered and adopted the programme of work as set out below.

- a) Consideration of the Action-Taken Report on the Committee's Report for the First Session of the Eleventh National Assembly;

- b) Registration of non-profit making organisations in Zambia by the Registrar of Societies;
- c) An update on the conflict situation in Syria, Somalia, Democratic Republic of Congo, Mali and Sudan/South Sudan;
- d) The 67<sup>th</sup> Session of the United National General Assembly (UNGA);
- e) An update on the operations of Zambia's Missions abroad;
- f) Reports from Parliamentary delegations;
- g) Local Tours: Kaputa, Mbala, and Nakonde regarding international border boundaries; and
- h) Consideration of the Committee's Draft Annual Report for the Second Session of the Eleventh National Assembly.

## **5. Procedure adopted by the Committee**

Your Committee requested for detailed memoranda on the topics under consideration from concerned stakeholders and invited them to appear before it in order to give verbal submissions and clarifications on issues arising from their submissions.

Your Committee also undertook a local tour during the year under review.

## **PART I**

### **SUBMISSIONS ON CURRENT ISSUES**

## **6. Registration of non-profit making organisations in Zambia by the Registrar of Societies**

### ***Background***

It has been observed that a number of non-profit making organisations have been registered in Zambia under the Registrar of Societies. In addition, the Patents and Companies Registration Authority (PACRA) has been involved in the registration of some of these organisations. However, in the recent past, there have been some reports and concerns that some of these organisations have been involved in activities which are outside their mandate. This has led to a challenge in the monitoring of the mandate and activities of these registered organisations. As a result of this, your Committee resolved to study the registration of non-profit making organisations in Zambia by the Registrar of Societies.

The following institutions made both written and oral submissions on the subject:

- a) the Islamic Supreme Council of Zambia;
- b) the Independent Churches of Zambia (ICOZ);
- c) the Council of Churches in Zambia (CCZ);
- d) the Non-Governmental Organisations' Co-ordinating Council (NGOCC);
- e) the Patents and Companies Registration Agency(PACRA);
- f) the Registrar of Societies;
- g) the Ministry of Commerce, Trade and Industry; and
- h) the Ministry of Home Affairs.

## CONSOLIDATED SUMMARY OF SUBMISSIONS

### Introduction

#### Legislative and Regulatory Framework Relating to Regulation of Organisations in Zambia

Your Committee was informed that matters pertaining to the registration and regulation of organisations in Zambia fell under the statutes as set out below.

- (i) *The Societies Act* Cap 119 of the Laws of Zambia provides for the registration of societies, namely associations such as clubs, partnerships, companies and other associations of ten or more persons with the exclusion of companies incorporated under the Companies Act.
- (ii) *The Companies Act* Cap 388 of the Laws of Zambia read with the *Companies Amendment Act* No. 24 of 2011 provides for incorporation of companies (creation of artificial legal persons) and also for matters relating to insolvency of companies.
- (iii) *The Registration of Business Names Act* No. 16 of 2011, which repealed the *Registration of Business Names Act* Cap 389 of the Laws of Zambia, provides for the registration of business names. It makes it mandatory for a ‘business name’, that is ‘the name or style under which any business is carried on, whether in partnership or otherwise, other than the true names of an individual’, to be registered.
- (iv) *The Co-operative Act* Cap 397 of the Laws of Zambia provides for the formation and registration of cooperative societies as corporate bodies and provides for their registration.
- (v) *The Land Perpetual Succession Act* Cap 186 of the Laws of Zambia provides for perpetual succession to land and for the incorporation of trusts as corporate bodies.
- (vi) *The Non-Governmental Organisations Act* (2009) provides for the registration and regulation of Non-Governmental Organisations (NGOs) in Zambia.

However, the legislation and regulation framework relating to the registration and regulation of non-profit making organisations in Zambia mainly falls under the *Societies Act* Cap 119 of the Laws of Zambia which establishes the Department of the Registrar of Societies. The Department of Registrar of Societies falls under the Ministry of Home Affairs and is provided for under the *Societies Act* together with subsidiary legislation thereunder.

The functions of the Registrar of Societies are to-

- (i) effectively manage the formulation, implementation and review of policy in order to provide guidelines on regulation of societies namely; political parties, churches, mosques, Buddhists, Hindus and similar such religious groups, women’s clubs, youth clubs, farmers groups, associations of whatever form, pressure groups, charity organisations, orphanages and other related non-profit making organisations;
- (ii) effectively ensure the registration of societies in order to facilitate their legal existence;
- (iii) effectively oversee, regulation of societies in order to ensure that they operate within their mandate;

- (iv) effectively manage, the development and implementation of policy awareness programmes in order to promote and disseminate information on the operations of the Department of Registrar of Societies;
- (v) effectively manage, the monitoring and evaluation of registered societies in order to ensure adherence to the provisions of the law;
- (vi) effectively manage, the provision of advisory services to government agencies in order to facilitate decision making; and
- (vii) regularly ensure, the maintenance of an up-to-date data base in order to facilitate storage and retrieval of information.

In contrast, is a statutory body under the Ministry of Commerce, Trade and Industry established under the *Patents and Companies Registration Agency Act* No. 15 of 2010 ('the PACRA Act'). The PACRA Act mandates the Agency to-

- (i) administer the *Companies Act*, the *Registration of Business Names Act*, the *Patents Act*, the *Trade Marks Act*, the *Registered Designs Act* and the *Companies (Certificates Validation) Act*;
- (ii) receive and investigate any complaint of alleged or suspected breach of the PACRA Act or any of the other statutes administered by the Agency and, subject to the directives of the Director of Public Prosecutions (DPP), to prosecute offences under these statutes;
- (iii) collect, collate, and disseminate information on the law relating to the Acts referred to in paragraph (a);
- (iv) advise Government on all matters pertaining to the Acts referred to in paragraph (a); and
- (v) do all such other things as are necessary or incidental to the performance of its functions under this Act.

### **Need to decentralise the operations of the Department of the Registrar of Societies**

The Department of the Registrar of Societies requires decentralisation to ensure effective and efficient service delivery to the people of Zambia.

The Department oversees a total of 49,199 registered societies divided as follows:

<b>No. of Registered Societies</b>	<b>Registered Societies</b>
38:	- Political Parties
31,871:	- Non-Governmental Organisations, Women's Clubs and Associations, Youth Groups and Associations and Cultural Organisations
17,075:	- Churches and Ministries
215:	- Islamic Organisations

In the absence of decentralisation, it has been very difficult for the department to effectively co-ordinate, monitor and regulate this huge number of registered societies. As a consequence of not being decentralised, the Government was losing huge sums of money in form of unpaid fees from registered

societies. In addition, clients were heavily inconvenienced as they had to travel long distances to Lusaka to seek registration of their societies.

The role of the Registrar of Societies in registration and regulation of non-profit making organisations was statutory and meant to ensure that criminal elements did not form societies for purposes of pursuing criminal agenda or acts that threaten the internal security of the country.

### **The Role of the Patents and Companies Registration Agency (PACRA) in the Registration and Regulation of Non-profit Making Organisations in Zambia**

The Agency is mandated to incorporate companies and register business names under the *Patents and Companies Registration Agency Act* No. 15 of 2010 ('the PACRA Act'). Under the *Registration of Business Names Act*, a 'business' entails a 'trade, occupation, profession or venture conducted or carried on by one or more persons for gain or profit'. Accordingly, a business name should be engaged in a profit making venture. On the other hand, a company, under the *Companies Act*, does not need to be engaged in profit-making. In this regard, consistent with standard international practice, the *Companies Act* provides for the registration of Companies Limited by Guarantee, which are largely not-for-profit businesses.

The regulatory function of the Agency extends as far as ensuring that companies or businesses comply with the provisions of respective constitutive statutes and, in particular, obligations arising from their corporate nature or registration. This includes ensuring that companies, in particular, are administered in accordance with the provisions of the *Companies Act*. These include matters relating to the 'birth', 'existence' and 'death' of companies.

Further, the Agency regulates businesses in so far as ensuring that there is orderly business trade, namely that businesses do not operate under names that are confusingly similar. Under the *Registration of Business Names Act*, the Agency also ensures that business names are registered. Incidental to this is that the Agency also serves as a repository of business information.

The responsibility for regulating the activities of companies or business names vest with respective sector regulators. This mainly takes the form of licenses. For instance, businesses intending to engage in trading would be required to obtain a trading license from the local authorities. Similarly, those desiring to operate as NGO's are regulated pursuant to the Non-Governmental Organisations Act.

### **Relationship and Liaison between the Registrar of Societies and the Patents and Companies Registration Agency in the Registration and Regulation of Non-Profit Making Organisations in Zambia**

Legally, the two registries are under two different ministries and are independent of each other since the *Companies Act* and the *Registration of Business Names Act* do not make any reference to the *Societies Act* while the *Societies Act* recognises companies registered under the *Companies Act* and expressly excludes them, among others, from registration under that piece of legislation.

However, until the 1<sup>st</sup> of November, 2012, there had been no relationship and liaison between the two Agencies of Government. Such liaison had not been there owing to the disparity in the two Acts. This had resulted into a process of duplication of the functions of the Department of Registrar of Societies that was ordinarily mandated to register and regulate all non-profit making organisations in Zambia except companies that were mainly under PACRA. The Registrar of Societies ensures that national security was not compromised. To this effect, the Department of Registrar of Societies was currently engaged in harmonising its functions with PACRA on matters pertaining to registration and regulation of non-profit making organisations.

## **Mechanisms to Monitor the Mandate and Activities of the Registered Non-Profit Making Organisations in Zambia**

The Department of Registrar of Societies does conduct random inspection of all societies to ensure that they are registered and operate within the provisions of the Law. However, these mechanisms have not been very effective due to inadequate funding, transport, manpower, decentralisation and computerisation among others. As for PACRA, it has an effective mechanism in place to monitor the mandate and activities of the registered non-profit making organisations in Zambia.

## **Challenges in the registration and regulation of non-profit making organisations in Zambia**

There are a number of challenges mostly in the regulation of non-profit making organisations because the Registrar of Societies is not decentralised and the poor levels of compliance by the societies which are mostly formed during the years of elections and sponsored or funded by candidates who abandon them upon losing or winning an election until another election year. Also, inadequate manpower, transport, office space and lack of computerisation affects the regulation of non-profit making organisations in Zambia.

## **Measures taken to mitigate challenges in the registration and regulation of non-profit making organisations in Zambia**

The following are the possible measures that can mitigate the challenges in the registration and regulation of non-profit making organisations in Zambia by the department of the Registrar of Societies.

- (i) decentralise it;
- (ii) computerise it; and
- (iii) make it autonomous.

## **Observations and Recommendations of Your Committee**

Your Committee, while appreciating the importance of registering non-profit making organisations in Zambia, observes that;

- a) the *Societies Act*, Cap 119 of the Laws of Zambia is an old piece of legislation enacted in 1957 which does not fully address current trends in the operations of non-profit making organisations in Zambia;
- b) the *Societies Act*, Cap 119 of the Laws of Zambia conflicts with other pieces of legislation such as the *Companies Act* Cap 388 of the Laws of Zambia and the *Non-Governmental Organisations Act* of 2009, among others, in its operations;
- c) office space for the Registrar of Societies is inadequate;
- d) the Office of the Registrar of Societies is not decentralised or computerised;
- e) the Office of the Registrar of Societies has inadequate manpower; and
- f) the Office of the Registrar of Societies is not autonomous.

From the observations above, your Committee urges the Executive to ensure that:

- a) the *Societies Act*, Cap 119 of the Laws of Zambia is amended so as to bring it in line with the current trends of operations of non-profit making organisations in Zambia and also harmonise it with other pieces of legislation such as the *Companies Act* Cap 388 of the Laws of Zambia and the *Non-Governmental Organisations Act* of 2009, among others;

- b) the budgetary allocation to the Office of the Registrar of Societies is increased so as to address issues of manpower, office space, transport, computerisation and decentralisation; and
- c) the Office of the Registrar of Societies is granted some autonomy for it to operate efficiently and effectively.

## **7. An Update on the Conflict Situations in Syria, Somalia, Democratic Republic of Congo, Mali and Sudan/South Sudan**

### **Introduction**

Your Committee was informed by the Ministry of Foreign Affairs that the conflict in these countries is mostly centred on ideological, ethnic, clan, religious or perceived grievances.

#### **(i) Democratic Republic of Congo (DRC)**

The security situation in the eastern part of the Democratic Republic of Congo (DRC) remained volatile as military operations against armed groups continued to generate internal displacement. The accusations against Rwanda and Uganda by the Government of the DRC of siding with the rebel forces in the eastern part of the DRC had exacerbated the complication of the conflict. These accusations were, however, allayed and the two accused countries have pledged their continued commitment to work with other Member States of the region to assist the Government of the DRC in addressing the security in the eastern part of that Country.

Both the Southern Africa Development Community (SADC) and the International Conference on the Great Lakes Region (ICGLR) had been concerned with the problem in the DRC and had been working towards finding a lasting solution in that country. Both regional groups had, therefore, maintained a key message that the war should cease immediately in the eastern DRC.

The security situation in North Kivu, particularly in Goma City, was very volatile after the capture of the town by M23 rebels on 19<sup>th</sup> November, 2012. As a result of this situation, on 24<sup>th</sup> November, 2012, the Heads of State and Government of the International Conference on the Great Lakes Region (ICGLR) held an Extra-ordinary Summit in Kampala, Uganda, along the side-lines of the Common Market for East and Southern Africa (COMESA) Summit. This meeting was preceded by a Tripartite Summit of the DRC, Rwanda and Uganda on 21<sup>st</sup> November, 2012 in Kampala. The Extra-ordinary Summit issued a Communiqué in which the Heads of State declared that they would not accept the expansion of the war by the M23 nor entertain their idea of overthrowing the legitimate Government of the DRC or the undermining its authority. The UN and the AU were represented at the meeting in a bid to render support to regional initiatives on the matter.

#### **Zambia's Position**

As a member of SADC and the ICGLR, and a neighbouring country, Zambia is obliged to take a leading role in engaging all parties to address the crisis in the DRC in order to find a lasting peaceful solution to the situation. In this regard, Zambia is committed to providing the necessary support to the peace process aimed at encouraging all efforts to restore full state control in the DRC for national peace and security.

## **Observations and recommendations of your Committee**

Your Committee observes with gratitude that efforts are being taken at regional level to address the conflict situation in eastern DRC with the support of the international community.

Your Committee notes Zambia's position on the matter and urges her, as a neighbour to the DRC, to ensure that peace is fully restored in eastern DRC through the efforts of the SADC, ICGLR, COMESA, AU and UN. Your Committee wishes to have an up-date on the matter.

### **(ii) Mali**

Mali was regarded as a model of African democracy until the army seized power in March, 2012, accusing the elected Government of being soft on the rebels, the National Movement for the Liberation of Azawad (MNLA) Tuareg separatist rebellion in the north of the country. Taking advantage of the situation, Tuareg rebels, alongside the Al-Qaeda linked group, Ansar Dine, seized control of Mali's north, effectively seceding from the north after the March, 2012, military coup and claiming the new state of Azawad.

As a result, Mali was in a grip of an unprecedented political crisis, one of the most serious since the country gained independence from France in 1980 as rebels, some of whom with links to Al-Qaeda, were in control of the north of the country.

The attack in the north became associated with mass rapes and the abduction of women and girls by rebels. The coup was followed by international condemnation, harsh sanctions by Mali's neighbours, and the swift loss of northern Mali to Tuareg forces. On 6<sup>th</sup> April, 2012, the junta agreed with the Economic Community of West African States (ECOWAS) negotiators that they would step down from power in return for the end of sanctions, giving power to a Transitional Government led by the Parliament Speaker, Mr Dioncounda Traoré.

### **The Rebels**

The MNLA and the Islamist Ansar Dine were the two major Tuareg groups involved in the takeover of Northern Mali. Other small groups that took part in the fighting included the Movement for Unity and Jihad in West Africa. Despite having different aims, MNLA and Ansar Dine joined forces to fight together, including the capture of Timbukutu. The MNLA grouping fought for the independence of the Tuareg's northern homeland which it called Azawad. The Islamists of Ansar Dine and Mujao controlled all the three of the regions' main cities, Timbukutu, Gao and Kidal and fought for their independence. The group claimed it wanted to remain part of Mali, but wished to introduce Sharia Law across the country.

### **Humanitarian Crisis**

The conflict persisted for over half a year and resulted in a humanitarian crisis that not only affected Mali, but also the entire region. According to the UNHCR, 400,000 people had been displaced. Many people from Azawad escaped fighting and there were severe human rights violations in Mali's neighbouring countries such as Burkina Faso, Mauritania, and Niger, in relation to the refugees as these countries were already struggling to provide enough resources for their own population. The population in Mali was not only suffering from extremist violence but also from a severe food shortage. In addition, the conflict also threatened international security because if the instability continued, Azawad could become a haven for terrorist groups, a threat that should not only concern Mali but also the international community.



## **The 19<sup>th</sup> Ordinary Session of the Assembly of the African Union**

The situation in Mali was reviewed at the 19<sup>th</sup> Ordinary Session of the Assembly of the African Union in July, 2012, which did the following:

- i) expressed serious concern at the situation prevailing in Mali, and condemned the illegal occupation of the northern part of that country by armed groups, terrorists and criminals, as well as the recourse to armed rebellion in order to assert political claims by the Tuareg rebels; and
- ii) condemned the coup d'état that took place in Mali on 22<sup>nd</sup> March, 2012, as well as the manoeuvres of the Military Junta and its civilian supporters aimed at thwarting the on-going transition and the efforts of ECOWAS and the AU, including the unacceptable physical attack against the Interim President Mr Dioncounda Traoré, on 21<sup>st</sup> May, 2012.

Additionally, the Assembly reiterated the commitment of the AU to respect the national unity and territorial integrity of Mali, which are non-discussable and non-negotiable, as well as the imperative to respect constitutional order.

The rise of the Islamists raised fear among neighbouring countries such as Niger, which has a large number of Tuareg population, prompting the region to request the UN to approve plans to send a 3,000 strong African force to Mali to stabilise the Government in the south and even to attempt to reclaim the rebel held territory. The AU endorsed a decision by West Africa's regional bloc ECOWAS to send troops mainly from Nigeria, Niger and Burkina Faso into Mali to clear the north of Islamist extremists. The plan was to be submitted to the United Nations Security Council for approval before the end of the year, 2012.

### **Zambia's Position**

Zambia remained deeply concerned at the continued occupation of the northern part of Mali by armed, terrorist and criminal groups operating in that area, the increasing linkages between terrorist and criminal networks, and the dire humanitarian situation prevailing on the ground.

As a member of the international community, Zambia will continue to support the AU and ECOWAS, for their mediation efforts aimed at reaching a solution to the crisis in Mali.

### **Observations and Recommendations of Your Committee**

Your Committee is deeply concerned at the situation prevailing in Mali and condemns the illegal occupation of the northern part of that country by armed groups which has resulted in a humanitarian crisis. Your Committee, therefore, urges the Zambian Government to continue supporting the AU and ECOWAS in their mediation efforts aimed at reaching a solution to the crisis in Mali. It also urges the international community to help in the humanitarian crisis in Mali. Your Committee awaits an up-date on the matter.

#### **(iii) Somalia**

The politics of Somalia have gone through various periods of change following the outbreak of the civil war and the ensuing collapse of the Siad Barre regime in the early 1990s. During these periods, residents of Somalia reverted to local forms of conflict resolution, consisting of civil law, religious law and customary law. A few autonomous regions, including Somaliland, Puntland and Galmudug administrations, emerged in the north in the ensuing process of decentralisation.

The early 2000s saw the establishment of an interim federal administration such as the Transitional National Government (TNG) in 2000 followed by the formation of its successor, the Transitional Federal Government (TFG) in 2004, which re-established national institutions such as the Military of Somalia.

In 2006, the TFG, assisted by Ethiopian troops, assumed control of most of the nation's southern conflict zones from the newly formed Islamic Courts Union (ICU). The ICU subsequently splintered into more radical groups such as Al-Shabaab, which battled the TFG and its AMISOM allies for control of the region, with the insurgents losing most of the territory that they had seized by mid-2012. In 2011-2012, a Roadmap political process providing clear benchmarks leading toward the establishment of permanent democratic institutions was launched. Within this administrative framework, a new Provisional Constitution was passed in August, 2012, which designates Somalia as a federation.

Following the end of the TFG's interim mandate in August, 2012, the first permanent central Government in the country since the start of the civil war, the Federal Government of Somalia, was formed.

On 10<sup>th</sup> September, 2012, Parliament also elected Hassan Sheikh Mohamud as the new President of Somalia. President Mohamud later appointed Abdi Farah Shirdon as the new Prime Minister on 6<sup>th</sup> October, 2012. On 4<sup>th</sup> November, 2012, Shirdon named a new Cabinet which was later endorsed by the legislature on 13<sup>th</sup> November, 2012.

The nation has concurrently experienced a period of intense reconstruction, particularly in the capital, Mogadishu.

### **Zambia's Position**

Zambia has always advocated for peace, stability and reconciliation in Somalia and, therefore, welcomes and supports the peaceful transition of power in Somali from the Transitional Federal Government to the new Somali Government.

### **Observations and recommendations of your Committee**

Your Committee observes, with happiness, that relative peace has returned to Somalia through the establishment of a new Somalia Government, which has resulted in the reconstruction of the country. Your Committee, through the Zambian Government, therefore, urges the new Somalia Government to ensure that peace is upheld for the benefit and development of its people. Your Committee wishes to have an up-date on the matter.

#### **(iv) The Sudan/South Sudan conflict situation**

Sudan has been at war with itself for a long time. Since independence, the country has had protracted conflict rooted in deep cultural and religious differences between the Muslim Arab Northern Sudan and the mostly animist and Christian of South Sudan which slowed Sudan's political and economic development. In this regard, the International Community tried to resolve the Sudanese North-South conflict through brokering of various peace initiatives and negotiations.

The civil war in Sudan ended with the signing of the Comprehensive Peace Agreement (CPA) in 2005 which granted autonomy to what was then the southern region of the country. The Agreement set the terms for an internationally monitored ceasefire, allowing the UN Mission in Sudan (UNMIS) into Sudan, and set out a power sharing agreement, including an SPLM/A Vice-President, and made provision for

national elections in five years' time. Crucially, it granted Southern Sudan significant autonomy for six years, to be followed by a referendum on their independence in 2011.

The 2005 CPA, therefore, established a new Government of National Unity and the interim Government of Southern Sudan and further called for wealth, power and security-sharing between the two parties. The CPA provided the essential framework for guiding the Sudan through the period from the signing of the Agreement in 2005, up to 2011. The centre piece of the CPA was a referendum in South Sudan, in 2011, which was peacefully conducted and its outcome accepted by the Government of the Sudan.

On 9<sup>th</sup> July, 2011, the southern region became independent obtaining with the name, Republic of South Sudan. Many of the issues that should had been resolved as part of the CPA, however, remained the subject of negotiation between the Sudan and South Sudan, including how oil revenues should be shared, citizenship, and the disputed region of Abyei, currency and the South – North border delimitation. The status of the disputed territory of Blue Nile and Southern Kordofan also remained unresolved.

In this regard, on 27<sup>th</sup> September, 2012, the second round of negotiations between the Sudan and South Sudan were concluded and subsequently, with the support of the facilitators and the Prime Minister of Ethiopia in his capacity as the Chairperson of IGAD and international partners, the two countries signed nine agreements, eight of which covered different issues relating to security, oil-related economic matters, border issues, status of nationals of the other State and related matters, economic matters, co-operation on Central Banking issues, payment of post- service banking and trade relations. Despite reaching several agreements, the parties did not reach a solution concerning Abyei, a disputed region that borders both countries.

The Sudan has not seen the peaceful transition that all had hoped for since the independence of South Sudan. Conflict arose in South Kordofan and Blue Nile states, which resulted in a large number of internally displaced peoples in those areas. The conflict in Darfur also continued, although violence has reduced over the years. International efforts remained high with UN and AU peacekeepers deployed as part of the UN-AU Mission in Darfur (UNAMID), and the Doha Document for Peace in Darfur (DDPD). The referendum, its conduct and the respect for its outcome represented an outstanding success for the people of South Sudan and the Republic of the Sudan, their respective Governments and the African Continent as a whole. The creation of a new state – the Republic of South Sudan, was the final stage of the six year Peace Agreement ending decades of civil war.

### **Zambia's Position**

Zambia commends the Government of the Sudan for its commitment in building constructive bilateral relations with South Sudan and remains hopeful that the two Governments would work towards resolving the post- Referendum issues, including the final settlement of the status of Abyei and border delimitation. Zambia will, therefore, continue to urge the parties to work through all unresolved issues with the support of the AU.

In addition, Zambia welcomes the signing of the September, 2012, Agreement by the Sudan and South Sudan in the Ethiopian capital, Addis Ababa, on security arrangements, the situation of citizens in the two countries and the economic file, including restarts of oil exports which would immensely contribute to reaching a resolution in all pending issues between the two neighbouring countries.

## **Observations and Recommendations of Your Committee**

Your Committee observes that the Sudan/South Sudan conflict has been high on the agenda of the AU Heads of State and Government's Summits and urges the Governments of both the Republic of the Sudan and the Republic of South Sudan, through the Zambian Government, to continue dialoguing in order to respect and implement all agreements they have already concluded in the interest of peace, security and stability in the two countries and the region. Further, it calls upon the Governments of the Sudan and South Sudan to conclude and implement the Comprehensive Agreement to put an end to legal disputes between them and policy concerning, among other things, the delimitation of border boundaries, the oil revenue and citizenship; and the conclusion of a peace agreement concerning the provinces of South Kordofan and Blue Nile in order to achieve peace, security and stability in both countries with the help of the international community. Your Committee awaits an up-date on the matter.

### **(v) Syria**

The Syrian uprising, which began in March, 2011, drew its inspiration from the revolutions which occurred in other Middle East States, particularly Egypt and Tunisia. The protests began with rallies calling for freedom in the southern border town of Deraa and quickly spread to other cities.

The protestors continued to call for, among other things, the fall of the four decade Assad regime; an end to the forty-eight (48)-year-old emergency law; the release of political prisoners and detainees from the protests; an immediate end to extrajudicial killings and torture; transition to a democratic, free and pluralistic society; an independent judiciary; an end to extrajudicial and martial courts; and compensation for political exiles, and disappeared political prisoners as well as a free media.

In an effort to meet the demands of the protestors, the Syrian President, Mr Bashar Al-Assad, promised political reforms and in April, 2011, dismissed his entire Cabinet. He also revoked the state of emergency and released some political prisoners but made it clear that he was not willing to step down. With regards to the troops, Mr Assad claimed that it was necessary to continue sending troops into villages and cities for security purposes as a result of fighting between Government forces and opposition fighters.

### **Current Events**

In responding to the Syrian crisis, the Arab League (AL), of which Syria is a member, met on 7<sup>th</sup> November, 2011, and came up with a Peace Plan aimed at defusing tension in that country. The Arab League Peace Plan called for an end to the violence on innocent civilians and the withdrawal of all military vehicles from Syrian streets. In addition, the Peace Plan called for the release of all detainees and the holding of dialogue between Syrian authorities and the opposition at the Arab League Headquarters in Cairo, Egypt.

On 22<sup>nd</sup> November, 2011, the Third Committee of the United Nations General Assembly (UNGA) approved a Resolution condemning the human rights violations in Syria. The Draft Resolution called upon the Syrian Government to implement the Plan of Action of the Arab League in its entirety.

Syria is party to most major international human rights treaties and is, therefore, bound to respect, protect, promote and fulfil the human rights of all persons within its jurisdiction.

Since the start of the uprising in March, 2011, civilians had borne the brunt of the violence, rape, torture and abuses right across the system by the Syrian regime. The UN Human Rights Council repeatedly condemned human rights violations and asked for an end to the violence and unhindered access to make an independent assessment of the situation on the ground. An independent Commission of Inquiry

established by the UNHRC delivered a report stating that the Syrian forces committed crimes against humanity with the knowledge of individuals at the highest level of Government.

Following Syria's non-compliance to the provisions of the United Nations/Arab League Peace Plan, the Arab League suspended Syria's membership to the regional body. Furthermore, the Arab League approved and imposed economic sanctions on Syria on 27<sup>th</sup> November, 2011. The sanctions included the freezing of Syrian Government assets, stoppage of dealings with the Syrian Government including the Syrian Central Bank, the suspension of commercial flights to and from Syria, halting of investment by Arab Governments for projects in Syria, and a travel ban on senior officials.

Turkey also imposed its own sanctions on Syria, thereby increasing pressure on President Assad to step down. The Brazil, Russia, India and China (BRIC) Group of emerging economies also urged the Syrian Government to commence talks with the opposition, but warned against foreign intervention without UN backing.

On 12<sup>th</sup> February, 2012, following an unsuccessful Security Council Resolution, the Arab League Foreign Ministers agreed on an Arab League Resolution which condemned the on-going violence and affirmed the previous Arab League decisions, including sanctions and the 22<sup>nd</sup> January, 2012 decision calling for President Assad to delegate power and for a transition to take place in Syria. They successfully steered the Resolution on Syria through the UN General Assembly. This helped pave the way for mounting pressure on the Syrian regime through the UN system. On 16<sup>th</sup> February, 2012, the UN General Assembly adopted the Arab League Resolution condemning and calling for an immediate end to attacks on civilians and the violation of human rights by the Syrian authorities and supporting the Arab League decision to facilitate a political transition, including the appointment of a Joint UN and Arab League Special Envoy. On 23<sup>rd</sup> March, 2012, the United Nations Human Rights Council adopted a Resolution on Syria which condemned the human rights violations in Syria.

Additionally, the UN Security Council (UNSC) adopted Resolution 2043 on 21<sup>st</sup> April, 2012, authorising the deployment of up to 300 monitors to assess the fragile ceasefire and support Joint UN and Arab League Special Envoy Kofi Annan's six point plan which sought to end the violence, secure humanitarian access and facilitate a Syrian-led political transition. This followed the adoption of (UNSC) Resolution 2042 on 14<sup>th</sup> April, 2012, which authorised the deployment of an advance party of monitors. However, when Kofi Annan briefed the (UNSC) on 8<sup>th</sup> May, 2012, he made it clear that the Syrian regime was still not meeting its commitments and said that the onus was on the Syrian Government to create conditions conducive to a political dialogue and transition.

### **Appointment of Mr Lakhdar Brahimi as Joint Special Envoy of the Arab League and the United Nations**

The former UN Secretary General, Mr Kofi Annan, announced his resignation in August, 2012, after six months of trying to get the warring sides in Syria to find a negotiated solution to the deteriorating situation in Syria. Following Mr Annan's resignation, the Arab League and the UN agreed to appoint Mr Lakhdar Brahimi as the new Special Envoy to Syria.

### **National Coalition for the Syrian Revolutionary and Opposition Forces**

On 11<sup>th</sup> November, 2012, in Doha, Qatar, the Syrian National Council and other opposition forces united as the National Coalition for Syrian Revolutionary and Opposition Forces to overthrow President Bashar al-Assad. The National Coalition for Syrian Revolutionary and Opposition Forces has, so far, received recognition as the legitimate Government of Syria by Gulf Co-operation Council States and France while the United States of America and Britain, both have signalled support for the Coalition. The recognition

of the National Coalition for Syrian Revolutionary and Opposition Forces by the international community has resulted in the coalition calling on European nations to recognise it as the country's transitional Government, as this would enable it to buy weapons to assist its attempt to overthrow President Bashar al-Assad.

The situation in Syria remained of utmost concern to the international community, particularly as regards the systematic acts of brutality, the torture, arbitrary arrests and killings of innocent civilians by the warring factions. In keeping with the norm of the Responsibility to Protect innocent civilians, UN Member States, regional organisations and Governments must urgently work together towards ending the violence in that country.

### **Zambia's Position**

Zambia fully supports the United Nations-Arab League Joint Special Envoy's efforts in Syria and calls for dialogue between the Syrian Government and the opposition as a means to ending the conflict. Zambia further condemns the appalling violence in Syria, including the escalating human rights violations against innocent civilians.

### **Observations and Recommendations of Your Committee**

Your Committee, while welcoming the efforts of the UN and the Arab League in trying to find a lasting solution to the Syrian crisis, is deeply concerned with the conflict in Syria which has led to loss of life and humanitarian crisis. Your Committee, therefore, through the Zambian government calls upon both sides, the Syrian Government and opposition, to exercise restraint in the conflict for the benefit of the Syrian people. Further, it calls upon the UN and the Arab League to continue with their efforts to finding a lasting solution to the Syrian crisis. Your Committee wishes to be up-dated on the matter.

## **8. An update on the operations of Zambia's Missions abroad**

### **Introduction**

Your Committee was informed by the Ministry of Foreign Affairs that Zambia had thirty-three (33) Diplomatic Missions and two Consular Missions abroad. Diplomatic missions are normally referred to as Embassies or High Commissions and Consular Missions as Consulates.

The Missions are Zambia's official representations in foreign countries and they are mandated to promote mutually beneficial bilateral relations with their host countries as well as with the countries of extra-accreditation. Apart from promoting political relations, Zambian Missions abroad promote economic and social relations.

Zambian Missions abroad market Zambia in order to promote trade and attract investment. The Missions play a critical role in promoting trade and attracting Foreign Direct Investment by providing primary information to investors, pertaining to trade and investment opportunities in Zambia.

Some of Zambia's Missions Abroad such as New York, Addis Ababa and Geneva are accredited to multilateral organisations. Their main role in these organisations is to promote Zambia's interests.

The Missions are obliged to account for and protect Zambian nationals living in or visiting foreign countries. In this regard, the Missions maintain registers of all Zambian residents in foreign countries.

The Missions also facilitate the issuance of national documents of identity such as passports, birth certificates, etc. The Missions facilitate the evacuation of those that are in distress or sick and the repatriation of destitute and dead Zambians. The Missions also have Consular access to Zambians detained in foreign prisons.

Additionally, the Missions work in collaboration with the Immigration Department in Zambia to process visa applications for foreigners wishing to visit Zambia or Zambians wishing to visit foreign countries.

### **The way forward**

As the steward of Zambia's national interests abroad and provider of the channel through which the Government conducts its affairs with the international community, it is necessary for the Ministry, through its Missions, to focus and strengthen economic diplomacy in order to maximise, harness and optimise the favourable existing investment opportunities by attracting investors from different regions of the world into Zambia for economic development.

The focus on economic diplomacy will enable the Missions embark on initiatives, that will facilitate business visits to Zambia, and organise business fora meetings in the respective countries of accreditation. This will result in a number of investors setting up businesses in Zambia, owing to the marketing efforts of our Missions.

### **Observations and Recommendations**

While appreciating the role that Zambian Missions abroad play, your Committee observes that Zambia's foreign policy has not been reviewed for some time now and urges the Executive to ensure that it is reviewed in order to bring it in line with current trends world-over.

Your Committee also observes that funding to Zambia's Missions abroad is inadequate leading to dilapidation of their infrastructure. Your Committee, therefore, urges the Government to increase the budgetary allocation to its abroad in order to carry out urgent and massive maintenance repairs to buildings belonging to the Ministry of Foreign Affairs abroad. It further urges the Ministry of Foreign Affairs to make a budgetary line specifically for maintenance of its properties abroad and enhance its visitations to the Missions abroad so as to ascertain their status.

## **9. The 67<sup>th</sup> Session of the United Nations General Assembly (UNGA)**

### **Introduction**

Your Committee heard from the Ministry of Foreign Affairs that Zambia attended the 67<sup>th</sup> Session of the United Nations General Assembly (UNGA). The Zambian delegation was headed by His Excellency Mr Michael Chilufya Sata, President of the Republic of Zambia.

At Ministerial level, Zambia was also represented by delegates from various ministries and staff from the Zambian Mission to the United Nation in New York, USA.

The theme of the 67<sup>th</sup> UNGA was "Bringing about adjustment or settlement of international disputes or situations by peaceful means". The agenda of the 67<sup>th</sup> UNGA consisted of 164 items.

## **Official Opening of the General Assembly**

On Tuesday, 18<sup>th</sup> September, 2012, the President of the 67<sup>th</sup> Session, H.E. Mr Vuk Jeremic officially opened the Session with the main message being on:

- (i) deteriorating security conditions in many corners of the world;
- (ii) continued global economic crisis; and
- (iii) underlying global geo-political volatility and uncertainty.

He stressed that the areas of focus for the 67<sup>th</sup> UN General Assembly were:

- (i) sustainable development;
- (ii) the peaceful settlement of disputes;
- (iii) UN reforms and revitalisation;
- (iv) improving humanitarian prevention and response; and
- (v) giving the Assembly a more prominent role in the global economic governance discourse and enhancing the role of the United Nations.

## **High Level Segment**

### **Rule of law**

On 25<sup>th</sup> September, 2012, world leaders and civil society representatives held a High Level Meeting and reaffirmed their commitment to the rule of law as the foundation of equitable State relations upon which just and fair societies were built. The meeting resulted in adopting a Declaration on the rule of law at national and international level.

H.E. Mr Michael Chilufya Sata also made a statement and cited important developments that Zambia had made in the sphere of the rule of law which included, *inter alia*, the constitutional review process and the judicial reforms. On the international front, the President pointed to the need to accede to relevant human rights treaties.

### **Peace Building Commission**

The High Level Meeting on the United Nations Peace Building Commission (UNPBC) held on 25<sup>th</sup> September, 2012, had six post-conflict countries on its agenda, namely: Burundi, Central African Republic, Guinea, Guinea-Bissau, Liberia and Sierra Leone.

During the meeting, Heads of State and the Government and other high officials reaffirmed their commitment to bolstering the stability of countries emerging from conflict through reinvigorated international efforts. The meeting ended with the adoption of a declaration on the peaceful resolution of conflicts in Africa.

Your Committee heard that Zambia was vice chairperson of the UNPBC and during the meeting, His Excellency Mr Michael Chilufya Sata made a statement emphasising the importance of strong partnerships between governments and civil society in fostering enhanced long term peace and security for sustainable development.

The President also called for increased harnessing of the collective UN agencies' resources in order to improve coherence within the peace building systems.



## **General Debate-25<sup>th</sup> September to 1<sup>st</sup> October, 2012**

The General Debate was attended by ninety-four (94) Heads of State and Government who outlined their priority concerns and reaffirmed support for the 193-member Assembly in their delegation statements. The Delegations reaffirmed the principles and objectives on which the UN was founded upon and expressed their concerns on the following:

- (i) the global fragility in view of series of raptures that seem to be building in intensity;
- (ii) the unravelling social-political landscapes in Africa and the Middle East, as well as the weather – related and natural disasters which were wreaking havoc across all regions;
- (iii) the uneven progress on Millennium Development Goals especially as the world becomes more unpredictable; and
- (iv) the conflict in Syria where the Session saw Member States sharply divided over how to react to such crises; some called on the Security Council to act in order to prevent further tragedy while others noted that responses to the Syrian crisis must not be one- sided, as all conflict parties had equal responsibility to protect human rights.

On 26<sup>th</sup> September, 2012, His Excellency, Mr Michael Chilufya Sata addressed the General Assembly and among other things-

- (i) thanked the Zambian People for democratically ushering his Government into power;
- (ii) pledged to use his political experience to contribute to democracy;
- (iii) outlined the development objectives of his Government;
- (iv) informed the Assembly of the on-going effort to address diseases such as HIV/AIDS, Malaria and T.B;
- (v) explained that Zambia was attempting to address diseases such as hypertension and cancer;
- (vi) reaffirmed his Government's commitment to good governance including the fight of stem corruption;
- (vii) expressed concern over on-going conflicts on African continent, including the Sudan, South Sudan, Guinea Bissau and Mali; and
- (viii) called upon the UN to expedite the United Nations Security Council reforms.

### **Highlights of the meetings of the Assembly's main committees**

Your Committee was informed that six committees met during the UNGA as set out below.

#### **The Committee on Disarmament and International Security**

The Committee on Disarmament and International Security:

- underscored the need to harmonise the policies and priorities of Member States to safeguard the global security environment;
- emphasised the need for political will in order to make progress in disarmament field;
- expressed concern about the proliferation of nuclear weapons, their means of delivery as well as access by non-State actors. Western countries, referred to Iran's nuclear and missile programmes and the Democratic People's Republic of Korea (DPRK)'s testing of a nuclear explosive device, delivery mechanisms, and recent information on a uranium enrichment programme, as most worrying examples of major proliferation challenges facing the international community today;
- criticised the DPRK's launch of a long-range missile in April, 2012, as it was a violation of Security Council Resolution 1874 which prohibits any launch using ballistic missile technology;
- welcomed the meeting to be hosted by Norway in March 4<sup>th</sup> -5<sup>th</sup>, 2013 which would consider the humanitarian impact of nuclear weapons;
- reiterated that the Nuclear Non-Proliferation Treaty (NPT) remained the core component of the global nuclear non-proliferation regime and stressed the need for its universalization and compliance with its three pillars of; nuclear disarmament, non-proliferation and promotion of peaceful use of nuclear energy;
- emphasised the importance of the Convention on Cluster Munitions and called on all States that had yet to ratify or accede to the Convention to do so without delay in order to ensure its universalization;
- pledged support to Zambia as the country prepares to host the Fourth Meeting of States Parties to the Cluster Munitions Convention in September, 2013;
- in relation to information Technology and International Security: called upon the international community to look at the cyberspace issue from a common perspective and work together towards a peaceful, secure, and equitable use of information and cyber space;
- with regards to Weapons of Mass Destruction: discussed the need for mass campaigns, to counter and finally eradicate weapons of mass destruction, and that there should be concrete and robust enforcement and verification mechanisms;
- regarding Outer Space: (Disarmament Aspects): emphasised the fact that outer space was a common heritage of mankind, to be used for peaceful purposes only. Concerns were expressed at the lack of transparency on the activities that were carried out by some States that had dominated the use of outer space. A call was made in this regard that information on such activities be shared with the rest of the international community; and
- called for the peaceful and non-military use of outer space as well as the need for consideration of an international code of conduct so as to ensure that science was in harmony with the law. The European Union announced the launch of a multilateral diplomatic process to discuss its initiative for an International Code of Conduct for Outer Space Activities.

### **The Committee on Economy and Finance**

The Committee resolved to make some follow-up on the Rio + 20 Summit as follows:

- (i) the need to reach consensus on the constitution of the open-ended working group on sustainable development goals (SDGs);
- (ii) the need for the United Nations Statistical Commission to launch a programme of work to broaden measures and parameters used in calculating gross domestic product, and possibly review on-going work on environmental and economic accounting;
- (iii) the establishment of a General Assembly Committee of 30 experts to propose options on an effective sustainable development means of implementation and financing strategy which would be reported to the General Assembly in 2014; and

- (iv) the need to address the fact that Climate change was increasing risks in many weather-sensitive sectors, such as water and agriculture, with potentially far reaching impacts on food security, public health and livelihoods, among others.

In view of the challenges highlighted, the following were some of the proposed recommendations:

- (i) Governments should conduct national-level multi-stakeholder consultations to take stock of where they were in managing disaster risk and share the same at the next Global Platform;
- (ii) the need to broaden the level of engagement in the consultation process for the development of the post-2015 framework for disaster risk reduction;
- (iii) governments should establish and develop national disaster loss databases, disaster risk mapping and financial tracking systems as effective and important measures to support decision making across all levels of society;
- (iv) noting that information and communication activities played an important role in development efforts such as agriculture, health, governance, environmental sustainability, education and many other sectors, government should support and facilitate the many channels for communication, Information and Communication Technologies (ICTs), mainly cell phones and the internet, which were considered to be as much a part of today's social and economic fabric as radio and television were in the 20th Century; and
- (v) government should support entrepreneurship as there was growing consensus on the critical role of entrepreneurship in economic development. Studies from around the world were consistently linking entrepreneurship to stable, sustainable job creation and GDP growth.

### **The Committee on Social, Humanitarian and Cultural**

During the UNGA, the Committee dealt with, among others, the following:

#### *Advancement of women:*

The Committee approved, by consensus, the resolutions to further the advancement and empowerment of women and that:

- (i) female genital mutilation should be eradicated in Member States;
- (ii) gender based violence should be totally eliminated and encouraged strong legislation to prevent its occurrence;
- (iii) human trafficking should be strongly tackled, especially among women and girls; and
- (iv) Governments should seriously aim at eradicating Obstetric Fistula.

#### *Moratorium on the Death Penalty*

The Committee in this regard:

- (i) noted that Moratorium on the use of death penalty was gaining a lot of momentum among the Member States, followed in many cases by the abolition of the death penalty; and
- (ii) approved the resolution on the death penalty once again as a cross-regional initiative; Zambia abstained.

## *Global Health and Foreign Policy*

On Global Health and Foreign Policy, the Committee agreed on the following:

- (i) recognised the intrinsic role of health in achieving international development goals and encouraged Governments to plan and/or pursue the transition towards universal access to affordable and quality health-care services;
- (ii) called for more attention to health as an important cross-cutting policy issue;
- (iii) urged Member States, civil society and international organisations to incorporate universal health coverage in the international development agenda and in the implementation of the internationally agreed development goals, including the Millennium Development Goals;
- (iv) approved its annual text on the human rights situation in the Democratic People's Republic of Korea by consensus. The resolution on the human rights situation in Myanmar also passed for the first time by consensus; and
- (v) adopted by a recorded vote the resolutions on Human Rights situation in Iran and Syria.

Zambia abstained on the human rights situation in Iran as it had made some attempts towards correcting its human rights record, but voted in favour of the resolution on the Human rights situation in Syria which urged the international community to condemn Syria for not adhering to the call of the people desiring change of regime.

## **Committee on Special Political and Decolonization**

The Committee-

- (i) resolved on Western Sahara: called on Morocco to respect the decisions of the UN which express the right to self-determination of the people of Western Sahara. Zambia reverted to the longstanding position and co-sponsor of the resolution in support of Western Sahara's self-determination; and
- (ii) on a Peace-Keeping Operations noted that: Peace-keeping operations had become country flagships that represent the UN in many countries and regions globally. However, peace-keeping operations were increasingly becoming more complex, and dangerous undertakings, such as the one in Darfur that had experienced increased criminality and banditry among the militia.

## **The Committee on Administrative and Budgetary**

The Committee dealt with the scale of assessments and:

- (i) decided that the methodology to determine contributions for each Member State for the period 2013 – 2015 be based on gross national income; average statistical base periods of three and six years; conversion rates based on market exchange rates; and
- (ii) approved funding to implement sustainable development goals and other outcomes of Rio + 20 Summit, the Arms Trade Treaty Conference in March 2013, and operations of the United Nations Special Court of Sierra Leone and International Tribunals for Rwanda and Former Yugoslavia, among others.

## **The Committee on Legal Matters**

The Committee resolved, among other things, the following:

- (i) underscored the strong relationship between the rule of law and development;
- (ii) commended the Secretary-General for encouraging all countries to accept the jurisdiction of the International Criminal Court (ICC);
- (iii) noted that the ICC had made significant progress with five (5) new States acceding to or ratifying the Rome Statute, bringing the total number of States Parties to 116; and
- (iv) with regard to Diplomatic protection, noted the surge of attacks in recent years of diplomatic and consular missions and representatives which threatened the cornerstone of international relations. Discussions focused on the balance between a host country's laws and security measures.

## **United Nations Commission on International Trade Law (UNCITRAL)**

It was reported that great strides had been made in UNCITRAL's recent session, with its adoption of the Guide to Enactment of UNCITRAL Model Law on Public Procurement, and the launch of the UNCITRAL Regional Centres in Singapore, Russian Federation and Kenya.

The United Nations General Assembly also on 14<sup>th</sup> November, 2012 elected 30 members of the United Nations Commission on International Trade Law (UNCITRAL) to serve for a six -year term beginning 8<sup>th</sup> July, 2013. Zambia is among the elected members to the Commission.

## **Bilateral meetings**

### ***Presidential Bilateral Meetings***

On 25<sup>th</sup> September 2012, the President of the Republic of Zambia held a closed door meeting with the UN Secretary General Mr Ban Ki Moon and discussed the preparations for the UN World Tourism Organisation (UNWTO) General Assembly to be co-hosted by Zambia and Zimbabwe in August, 2013. The President expressed confidence that the Congress would provide a good opportunity to showcase Zambia's tourism potential.

Other issues discussed included; the Constitution making process in Zambia, and the country's hosting of the fourth conference of parties to the Cluster Munitions Convention to be held in 2013.

The two leaders further discussed Zambia's desire to establish an institute for international studies in honour of the late Dag Hammarskjold, the UN Secretary General who died in a plane crash in Ndola.

### ***South-South Governance Award***

On 23<sup>rd</sup> September, 2012, His Excellency the President was bestowed with the 2012 South-South Global Governance Leadership Award by South-South Corporation and dedicated it to the people of Zambia who had continued to conduct themselves in a democratic manner. President Sata was honoured for his longstanding political contributions to Zambia, his unrelenting fight against corruption and other abuses and good governance including improved Government accountability under his Presidency.

## ***Zambia Business Forum***

The Zambian Permanent Mission to the United Nations in conjunction with South-South News, the Ministry of Commerce, Trade and Industry (MCTI) and the Zambia Development Agency (ZDA) organised the Zambia Business Forum and the Bilateral Meetings on the side-lines of the 67<sup>th</sup> Session of the United Nations General Assembly in New York on 26<sup>th</sup> September, 2012 under the theme, “Zambia Open for business”.

The purpose of the Zambia Business Forum and the Bilateral Meetings were to market Zambia’s investment, tourism and trade opportunities and to attract the business community in the USA to consider Zambia as their investment destination.

His Excellency the President Mr Michael Sata delivered a keynote address to the event in which he lured investors to Zambia and outlined the country’s immense trade and investment opportunities. He also pointed out Zambia’s central location in the Southern African Development Community (SADC) and Common Market for Eastern and Southern Africa (COMESA).

## **The Security Council**

The work of the Security Council centred on:

- (i) UN Security Council Reforms;
- (ii) intergovernmental negotiations on the reform of the Security Council; and
- (iii) current situations in Libya, the Sudan, South Sudan, Syria, Central Africa Republic, Mali, Somalia and Cote d’Ivoire were discussed

Other important matters considered were-

- (i) that Zambia was representing Southern Africa on the Sustainable Development Goals; and
- (ii) the UN approved electoral assistance to Zambia which included supporting the Electoral Commission of Zambia with capacity building, voter educations, support to media through development of a code of conduct and election related disputes resolution mechanisms; limited support to the development of a permanent voters roll; and support with adoption of measure to promote the participation of women in elections.

## **Observations and Recommendations**

Your Committee notes and appreciates the briefing on the deliberations of the 67<sup>th</sup> United Nations General Assembly and recommends as follows:

- (i) Zambia remains under-represented within the UN Commissions, Boards and Funds as it seems to pass and miss the opportunities for filling up UN positions. It urges Cabinet Office, together with the Ministry of Foreign Affairs, to devise a strategic/plan to advance Zambia’s participation in UN matters;
- (ii) Zambia should remain committed to efforts towards attaining broader international peace and security and continue supporting all international efforts on disarmament;
- (iii) Zambia should stay engaged on the issues of light weapons, arms and ammunitions and try to work with other member states to advance the arms trade treaty dimensions. In addition, for

- advancing disarmament and non-proliferation of arms and weapons of mass destruction negotiations;
- (iv) there is a need for the Zambian Government to continuously review legislation with regard to nuclear energy and security so as to stay continually compliant;
  - (v) the Zambian Government needs to give policy guidance on the use of Moratorium on Death Penalty in view of the constitution making process;
  - (vi) the Zambian Government should continue to engage with relevant stakeholders on the issue of sexual orientation, so that the country's position is well articulated by all citizens especially for those attending UN conferences and meetings;
  - (vii) the Zambian Government should also continue supporting resolutions that call for mutual existence between the States of Israel and Palestine so as to end the Israeli/Palestinian conflict;
  - (viii) the Zambian Government should also continue to support resolutions which foster international cooperation in the peaceful uses of outer space and sharing of information on how to deal with effects of atomic radiation. The resolutions should be supported as long as they are aimed at promoting international cooperation and information sharing in sectors which are of common heritage and interest to humanity and all nations;
  - (ix) the Zambian Government needs to be current with the demands and the required skills of Peace Keeping;
  - (x) the Zambian Government should invest in the required equipment and Peace Keeping training for the Zambian military, police and civilians as Peace Keeping missions get more and more competitive and complicated;
  - (xi) the Zambian Government should consider establishing a department of Peace Keeping and embrace the competences of various stakeholders such as the Ministries of Foreign Affairs, Defence, Home Affairs and other civilian competences;
  - (xii) the Zambian Government should prepare to settle the UN contributions at an increased rate;
  - (xiii) the Zambian Government should urgently repair or preferably purchase a new Residence for Zambia's Mission in New York which is in a prime area but in a deplorable state. In addition, the old Chancery structure of five (5) storey building is also in a deplorable state and also needs urgent repairs; and
  - (xiv) Zambian Government should increase support to the Zambian Mission in New York as the cost of living in New York is very high in terms of medical insurance and general up-keep for Mission staff.

## **10. Reports from Parliamentary Delegations**

Your Committee received three reports from Zambia's Parliamentary delegations to the Pan-African Parliament (PAP) and one from the Forum of Parliaments of the International Conference on the Great Lakes Region (FP/ICGLR) for consideration.

### **ZAMBIA'S PARLIAMENTARY DELEGATION TO PAN AFRICAN PARLIAMENT (PAP)**

#### **Introduction**

Following the start of the First Session of the Eleventh National Assembly in 2011, the National Assembly of Zambia nominated five (5) Members of Parliament to represent it at the Pan-African Parliament (PAP). The five (5) Members are:

- (i) Mr P M Mucheleka, MP – Leader of Delegation;
- (ii) Mr D Mwango, MP;
- (iii) Mrs M C Mazoka, MP;

- (iv) Mr L Mulusa, MP; and
- (v) Ms S Sayifwanda, MP.

During the period under review, the Pan African Parliament held three plenaries as follows:

- (i) 6<sup>th</sup> Ordinary Session of the Second Parliament in Addis Ababa, Ethiopia from 16<sup>th</sup> to 20<sup>th</sup> January, 2012;
- (ii) 7<sup>th</sup> Ordinary Session of the Second Parliament in Midrand, Johannesburg, South Africa from 21<sup>st</sup> to 31<sup>st</sup> May, 2012; and
- (iii) 1<sup>st</sup> Ordinary Session of the Third Parliament in Midrand, Johannesburg, South Africa from 8<sup>th</sup> to 19<sup>th</sup> October, 2012.

The Zambian Delegation attended all the three plenaries.

## **RESOLUTIONS PASSED AT THE THREE PLENARIES OF PAP**

### **6<sup>th</sup> Ordinary Session of the Second Parliament**

The resolutions which were adopted at the session are as set out below.

- (i) improvement of the relations of the PAP with the African Union Commission (AUC);
- (ii) acceleration of the review process of the protocol to the Treaty establishing the African Economic Community (AEC) relating to the PAP: the resolution called for Member States of the Permanent Representative Council (PRC) to put the consideration of the revised protocol on the agenda of the Executive Council meeting which took place on 2<sup>nd</sup> and 2<sup>3rd</sup> January, 2012;
- (iii) advocated the ratification of the African Charter on Democracy, Elections and Governance: further the resolution called on Member States that have ratified the Charter but not deposited the instruments to do so. It also called on the civil society and the media to play an active role in disseminating the Charter at national level;
- (iv) urged African States to ratify the Nagoya Protocol Access to Genetic Resources and Fair and Equitable sharing of benefits arising from their utilisation to the Convention on Biological Diversity. It also called on African countries to inventory their genetic resources;
- (v) urged the AUC and the Agency for Coordination and Planning of NEPAD to spearhead the campaign of Direct Investment on Land. It also called for the establishment of an African Ministerial Conference on land-based investments equivalent to the African Ministerial Conference on Environment (AMCE) and the African Ministerial Council on Water (AMCOW);
- (vi) urged all African countries to speak with one voice on matters of the International Criminal Court (ICC) and abide by decisions of the African Union on ICC matters; and
- (vii) implementation of the African Charter on Democracy, Elections and Governance: the PAP reaffirmed its role on the establishment and consolidation of democracy and good governance in Africa and pledged to coordinate the implementation of the Charter with other organs of the AU.



## **7<sup>th</sup> Ordinary Session of the Second Parliament**

The major highlight of the Session was the holding of the Global African Parliamentary Diaspora Summit. The Summit made several recommendations, among which are set out below:

- (i) the need for the AU to ensure that Parliamentarians are integrated into the policy development processes relating to the Diaspora.
- (ii) the need to agree on concrete steps that will ensure that all Africans in the diaspora are re-integrated into the African society e.g. granting of dual citizenship;
- (iii) there should be joint cooperation between the PAP and parliamentarians in the diaspora on issues of developing policy frameworks for adoption by African Governments;
- (iv) the need to establish a fund mechanism to be agreed upon to sustain dialogue on the diaspora issue;
- (v) Parliaments should re-awaken political consciousness on the issue of Pan Africanism.
- (vi) there is a need to have representation of the Parliamentarians in the African Diaspora in the PAP as the 6<sup>th</sup> Region;
- (vii) the need to develop programmes on healing for those dehumanised by slavery, colonialism, racism and war;
- (viii) DNA testing must be undertaken to establish origins of Africans in the diaspora and categorise the diaspora; and
- (ix) the need to establish African centres to ensure renaissance of the African values.

## **1<sup>st</sup> Ordinary Session of the Third Parliament**

Among other issues, the Plenary discussed the peace and security situation in Africa; the role of the PAP on “Education for All Goals in Africa”; Media Freedom in Africa; the Millennium Development Goals and the African Charter on Maritime Transport. The specific recommendations on these topics are as outlined below.

### **Peace and Security Situation in Africa DRC and Rwanda**

#### **a) The Situation in the Democratic Republic of Congo (DRC) and (Rwanda)**

- (i) the AU/UN should sanction all foreign individuals and entities responsible for funding or in any way supporting armed groups;
- (ii) the Congolese Government should explore ways and means of engaging the armed groups, including the M23, with the view to disarm them; and
- (iii) the AU should call upon neighbouring states to the DRC to uphold the norms of the AU *Constitutive Act*, particularly the respect of State borders and sovereignty.

**b) The Situation in Somalia**

- (i) the AU should support the Somalian Government's reconstruction and peace building efforts; and
- (ii) the international community should be a key ally in the transition process by providing oversight and funding.

**c) The Situation in Guinea**

- (i) the political actors in Guinea should reach a political consensus on the successful and peaceful completion of the transition period; and
- (ii) the AU should put pressure on the Government to set a date for the legislative elections.

**d) The Situation in Mali**

- (i) the AU, in collaboration with ECOWAS, should encourage the drawing up of a road map by the Transition Government; and
- (ii) the international community should assist Malian authorities to bring peace in Mali.

**e) The Situation in the Sudan and South Sudan**

- (i) the AU and other parties in the mediation process should use all possible avenues to exert pressure on the two countries to avert further tension; and
- (ii) the PAP should call upon the two Sudans to institute policies that will ensure the protection and free movement of citizens of either country in keeping with International Humanitarian Law; and
- (iii) the International Organisation for Migration (IOM) should facilitate the voluntary repatriation of the remaining 100,000 South Sudanese that are in the North.

**f) Signing and ratification of the African charter on Maritime Transport**

- (i) the PAP urged the eleven Member States that had signed the Charter to ratify it and deposit the instruments with the AUC;
- (ii) urged all the Member States of the African Union that have not yet signed and ratified the Charter to do so; and
- (iii) the African civil society and media should play an active role in the dissemination of the Charter at national level.

**g) Millennium Development Goals (MDGs)**

The PAP interacted with the civil society on the theme: Millennium Development Goals: Post – 2015 Global Thematic Consultation on Governance” on 11<sup>th</sup> and 12<sup>th</sup> October, 2012 and observed that:

- (i) the MDGs have united countries around the world on matters of human development;
- (ii) some achievements have been made e.g. access to clean water and reduction of malaria deaths by 1/3 in the world;
- (iii) more still needs to be done at national levels in many African countries, Zambia included;
- (iv) there is need to begin planning for new millennium targets to be achieved after 2015; and
- (v) in the post 2015 period, the approach on governance must take into account the African Peer Review Mechanism (APRM) because the rule of law, transparency and accountability are still central to poverty eradication.

## **Observations and Recommendations of your Committee**

While noting the PAP recommendations, your Committee urges the Zambian Government to:

- (i) *support all efforts aimed at finding a peaceful settlement to the conflicts in the eastern DRC/Rwanda, Somalia, Mali, Guinea, the Sudan and South Sudan; and*
- (ii) *the Zambian Government should start preparing strategies to handle the post-2015 MDGs.*

## **ZAMBIA'S PARLIAMENTARY DELEGATION TO THE 3<sup>RD</sup> PLENARY ASSEMBLY SESSION OF THE FORUM OF PARLIAMENTS OF THE INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION (FP/ICGLR) HELD IN KINSHASA, DEMOCRATIC REPUBLIC OF CONGO (DRC) FROM 22<sup>ND</sup> TO 24<sup>TH</sup> JANUARY, 2013**

### **Introduction**

The Zambian Delegation to the 3<sup>rd</sup> Plenary Assembly Session of the FP/ICGLR consisted of:

- (i) Hon Chifumu K Banda, SC, MP, Deputy Chairperson of the Committees of the Whole House and Leader of delegation;
- (ii) Mr Chungu L Bwalya, MP, Member of the Executive Committee of the FP/ICGLR;
- (iii) Mr M J B Ng'onga, MP;
- (iv) Mr E M Singómbe, MP; and
- (v) Mr R L Mpundu, MP.

### **Highlights of the proceedings of the 3<sup>rd</sup> Plenary Assembly Session**

#### **THE SECURITY SITUATION IN ICGLR MEMBER COUNTRIES**

##### **The Democratic Republic of the Congo (DRC)**

The Plenary Assembly noted that the current situation in the DRC was a serious threat against the security, stability and development in the country and throughout the Great Lakes Region. It also noted the efforts being undertaken by Uganda, the AU/UN in trying to find a lasting solution to the conflict in eastern DRC.

The Plenary Assembly, thereafter, urged Parliaments and Governments of member countries of the ICGLR to:

- a) take necessary and effective measures to achieve the deployment of an international neutral force in the eastern part of the DRC in order to eradicate negative forces and armed groups operating in that area and to ensure that the borders of the DRC, Burundi, Uganda and Rwanda were secured in accordance with decisions of the AU and the Conference of Heads of State and Government of the International Conference on the Great Lakes Region;
- b) appeal to the UNSC to, in collaboration with AU, redefine the mandate of the Mission of the United Nations for the Stabilisation of Peace in the DRC (MONUSCO) in order to empower it to impose peace if need be;

- c) condemn violations of human rights and basic rules of humanitarian international law perpetrated in Goma and in North Kivu;
- d) encourage the DRC Government and the M23 to sign and implement a peace agreement under the mediation of Uganda and to permanently terminate, the armed conflict between them in the interest of peace, stability and development in the DRC and the Great Lakes Region;
- e) urge international organisations to give humanitarian assistance to refugees, displaced people and all those affected by the armed conflict in the DRC, especially women and children; and
- f) use parliamentary diplomacy in their respective countries in order to maintain security stability in the DRC.

### **The Central African Republic**

The Plenary Assembly, while noting that the situation in the Central African Republic (CAR) was a serious threat against the security, stability and development of the country and in the Great Lakes Region, was satisfied with the conclusion of the Agreement to end the crisis on 11<sup>th</sup> January, 2013, under the auspices of ECCAS and the mediation of President Denis Sassou Nguesso, between the Central Government and the opposition.

The Plenary Assembly encouraged all CAR stakeholders to abide by the provisions of the Agreement of 11<sup>th</sup> January, 2013, so as to find peaceful and lasting solutions, in a spirit of dialogue and national reconciliation, to the internal conflicts which had been going on in the Central African Republic for several years.

### **The Sudan and South Sudan**

The Plenary Assembly, while noting that the situation between the Republic of the Sudan and the Republic of South Sudan constitutes a serious threat against security, stability and development in both countries and throughout the Great Lakes Region, was satisfied with all the efforts made by the UN/AU to consolidate peace, security and stability between the Republic of the Sudan and the Republic of South Sudan.

The assembly also noted, with satisfaction, the conclusion of several agreements between the Governments of the Republic of the Sudan and the Republic of South Sudan for achieving peace, stability and co-operation between the two countries.

The Plenary Assembly, thereafter, urged Parliaments and Governments of member countries of the ICGLR to:

- a) encourage the Governments of both the Republic of the Sudan and the Republic of South Sudan to continue dialoguing in order to respect and implement all agreements they have already concluded in the interest of peace, security and stability in the two countries and in the Great Lakes Region;
- b) assist and encourage the Governments of the Sudan and South Sudan to conclude and implement a comprehensive agreement to put an end to legal disputes between them and to agree among other things, on mechanisms for the boundaries delimitation between their respective territories, the sharing of oil revenue and settlement of issues relating to citizenship;

- c) encourage the Sudanese Government to conclude a peace agreement with the armed rebellion in the provinces of South Kordofan and Blue Nile in order to achieve peace, security and stability in the country;
- d) call upon international organisations to give humanitarian assistance to refugees, displaced people and all those affected by the armed conflict in the Republic of the Sudan and between the latter and the Republic of South Sudan, especially women and children;
- e) encourage the Governments of the Republic of the Sudan and the Republic of South Sudan to strictly respect and implement the decisions which will be taken by the Peace and Security Council of the African Union on the situation between the two countries; and
- f) encourage the member states of the ICGLR to support the efforts made by the African Union through the high-level Implementation Committee designed to help both the Republic of the Sudan and the Republic of South Sudan to find peaceful and amicable solutions to their disputes.

### **Committee's Observations and Recommendations**

*Your Committee notes the submission and urges the Zambian Government to continue monitoring the security situation in the eastern DRC, the CAR, the Sudan and South Sudan*

### **The Action Plan for the implementation of the Kampala Declaration of the Heads of State and Government on the fight against Sexual and Gender-Based Violence (SGBV) in the Great Lakes Region-the role of Parliaments in the ICGLR member countries**

The Plenary Assembly was deeply concerned with the proliferation of sexual and gender-based violence in the Great Lakes Region, especially in the eastern part of the DRC. However, the Assembly noted with satisfaction the Kampala Declaration of December, 2011 of the Summit of Heads of States and Government on the fight against sexual and gender-based violence in the Great Lakes Region and the 31<sup>st</sup> May, 2012, Action Plan for the implementation of the declaration.

The Plenary Assembly urged Governments and Parliaments of the member states of the ICGLR to enact laws that would help in the eradication of the sexual and gender-based violence in the Great Lakes Region.

### **Committee's Observations and Recommendations**

*Your Committee notes the submission and is happy to note that the Zambian Government has enacted a law on Gender Based Violence.*

### **Plenary Assembly Resolution on measures accompanying parliamentary decisions and commitments made by the Heads of State and Government as part of the Nairobi Pact**

The Plenary Assembly noted that the Heads of State and Government Summits of the ICGLR had made and continued to make many decisions and commitments within the framework of the objectives of the Nairobi Pact that affected the operations of national parliaments of the FP/ICGLR.

The Plenary Assembly, therefore, urged member states to:

- a) enact laws that would help respective member states domesticate various protocols provided in the Nairobi Pact and other decisions of the Heads of State and Government Summits of the ICGLR;
- b) regularly organise parliamentary debates on how national governments fulfil their obligations in accordance with the Nairobi Pact and increase inter-parliamentary exchanges in the Region;

- c) organise parliamentary field activities, if necessary, within the framework of the implementation of the action programs of the ICGLR; and
- d) request the Secretary General, in collaboration with the Secretariat of the ICGLR, to identify the protocols provided in the Pact and the decisions of the Heads of State and Government Summits which had not yet been domesticated by the member states of the ICGLR and inform all concerned Member Parliaments of the Forum about the protocols and decisions and report to the next Plenary Assembly.

**The Budget of the FP/ICGLR for the year 2013**

The Plenary Assembly adopted the 2013 Budget Estimates for the FP/ICGLR which stood at US\$ 3,911,587.67 and appealed to member countries to settle their contributions for the Secretariat to function smoothly.

**Committee’s Observations and Recommendations**

*Your Committee notes that Zambia is in arrears in contributing to the FP/ICGLR and urges her to meet her budgetary contributions towards the FP/ICGLR.*

**PART II**

**11. Tours for the Second Session of the Eleventh National Assembly**

Your Committee undertook a local tour of border areas in Kaputa, Nsama (Sumbu), Mbala and Nakonde from 21<sup>st</sup> to 28<sup>th</sup> April, 2013. The tour was in line with outstanding issues in the Action-Taken Report on the demarcation of Zambia’s international boundaries with her neighbours.

**FINDINGS IN PICTURES**



Chairperson of the Committee, Rev Lt Gen R Shikapwasha talking to a Congolese Soldier with a gun at Kalanda Border Post in Kaputa.



Immigration offices at Sumbu.



Beacon between Zambia and Tanzania at Nakonde and Tunduma area.



Beacon being identified by the Committee at Zombe/Kaseshya Border Post in Mbala



Deserted house for an officer at Lumi Border Post.



Proposed site for Lumi Border Post in Zambia.



Mosi Border Post in Tanzania.



Zombe Border Post in Mbala, Zambia.



Kaseshya Border Post in Tanzania.

## FINDINGS

The findings of your Committee during its local tour are set out below.

- (i) About 35km of Zambian land along the Kaputa-Sumbu/DRC border inside Zambia has been encroached upon. As a result, Zambians paying homage to Chief Lubombo of Zambia and visiting their relatives are made to go through border formalities for their visitations in Zambia.
- (ii) Lack of communication facilities for security personnel in Kaputa and Nsama Districts makes communication difficult for the security administrative and operational centre in Mansa resulting in officers using their personal mobile phones for the purpose.
- (iii) There is lack of marine transport to monitor the security situation on and along Lake Tanganyika border.
- (iv) There is lack of accommodation and transport for the security personnel at Sumbu.
- (v) There is inadequate and unreliable land transport for security personnel in Kaputa, Mbala and Nakonde.



- (vi) Beacon locations along Kaputa-Sumbu/ DRC border at Nkuntala and Moliro areas were not seen by the Committee because they are now located on the encroached land.
  - (vii) There are Zambian fishermen being arrested on Zambian waters by the DRC security personnel for purportedly fishing in the DRC waters.
  - (viii) Inadequate infrastructure in terms of accommodation and office space at Zombe border post in Mbala.
  - (ix) There is lack of infrastructure in terms of accommodation and office space at Lumi border post in Mbala and has been deserted. Equally, entry and exit points at Sikalembe and Safu have not been manned for a very long time now.
  - (x) Beacons are traceable along Mbala-Nakonde/Tanzania border, but there is no-mans-land visible from the Tanzanian side since they have occupied land up to the border line. Equally, three beacons have been tempered with.
  - (xi) There is lack of maps for Mbala and Nakonde Districts showing their boundary with Tanzania.
- (i) The porosity of the border between Zambia and Tanzania has led to illegal activities and crime such as human and drug trafficking, smuggling, stock theft and aggravated robbery, among others.

## **Recommendations**

Following the findings above, your Committee recommends as set out hereunder.

- 1) The Zambian Government, through Joint Permanent Commissions should seriously address the various challenges Zambia is facing regarding her international border boundaries with the DRC and Tanzania. This can be done by quickly reclaiming Zambian land that has been encroached upon along the Zambia/DRC and Tanzanian international border boundaries so that life and security for Zambians living along these border boundaries can return to normal.
- 2) The Zambian Government to deploy more security personnel to Zambia's international boundaries especially the ones with DRC and Tanzania.
- 3) The Zambian Government should ensure that the tempered beacons are reinstalled and put visible intermediate beacons in between the colonial ones.
- 4) The Zambian Government should provide communication facilities and both land and water transport to security personnel manning Zambia's international border boundaries with DRC and Tanzania.
- 5) The Zambian Government should construct infrastructure in terms of accommodation and office space at Zombe and Lumi border posts. The Government should also seriously consider re-locating Lumi Border Post which is currently located ten kilometres away from the borderline to near Mosi Border Post in Tanzania. Zombe and Lumi Border Posts in Zambia share border boundaries with Kaseshya and Mosi Border Posts in Tanzania respectively.
- 6) The Zambian Government should provide staff and office accommodation to security personnel at Sumbu. In addition, there is need to provide both land and water transport to security personnel at Sumbu.
- 7) The Zambian Government should provide maps, for not only the Districts visited, but to all Districts bordering international boundaries depicting beacons.

## **PART III**

### **12. Action-Taken Report**

#### **Consideration of the Action-Taken Report on the Committee's Report for the First Session of the Eleventh National Assembly**

#### **MINISTRY OF HOME AFFAIRS**

#### **The current refugee status in Zambia Para 6, Page 6-7**

#### **Pledge to integrate 10, 000 Angolan refugees**

Your previous Committee had strongly urged the Government to review the pledge it made at the 2011, December Ministerial Meeting in Geneva of locally integrating about 10,000 Angolan refugees.

In response in the Action-Taken Report, the Government stated that Zambia had been host to Angolan refugees as far back as pre- independence. Therefore, when the announcement to invoke the cessation clause to bring to an end the protected refugee situation of Angolan refugees was made in 2009, there was recognition by the Zambian Government that the preferred option would be voluntary repatriation. However, there was a further recognition that for some of this target group, the duration solution would be local integration. In 2011 therefore, the Zambian Government made a pledge to locally integrate 10,000 Angolan refugees. The cessation of refugee status for Angolan refugees came into effect globally on 30<sup>th</sup> June, 2012. As of 1<sup>st</sup> July, 2012, the total number of Angolans still in the country stood at about 23,000. In line with International Law and Practice, the Government of the Republic of Zambia could not forcibly repatriate the remaining population of the 23,000 former Angolan refugees. The Government was now reviewing the proposed criteria and procedure regarding who qualified for local integration. This was to ensure that there was compliance with the National Laws and only deserving persons benefited from this process.

*Your Committee resolves to get an update on the strategy being employed to integrate the remaining Angolan refugees.*

#### **Donor support on integration of refugees**

Your previous Committee had implored the Government to ensure that, should the local integration of Angolan refugees and other refugees take place, the donor community should come on board and support the process of legal local integration in order for it to work as it would have enormous financial, social and economic implications and other pressures on the Government of Zambia.

In response, your Committee was informed that at the time that the pledge on local integration was made, the Zambian Government made it clear that the pledge was conditioned on financial support from UNHCR and the international community so as not to cause an imbalance in the socio-economic foundation of the local host communities.

The proposed projects to benefit both the local host Zambian communities and the locally integrated former refugees were in the sectors of agriculture production and marketing; upgrading of health facilities; upgrading of education facilities; upgrading of the road infrastructure; upgrading of water and sanitation; upgrading capacity of the electricity generation and distribution.

The Ministry of Home Affairs was in discussions with UNHCR on strategies to be employed to mobilise the required donor support to facilitate smooth implementation of the legal integration pledge.

*Your Committee resolves to get an update on the assistance received from the UNHCR and international community.*

## **MINISTRY OF LANDS, NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION**

### **Current Status of Zambia's International Boundaries Para 7, Page 13**

#### **Zambia and Tanzania International Boundary**

Your previous Committee had urged the Governments of Zambia and Tanzania to ratify the Agreement on the Zambia/Tanzania boundary and also locate all the boundary beacons by a Joint Survey Team from Zambia and Tanzania.

In response, your Committee was informed that the ratification of the Agreement on the Zambia/Tanzania border would be undertaken when the following procedures were completed:

- (a) mutual interpretation of the colonial boundary treaty;
- (b) the joint repair and replacement of old boundary beacons; and
- (c) the production of boundary maps.

To this effect, a preparatory meeting between the Government Land Surveyors of Zambia and Tanzania had been scheduled to take place by the end of year, along the border at Nakonde/Tunduma after Tanzanian National budget had been approved.

*Your Committee while appreciating the response resolves to have an update on the matter.*

#### **Zambia/Zimbabwe International Boundary**

Your previous Committee had urged the Governments of Zambia and Zimbabwe to discuss the Zambia/Zimbabwe international boundary, especially where the definition of the "medium filum" along the Zambezi River applied with respect to the signed border maps.

In response in the Action-Taken Report, your Committee was informed that Zambia presented the border issue to the 26<sup>th</sup> and 27<sup>th</sup> Sessions of the Zambia/Zimbabwe Joint Permanent Commission (JPC) on Defence and Security in November, 2010 and February, 2012 for consideration. The JPC recommended for the two countries to meet again. Zambia, accordingly extended invitations to the Zimbabwe technical team to attend a consultative border tour meeting in Livingstone. Although Zimbabwe had confirmed participation to the meetings, they did send at the last minute apologies for their failure to travel to Livingstone. The JPC on Defence and Security had re-directed Zambia to travel to Zimbabwe instead. The Zambia technical team had since requested through Ministry of Foreign Affairs, for Zimbabwe to accordingly invite the Zambian delegation to Zimbabwe to go there by the end of the year.

*While appreciating the response, your Committee awaits an update on the matter.*

### **Zambia/Botswana International Boundary**

Your previous Committee had implored the Governments of Zambia and Botswana to have a formal treaty that defines their international boundary.

In response in the Action-Taken Report, your Committee heard that the Zambia/Botswana boundary treaty was dependent on how Botswana and Zimbabwe resolved their boundary interpretation from the intersection of the extension of a straight line joining beacons 841 and 842 to the medium filum of the Zambezi River. There existed a mis-understanding on the interpretation of the border between Botswana and Zimbabwe. The matter was raised at the JPC of Defence and Security held in Gaborone, Botswana from 25<sup>th</sup> to 29<sup>th</sup> June, 2012.

*Your Committee while appreciating the response resolved to wait for an update on the matter.*

### **Zambia/Malawi International Boundary**

Your previous Committee had urged the Governments of Zambia and Malawi to undertake an impact assessment on the border line in order to ascertain the repercussions of the determined watershed line on government infrastructure and human settlements on both countries.

In response in the Action-Taken Report, your Committee was informed that the Joint Survey team of Zambia and Malawi had scheduled a field border meeting in which basic data obtaining along the marked border would be captured and presented to respective officials in both countries to form the basis of the impact assessment. The Joint Survey meeting was scheduled for August, 2012.

*While appreciating the response, your Committee resolves to have an update on the outcome of the Joint Survey meeting held in August, 2012.*

### **Zambia/the Democratic Republic of Congo (DRC) International Boundary**

Your previous Committee had urged the Governments of Zambia and the Democratic Republic of Congo (DRC) to agree on the demarcation of their boundary especially the boundary beacons between lake Mweru and lake Tanganyika with special attention to Chibangu village.

In response in the Action-Taken Report, your Committee was informed that during the 19<sup>th</sup> Session of the Zambia/Democratic Republic of Congo (DRC) Special Joint Committee of Experts on the boundary issue held in Lubumbashi from 15<sup>th</sup> to 19<sup>th</sup> February 2010, the Joint Survey team presented a Zambia/DRC Physical Boundary Demarcation Project Proposal, and sensitisation materials to the Joint Committee of Experts. The Joint Committee approved both the Project Proposal and Sensitization materials. However, the project could not take off as planned in 2011 due to none responsiveness by the DRC. The Zambian Government had since written a reminder.

*Your Committee while appreciating the response resolves to have an update on the matter. Your Committee also wish to be updated on the Delimitation Treaty of September, 1989 between Zambia and the DRC.*

### **Donor Support in the Demarcation of Her International Boundaries**

Your previous Committee had urged the Government of Zambia to engage the donor community for financial assistance in the demarcation of her international boundaries.

In response in the Action-Taken Report, the Government stated that it had been constantly lobbying for donor support for financial assistance in the demarcation and re-affirmation of International boundaries. Zambia had since received favourable consideration from the Federal Republic of Germany through the African Union Border Programme in the demarcation of the Zambia/ Malawi border, and the re-affirmation of the Zambia/Mozambique border.

*Your Committee while appreciating the response resolves to have an up-date on the matter.*

## **MINISTRY OF DEFENCE**

### **Zambia's participation in United Nations Peacekeeping Operations Para 8, Page 16**

Your previous Committee had urged the Government to acquire more equipment and machinery for the defence and security sectors by increasing budgetary allocations in the security sector. This would make the country participate in more United Nations Peacekeeping Operations, thereby enabling the country benefit more from these exercises.

In response, the Government stated that the Defence and Security Sector was faced with numerous challenges in Peace Support Operations under the United Nations or Africa Union auspices. The handicap had mostly been in matters of training for personnel, engineering equipment, transport and medical facilities.

The 2012 approved budget on Specialized Equipment for the Defence sector was Forty-Two Billion, Five Hundred Million Kwacha (ZMK42,500,000,000.00) while, the budgetary estimate required to alleviate the challenges encountered in Peace Support Operations was Two Hundred Ninety Billion, Nine Hundred Eighty Million, Nine Hundred Seventy-Seven Thousand Kwacha (ZMK290,980,977,000.00). This amount was meant to cater for the main operational areas including Logistical Equipment (ZMK 274,204,227,000.00), Level II Hospital (ZMK 4, 016, 450, 000. 00) and Communication Equipment (ZMK12,760,300,000.00). Currently the component on peace support operations had no budgetary allocation.

*In noting the response, your Committee resolves to have an update on whether the component on peace support operations had been established as a budget line under the Ministry of Defence and whether specialised equipment for the defence and security sector has been procured.*

## **MINISTRY OF HOME AFFAIRS**

### **Para 10, Page 16 – 17**

#### **Cessation clause on Rwandese refugees**

Your previous Committee undertook a foreign study tour to Rwanda from 3rd to 9th June, 2012. The objective of the tour was to ascertain whether the cessation clause which was to come into effect on 30<sup>th</sup> June, 2013 for the Rwandese refugees would have any adverse effects on them.

Your previous Committee had urged the Governments of Rwanda, Zambia and UNHCR to increase dialogue with Rwandese refugee communities, combat misinformation and intimidation of Rwandese refugees and establish confidence building measures so as to enable the Rwandese refugees return to their country within the scope of the cessation clause that would be evoked on 30<sup>th</sup> June, 2013.

In response, the Government stated that the Ministry of Home Affairs was carrying out exemption procedures for the Rwandan caseload. This process would be finalised by December 2012. The Ministry would therefore intensify its sensitisation efforts to encourage the Rwandan refugees that would have failed the interviews for exemption from the cessation to repatriate. The strategy to be employed would continue to be 'Go and see' and 'Come and tell' visits. It was hoped that once the Refugees were informed of the final outcome of the exemption process, more would sign up for voluntary repatriation.

*While appreciating the response, your Committee resolves to have an update on the matter.*

## **Consideration of the Action-Taken Report on the Report of the Committee on National Security and Foreign Affairs for the Fifth Session of the Tenth National Assembly, appointed on the 20<sup>th</sup> September, 2010**

### **MINISTRY OF HOME AFFAIRS**

#### **Attachment of Drug Enforcement officials to Zambia's Missions Abroad Para 11.2, Page 19**

Your previous Committee wished to be updated on which Zambian missions abroad officers from the Drug Enforcement Commission had been attached so far.

In response, the Government stated that the proposed Missions to which Drug Enforcement Commission Officers had to be attached were: Brasilia (Brazil), New Delhi (India), Pretoria (South Africa) and Nairobi (Kenya), to which the Management Development Division authorised the creation of the four (4) Positions at Second Secretary level (GSS/08) under a minute dated 7<sup>th</sup> October, 2011.

However, the Commission responded to advise that the positions in Brazil and India should be upgraded to the level of Assistant Commissioner — PSS/04 while the positions in South Africa and Kenya should be upgraded to the level of Chief Investigations Officer — PSS/05.

The Ministry of Foreign Affairs had since asked that a meeting be convened with the Ministry of Home Affairs, in order to address the concerns raised by the Drug Enforcement Commission.

*Your Committee notes the response and waits an up-date on the matter.*

#### **Involvement of women in drug trafficking Para 11.3, Page 19**

Your previous Committee wished to be updated on whether there had been a reduction of women involvement in drug trafficking and whether a provision had been made in the 2012 Budget by the Ministry of Home Affairs on a comprehensive study of women involved in the scourge.

In response, the Government informed your Committee that there had not been any reduction in the numbers of Zambian women arrested for drug trafficking. Records at the Drug Enforcement Commission indicated that 198 women had been arrested for drug trafficking in the period 1<sup>st</sup> January to 30<sup>th</sup> June, 2012.

The Government had in the 2012 budget made a provision of Kwacha Two hundred and fifty million (K250 million) for the Ministry of Home Affairs to undertake a comprehensive study on women involvement in drug trafficking. The Home Affairs Research, Planning, and Information Department was working with the Drug Enforcement Commission and the process had reached an advanced stage as the Ministry was about to engage a consultant to undertake the study.

*Your Committee notes the response and resolves to have an up-date on the outcome of the study undertaken by the Ministry of Home Affairs through the Research, Planning, and Information Department. Your Committee also wishes to be updated on the plight of Zambian female prisoners in foreign prisons.*

## **FOREIGN TOUR TO INDIA, 16<sup>TH</sup> TO 23<sup>RD</sup> APRIL, 2011**

### **Mutual agreement to combat drug trafficking**

#### **Para 11.4, Page 20**

Your previous Committee wished to be updated on the revival of the 1993 Mutual Agreement between India and Zambia on drug trafficking information sharing.

In response, the Government stated that the 1993 mutual agreement between Zambia and India had not yet been revived. The Commission was, however, working on reviving the mutual agreement as this would help boost the co-operation and fight against drug trafficking between the two countries.

*While noting the response, your Committee resolves to have an up-date on the revival of the mutual agreement with India.*

### **Action-Taken Report on the Report of the Committee on National Security and Foreign Affairs for the Fourth Session of the Tenth National Assembly**

#### **MINISTRY OF DEFENCE**

#### **Delivery of boats to Kalabo District Para 11.5, Page 20**

Your previous Committee had noted that boats bought for Kalabo District had been diverted to other areas and wished to be updated when the boats equipped with VHF radios would be bought and delivered for Kalabo District.

In response, the Government informed your Committee that the tender to purchase one boat for Kalabo District had been approved. The cost of the boat to be procured was K235 million. The boat would be delivered as soon as it was purchased since the procurement of the boat was expected to be done during the 2012-2013 financial year.

*Your Committee notes the response and wishes to be updated when the boats equipped with VHF radios would be bought and delivered to Kalabo District.*

### **OPERATIONS OF THE KAMFinsa SCHOOL OF PUBLIC ORDER AND MAINTENANCE (KAMFinsa POLICE MOBILE UNIT-TRAINING SCHOOL)**

#### **MINISTRY OF HOME AFFAIRS**

#### **Repair of Kamfinsa Police Mobile Unit Para 11.6, Page 20 – 21**

Your previous Committee awaited a progress report on the rehabilitation of Kamfinsa School of Public Order and Maintenance.

In response in the Action-Taken Report, the Government informed your Committee that it was unable to commence rehabilitation works due to financial constraints.

The Government had noted massive works that needed to be done at Kamfinsa School of Public Order and Maintenance in terms of infrastructure rehabilitations. The volume of work involved entailed that a budgetary allocation for the rehabilitation works would be included in the 2013 budget.

*Your Committee while noting the response resolves to have a progress report on the rehabilitation of Kamfinsa School of Public Order and Maintenance.*

## **LOCAL TOUR REPORT**

### **MINISTRY OF DEFENCE**

#### **Erratic water supply Para 11.9, Page 21**

Your previous Committee had urged the Ministry of Defence to also have its own water reticulation systems in barracks besides the one from Lusaka Water and Sewerage Company.

In response, in the Action-Taken Report, your Committee was informed that Lusaka Water and Sewerage (LWSC) carried out a preliminary assessment and produced a network diagram of Arakan Barracks water reticulation system at a cost of Kwacha Forty Eight Million Eight Hundred Eighty Four Thousand (ZMK48,884,000.00). Thereafter, Arakan Barracks was availed with rehabilitation plan options. Currently, the Army was awaiting feedback from Lusaka Water and Sewerage Company on the sealed option for the reticulation system.

In addition, the Army had embarked on a water needs assessment programme in all the cantonments in order to improve the water supply systems. This programme would help to determine the costs needed to up-grade the water supply systems, source for funding and ultimately secure own reticulation systems as recommended.

*While noting the response, your Committee resolves to wait for an up-dated on the matter.*

### **MINISTRY OF DEFENCE**

#### **Army Barrack at Kawambwa Page 27**

Your previous Committee noted the response and awaited a progress report on the matter.

In response, your Committee was informed that the Zambia Army had since consolidated a team of experts in collaboration with the Surveyor General's Office and the Ministry of Lands to travel to Kawambwa for a survey as well as Beacon verification exercise in readiness for the processing and issuance of Title Deeds.

*Your Committee notes the response and resolves to await a progress report on the matter.*

#### **Kamfinsa School of Public Order and Maintenance-Firing Range Para 11.11, Page 22**

Your previous Committee noted the response and awaited a progress report on the acquisition of title deeds on the firing range Kamfinsa School of Public Order and Maintenance.



In response in the Action-Taken Report, your Committee was informed that the Kitwe City Council was expected to do the survey of the firing range once it completed the land audit it had embarked upon.

*Your Committee while noting the response, resolves to await a progress report on the acquisition of title deeds on the firing range for Kamfinsa School of Public Order and Maintenance.*

## **PART IV**

### **13. CONCLUSION**

Your Committee considered three topical issues during the current sitting of the House. These topics are the registration of non-profit making organisations in Zambia by the Registrar of Societies; the conflict situation in Syria, Somalia, Democratic Republic of Congo, Mali and the Sudan/South Sudan and the operations of Zambia's Missions abroad. In addition, your Committee received Reports from Parliamentary delegations. It also undertook a local tour regarding border security along Zambia-DRC and Tanzania international border boundaries.

Mr Speaker, your Committee wishes to extend its gratitude to you for appointing it to serve on your Committee on National Security and Foreign Affairs and for the support rendered to it throughout the year.

It is indebted to all the stakeholders who appeared before it for their co-operation in providing the necessary memoranda and briefs.

Your Committee is hopeful that the observations and recommendations contained in this Report will be favourably acted upon by the Executive.

Finally, Sir, your Committee wishes to express its appreciation to the Office of the Clerk of the National Assembly for the invaluable and tireless assistance rendered throughout its deliberations.

June 2013  
**LUSAKA**

Rev Lt Gen R Shikapwasha, MP;  
**CHAIRPERSON**

## **APPENDIX 1**

### **LIST OF OFFICIALS**

#### **National Assembly**

Mr S M Kateule, Principal Clerk of Committees

Mr S C Kawimbe, Deputy Principal Clerk of Committees

Mr F Nabulyato, Committee Clerk (FC)

Mrs G M C Kakoma, Stenographer

Mr R Mumba, Committee Assistant

Mr C Bulaya, Committee Assistant