



REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON NATIONAL SECURITY AND FOREIGN AFFAIRS

FOR THE

FOURTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY

Printed by the National Assembly of Zambia

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REPORT OF THE COMMITTEE ON NATIONAL SECURITY AND FOREIGN AFFAIRS FOR THE FOURTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY

1.0 MEMBERSHIP OF THE COMMITTEE

The Committee consisted of Dr M Malama, MP (Chairperson); Ms A M Chisangano, MP (Vice Chairperson); Mr E J Muchima, MP; Brig Gen M Sitwala (Rtd), MP; Mr A K Mbangweta, MP; Mr L Nyirenda, MP; Mr A B Malama, MP; Mr F Ng'ambi, MP; Ms M Miti, MP; and Mr E K Belemu, MP.

The membership of the Committee changed when Ms M Lubezhi, MP replaced Mr E K Belemu, MP, who was appointed to serve on another Committee.

The Honourable Mr Speaker
National Assembly
Parliament Buildings
LUSAKA

Sir

The Committee has the honour to present its Report for the Fourth Session of the Twelfth National Assembly.

2.0 FUNCTIONS OF THE COMMITTEE

In accordance with Standing Order 157(2), the Committee is mandated to:

- a) 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 its portfolio;
- b) carry out detailed scrutiny of certain activities being undertaken by the Ministries of Defence, Foreign Affairs, Home Affairs, departments and/or agencies under its portfolio and make appropriate recommendations to the House for ultimate consideration by the Government;
- c) make, if considered necessary, recommendations to the Government on the need to review certain policies and/or certain existing legislation;
- d) examine annual reports of Government ministries and departments under its portfolio in the context of autonomy and efficiency of Government ministries and departments and determine whether the affairs of the said bodies are being managed according to relevant Acts of Parliament, established regulations, rules and general orders;
- e) exercise powers conferred on it under Article 203 of the Constitution;
- f) consider Bills that may be referred to it by the House;
- g) consider international agreements and treaties in accordance with Article 63 of the Constitution;
- h) consider special audit reports referred to it by the Speaker or an Order of the House;
- i) where appropriate, hold public hearings on a matter under its consideration; and

- j) consider any matter referred to it by the Speaker or an Order of the House.

3.0 MEETINGS OF THE COMMITTEE

The Committee held twelve meetings during the year under review to consider two topical issues.

4.0 PROGRAMME OF WORK

At its first meeting, the Committee considered and adopted the programme of work set out below.

- a) Consideration of the Action-Taken Report on the Committee's Report for the Third Session of the Twelfth National Assembly.
- b) Consideration of topical issues:

Topic I The Regulation of Private Security Companies vis-a-vis Homeland Security in Zambia

Topic II An Update on the Shift from Political to Economic Diplomacy in Zambia's Missions Abroad

5.0 PROCEDURE ADOPTED BY THE COMMITTEE

The Committee requested for written memoranda from various stakeholders on the topical issues under consideration and subsequently invited them to appear before it. The purpose of the appearance was to make oral submissions and clarifications on issues arising from their submissions.

6.0 ARRANGEMENT OF THE REPORT

The Report is in two parts: Part I is on the Consideration of Topical Issues while Part II is on the Consideration of Outstanding Issues from the Action-Taken Reports on the Committee's Reports for the Third Session of the Twelfth National Assembly.

PART I

7.0 CONSIDERATION OF TOPICAL ISSUES

7.1 THE REGULATION OF PRIVATE SECURITY COMPANIES VIS-À-VIS HOMELAND SECURITY IN ZAMBIA

7.1.1 Background to the Study

The United Nations Office on Drugs and Crime (UNODC) in its publication entitled, "State Regulation Concerning Civilian Private Security Services and their Contribution to Crime Prevention and Community Safety," contends that "The growth of civilian private security

services and the broadened scope of their activities in many countries require appropriate mechanisms for regulation and oversight to ensure compliance with national and international rules and regulations. Further, experience has shown that civilian private security services present states with a resource, which, if properly regulated, can contribute significantly to reducing crime and enhancing community safety, in particular through partnerships and information-sharing with public police. Professional codes of conduct and legislation need to direct and control the sharing of information between public and private security actors.” In Zambia, however, notwithstanding their potential to enhance homeland security, little is known about the operations of private security firms, and it is unclear how adequate the policy and legal frameworks that guide their operations are.

In this regard, the Committee saw it fit to inquire into the operations and regulation of private security companies in Zambia and to learn from best practices in the region and beyond.

Objectives

The objectives of this study were to assess:

- i. the policy and/or legal framework, if any, under which private security companies operate;
- ii. the capacity of private security companies to respond to and manage emerging security threats, such as terrorism in a timely and professional manner;
- iii. the efficacy, coordination, supervision, accountability and reporting of private security actors in the country;
- iv. the curriculum, if any, for the training programmes of private security firms and how responsive it is to the current trends in homeland security;
- v. the level of collaboration between private security companies and state security institutions in the maintenance of homeland security; and
- vi. suggest the way forward.

Witnesses

The Committee interacted with the witnesses listed below on the topical issue.

- i. Ministry of Home Affairs.
- ii. Zambia Police Service.
- iii. Ministry of Labour and Social Security
- iv. The Patents and Companies Registration Agency.
- v. Zambia Information and Communications Technology Authority.
- vi. Zambia Open University (School of Law).
- vii. The Anti-Terrorism Centre.
- viii. Zambia Chamber of Commerce and Industry.
- ix. Private Security Companies Association of Zambia.
- x. G4 Security Company
- xi. Mines Security Liaison Committee.
- xii. Seal 6 Security Company.
- xiii. National Union for Safety and Asset Care Workers.
- xiv. Zambia Union of Security Officers and Allied Workers.

- xv. United National Union of Private Security Employees.
- xvi. OBMAC Systems

7.1.2 SUMMARY OF SUBMISSIONS BY STAKEHOLDERS

The submissions made by the stakeholders on the topical issue are summarised below.

7.1.2.1 The Legal and /or Policy Framework Guiding the Operations of Private Security Companies in Zambia

The Committee was informed that there was no legal or policy framework to guide the operations of private security companies in the country. However, private security companies, like any other business entities, were required to register with the Patents and Companies Registration Agency (PACRA), as either business names pursuant to the *Registration of Business Names Act, No. 16 of 2011* or as limited companies, pursuant to the *Companies Act, No. 10 of 2017*.

The Committee also learnt that the vast majority of security companies in Zambia were registered as companies limited by shares under the *Companies Act*. The Committee was informed that once a security company was formed, it operated in accordance with the *Companies Act* and its Articles of Association. A business name had no legal personality, unlike a company and did not end with the words “limited or plc”.

The Committee learnt that the lack of a legal and policy framework to regulate the operations of private security companies had resulted into various challenges, some of which are highlighted below.

- i. There was no formal training for employees of private security companies as the training curriculum and facilities used by private security companies were left to individual companies.
- ii. Many private security companies had firearms and other weapons which were being handled by their employees without formal security training.
- iii. Some of the security companies had adopted for themselves uniforms similar to those used by some state security agencies. This had the potential to cause identity challenges between state and private security officers.
- iv. Persons with criminal records as well as ex-convicts had ended up being recruited and drilled in security training and weapon handling. This had compromised crime prevention efforts.

7.1.2.2 The Requirements for the Establishment of a Security Company in Zambia

With regard to the establishment of a security business in Zambia, the Committee learnt that the requirements listed below should be met.

- i. Application for name clearance which was a process of checking for the existence of a proposed company or business name. This was done to ensure that the proposed business name accepted for registration did not exist or was not confusingly similar to another or misleading to the public.

- ii. At least two or more directors: The number of directors, including the executive director, who should be resident in Zambia, shall not be less than half the number of directors appointed.
- iii. The directors should be at least eighteen 18 years and above.
- iv. An un-discharged bankrupt under Zambian laws.
 - v. The directors should be of sound mind.
- vi. There must be proof of the appointment of ccompany secretary for limited companies. This is not a requirement for security firms operating as business names..;
- vii. Four copies of the Articles of Association; and
- viii. A minimum nominal capital amount of K15, 000.

7.1.2.3 The Capacity of Private Security Companies to respond to and Manage Emerging Security Threats, such as Terrorism in a timely and Professional Manner

Pertaining to the capacity to respond to and manage emerging security threats, the Committee was informed that private security companies in Zambia had not yet developed the capacity to respond to and manage emerging security threats such as terrorism. This was attributed to various limitations in the scope of their training and operations. The Committee learnt that private security companies were more concerned and mainly limited to the protection of life and property of the clients paying for their services.

Emerging security threats such as terrorism were real but private security companies were rendered helpless due to lack of relevant training in this area. The Committee was informed that although private security companies were positioned in the “front line” of homeland security, they did not have the necessary training, equipment and mandate to counter terrorist activity but may provide useful information from observing activities in the areas they operated from.

7.1.2.4 Accountability of Private Security Companies for their Operations to ensure that Training Curriculum and Programmes are Responsive to the Modern Security Trends

The Committee was informed that security companies in Zambia were not accountable to any regulatory body after their formation ensures regards the responsiveness and contribution of their training curriculum and programmes to homeland security. The Committee was informed further that security companies started to exist soon after complying with registration formalities just like any other applicant for any business. It was, therefore, dependent on the management of individual companies to decide how they would run their business. Whereas multinational security companies had policies covering various areas of compliance, including training, most local ones did not.

The Committee learnt that there was no standard training curriculum as individual companies decided their own training programmes. Training ranged from two days to fourteen days and in some instances no training was provided at all. The result of this was that the industry had no training standards which could be validated for duration, content and suitability. The Committee also learnt that whereas some companies were helpful in contributing to homeland security, the lack of standardised training, coordination and regulation had made it difficult for most of them to be effective in this regard.

7.1.2.5 Level of Collaboration among Private Security Companies and State Security Wings

The Committee was informed that there was very little or no collaboration at all among private security companies *inter se* on the one hand and between private securities companies and the state security wings on the other. With regard to collaboration among security companies, the Committee was informed that previously, there existed the Security Employers Association (SEA), which was a grouping of security companies with the aim of promoting and protecting their interests. However, the Association lacked a legal framework and subsequently failed. The failure was also attributed to mistrust among the security companies. Some security companies, particularly smaller ones, felt that by collaborating with others, they would be exposing their weaknesses and thereby lose clients to their competitors, who might capitalise on those weaknesses. The Committee was also informed that the smaller companies, particularly, had the tendency to undercut bigger ones by offering low daily rates which had resulted into failure to sustain their overheads, such as being compliant with statutory obligations, including the minimum wage and NAPSA contributions.

Regarding collaboration with state security agencies, the Committee learnt that there was no legal requirement for such collaboration and that, therefore, if any collaboration ever took place, it was on an *ad hoc* basis. Even the collaboration with the police was dependent on the matter at hand. All cases of criminal nature were reported to police for follow up and prosecution and security companies usually acted as state witnesses. The Committee also learnt that whenever there was a crime incident or any offence in an area where a private security company had presence, they were expected to take responsibility by apprehending the culprits where possible and taking them to the nearest police station. Even where no apprehensions were made, private security companies still needed to report crime incidents to the Zambia Police Service.

The Committee was informed that the other level of collaboration between private security companies and the police was in combined operations in safeguarding vital installations and or facilities and escort of vital equipment. This was done through memoranda between the Zambia Police Service and private security companies. The Zambia Police Service also supported private security companies in transporting large amounts of money from the premises of their clients to the banks and vice versa, at a fee.

7.1.2.6 Best Practice in the Region and Beyond with Regard to the Regulation of Private Security

The Committee was informed that the regulation of private security companies in the Southern African Development Countries (SADC) region and beyond was quite diverse, with no standard best practice as different countries had different models and levels of regulation.

The stakeholders highlighted some of the diverse practices in some jurisdictions as set out below.

Kenya

The Committee learnt that following the enactment of *the Private Security Regulation Act, No. 13 of 2016*, the Cabinet Secretary for Interior and Co-ordination of National Government of Kenya gazetted the Private Security (General) Regulations which covered the administration and operations of private security service providers in Kenya. In this regard, the Private Security

Regulatory Authority established by the Act was mandated to administer, supervise, regulate and control the private security services industry in Kenya. Any person or firm offering private security services in Kenya was required to be registered with the Authority.

South Africa

The Committee learnt that following the enactment of the *Private Security Industry Regulations Act, No. 56 of 2001*, South Africa established a Private Security Industry Regulatory Authority. The objectives of the Authority were to ensure effective control over private security service providers; to ensure that security services were in line with public and national interest, as well as the interest of the private security industry itself.

Some of the specific functions of the Authority included promoting a legitimate private security industry which acted in conformity with the Constitution and other applicable laws in order to promote efficiency and professionalism and to ensure that the process of the registration of private security companies was transparent, fair, and objective and was concluded within reasonable timelines.

The Committee was further informed that the Minister may prescribe procedures and principles in respect of periodic applications for the renewal of registration by registered security service providers and the conditions and requirements for granting such applications. The Authority must keep a register of the names and prescribed particulars of every security service provider registered, as provided for in the Act.

In instances where there was a case of improper conduct or the commission of an offence by a security service provider, the Authority may suspend the registration of the security service provider. The effect of a suspension of registration was that the security service provider whose registration was suspended may not render any security services, unless the prior written permission of the Authority had been obtained. During the period of such suspension, the security service provider was still bound by all the obligations of a registered security service provider provided for in the *Private Security Industry Regulations Act* and in the *Levies Act*.

An inspector may, subject to any direction of the Director of the Authority, carry out an inspection of the affairs or any part of the affairs of a security service provider, or any other person who employed a security officer, or of a person whom the director had reason to believe was a security service provider or employed a security officer.

Nigeria

The Committee was informed that the private security sector in Nigeria was governed by the *Private Guard Companies Act, No. 23 of 1986*. The Act established a licencing authority for private guard companies under the Ministry of Internal Affairs. The Act prohibited any organisation from performing the service of watching, guarding, patrolling or carrying of money for the purpose of providing protection against crime unless it was, firstly, registered as a company, pursuant to the *Companies and Allied Matters Act*. Secondly, it should be granted a licence by the Minister of Internal Affairs in accordance with the provisions of the Act. Thirdly, it must be wholly owned by Nigerian nationals in accordance with the Schedule to the *Nigerian Enterprises Promotion Act*.

The Committee learnt that the Nigerian regulations clearly defined the boundaries within which the private security service providers were expected to operate. This was aimed at differentiating the mandates of private security service providers from those of the state security agencies.

Ghana

The Committee learnt that the private security industry in Ghana was governed by the *Police Act, No. 350 of 1970*, which was, however, superseded by the *Police Service (Private Security Organisations) Regulations of 1992, Legislative Instrument 1571*, as amended by Legislative Instrument No. 1579.

The Committee was informed that the only definition given by the Police Act was that of a “private security organisation”, which included “any organisation which undertook private investigations as to facts or the character of any person, or which performed services of watching, guarding, patrolling or carriage for the purpose of providing protection against crime, but did not include the Police Service, the Prisons Service or the Armed Forces of Ghana.”

The Police Act provided that the Interior Minister, to whom responsibility for the Police Service lay, may make regulations by legislation for the purposes of controlling the establishment and operations of any private security organisation, requiring the registration of all private security organisations; regulating the conditions under which a private security organisation may employ any person, regulating the use of uniforms by any private security organisation; and prescribing fees payable. Private security companies were, therefore, licensed by the Interior Ministry.

Mauritius

The Committee was informed that the private security industry in Mauritius was governed by the *Private Security Act No. 5 of 2004 (Principal Act)*, which was amended by *the Private Security Service (Amendment Act of 2008)*. The Act defined a “private security service” as “the business of providing, for remuneration or reward, a security service, the services of a security guard and the secure transportation and delivery of property.

The Committee learnt that the definition confined the private security service to three distinct but related services, namely; the provision of security through electronic means or any other device, provision of security guards, and the secure transportation and delivery of property. The Act provided that a security guard “means a person employed by a private security service provider that guards, patrols or provides any other security service for the purpose of protecting a person or property.”

In Mauritius, the Commissioner of Police was empowered by the Act to receive applications for a licence from those wishing to operate a private security service. The Commissioner may also decide to conduct investigations relating to the applicant’s character, financial position and competence. Upon receipt of the application, the Act obliged the Commissioner to cause notice to be published in the Gazette for three consecutive days, in not less than two daily newspapers.

The Committee further learnt that the Commissioner was mandated to attach conditions to the licence, which included the training of the security guards, the taking out of a requisite firearm licence under the Firearms Act and the type of uniform to be worn by the security guards. In terms of the Act, every licence holder must keep such books, documents or records, as may

reasonably be required by the Commissioner and ensure that such books, documents or records were readily accessible. The Act further obliged the licence holder to notify the Commissioner of Police, in writing, when there was change of address of the office, directors, or members, recruitment or termination of the employment of a guard.

The Commissioner was required by the law to review the service provision by private security companies in order to monitor the activities and effectiveness of persons carrying out those private security services. The Commissioner was obliged to inspect the activities of private security services when considered necessary.

In Mauritius, the Minister of Home Affairs was entrusted with the responsibility of making regulations for the purposes of the Act. The regulations made by the Minister provided for the following:

- i. payment of fees and levying of charges;
- ii. the criteria for the setting up and management of, and recruitment of personnel by private security services;
- iii. the standard to be maintained by private security services; and
- iv. the codes of conduct and guidelines for private security services and security guards.

The Act provided for an Appeals Board, which was appointed on an *ad hoc* basis by the Minister of Home Affairs. The role of the Appeals Board was to consider appeals from persons aggrieved by the refusal of the Commissioner of Police to grant a licence or a certificate, or the suspension or cancellation of a licence or certificate, or the refusal by the Commissioner of Police to restore the licence or certificate.

The Committee was informed that the Mauritian system spelt out in good detail issues relating to the administration and operations of private security companies supervised by the state police service. The oversight of the state police over private security companies made it easier to monitor and regulate the establishment and operations of private security firms in Mauritius.

United Kingdom

The Committee learnt that the private security industry in the United Kingdom was regulated by the Security Industry Authority (SIA), which was established in 2003, pursuant to the passing of the *Private Security Industry Act of 2001*. The Security Industry Authority (SIA) was responsible for licensing both the companies and the security employees themselves. Some of the specific functions of the Authority included carrying out licensing and reviewing the general provision of security services and making recommendations and proposals for the maintenance and improvement of standards.

India

The Committee learnt that in India, the private security industry was regulated by Private Security Agencies of India, created under the *Private Security Agencies (Regulation) Act, No. 29 of 2005*

Some of the functions of the Private Security Agencies of India were to receive all applications for registration of security service providers in India, licence security service providers, control

cross border licencing, scrutinise all applications ensuring that non Indian citizens did not obtain operating licences, monitor compliance with set training standards and monitor and ensure preferential recruitment of ex-members of the Army, Air Force, Navy, Police and home guard.

Appointment of Controlling Authority

(1) The State Government shall, by notification, designate an officer not below the rank of a Joint Secretary in the Home Department of the State or an equivalent officer to be the Controlling Authority for the purposes of this Act.

Australia

The Committee learnt that Australia had a regulatory system created by an Act of Parliament known as the *Security and Investigations Agents Act of 2002*.

The functions of the Agency under the Act were to licence and control security agents in Australia, by enforcing and monitoring of security agents by ensuring that only registered ones operated and in line with set standards, ensure licences were issued in areas of competence and only to qualified personnel and to set monitor industry standards.

7.1.2.7 The Way Forward

Pertaining to the way forward, the Committee was informed by stakeholders that there was urgent need to formulate legislation that would regulate the establishment, administration and operations of private security companies in Zambia. This legislation would result into the creation of a regulatory body which would ensure that private security companies operated in public and national interest and, therefore, enhanced the safety of citizens.

The regulatory body would, among other things, be expected to undertake the tasks listed below:

- i. To ensure the effective administration, supervision, regulation and control of the private security industry in Zambia.
- ii. To formulate and enforce standards and best practices for the operation of the private security industry.
- iii. To register and license all persons and institutions involved in or conducting private security services.
- iv. To set standards and accredit institutions offering training of security service providers to ensure a high quality of training.
- v. To promote the development of the private security services industry.
- vi. To offer advice on the national policy on any matter affecting the private security industry.
- vii. To enforce legislation.
- viii. To approve training curriculum and standards.
- ix. To promote cooperation among the private security companies on the one hand and private security companies with state security wings on the other.

7.1.2.8 Committee's Observations Recommendations

Arising from the submissions on the topic, the Committee makes observations and recommendations set out below.

i. The Legal and / or Policy Framework Guiding the Operations of Private Security Companies

The Committee is concerned that there is no policy or legal framework guiding the operations of private security providers in Zambia. This is not only unfortunate but also unacceptable as it has the capacity to undermine the provision of security services in the country.

In this regard, the Committee strongly recommends that the Government urgently puts in place a policy and a legal framework to guide the operations of private security companies.

ii. The Requirements for the Establishment of Security Companies in Zambia

The Committee notes with dismay that apart from the requirement to register with PACRA, like all other companies and the initial vetting by the Police, private security companies are not required to show their capacity to contribute to homeland security thereafter.

In this regard, the Committee strongly recommends that once private security companies are registered with PACRA, they must be subjected to monitoring by a regulatory authority to ensure conformity to set security standards.

iii. Capacity of Private Security Companies to Respond to and Manage Emerging Security Threats

The Committee observes that in their current state, private security companies have no capacity to respond to and manage emerging security threats due to the manner in which they are established and managed. This can be attributed to the training given to security officers which is generally uncoordinated and unregulated.

The Committee, therefore, strongly urges the Government to consider creating a regulatory authority which will, among other things, ensure high standards of training and regulation of the operations of security companies in order for them to contribute to the enhancement of homeland security.

iv. Level of Collaboration among Private Security Companies and State Security Wings

The Committee notes that there is very little if any collaboration at all among private security companies on one hand and state security wings on the other. The Committee further notes that previously, there was an attempt for private security companies to collaborate through the Security Employers Association (SEA) but it failed due to lack of legal backing. With regard to collaboration with state security wings, the Committee notes that this is currently done on an ad-hoc basis and does not yield the desired results.

The Committee, therefore, recommends that a legal framework, within which private security companies can collaborate among themselves on one hand and with state security agencies on the other, should be put in place as a matter of urgency.

v. Best Practices in the Region and Beyond

The Committee observes that in order to regulate the operations of private security companies in the SADC region and beyond, most jurisdictions have put in place some form of legislation, some of which has even gone further to restrict ownership of security companies to indigenous citizens.

In this regard, the Committee reiterates its recommendation that due to the sensitive nature of the security matters that security companies handle in the course of execution of duty, Zambia should put in place necessary legislation and even consider restricting the ownership of private security companies to indigenous Zambians.

7.2 TOPIC TWO: AN UPDATE ON THE SHIFT FROM POLITICAL TO ECONOMIC DIPLOMACY IN ZAMBIA'S MISSIONS ABROAD

7.2.1 Background to the study

The linking of politics to economics in foreign policy almost went into oblivion during the era of free-market capitalism. However, the era of globalisation and global power shifts that started in the 1990s had once again created a new set of incentives and conditions for states to engage more in economic diplomacy. Although economic diplomacy was clearly not a new phenomenon, the world was currently witnessing a new episode and vigour in its practice.

In Zambia, the promotion of economic diplomacy was espoused in the Seventh National Development Plan under Strategy No. 6. Under this Strategy, the Government had undertaken to identify and utilise strategic Zambian Missions abroad as the front end for advancing economic diplomacy. This would be supported by maintaining presence in countries of strategic trade and investment importance for the country. The Government would further institute appropriate structures to comprehensively undertake economic intelligence with a view to promoting Zambia's repositioning in the global market. This agenda would further establish effective linkages between Zambia's key institutions that supported the economic diversification and foreign private investment. In addition, the Government would, under this Strategy, foster the integration of global and regional development agendas like the Sustainable Development Goals (SDGs), the Regional Indicative Strategic Development Plan (RISDP), Agenda 2063 and other progressive protocols under SADC, COMESA, the African Union and the United Nations.

Programmes under Strategy No. 6 included:

- a) trade mediation programmes support;
- b) economic diplomacy capacity development;
- c) economic career diplomat's deployment scaling-up;
- d) private sector regional and international trade negotiations integration; and
- e) global and regional development agendas integration.

7.2.2 Summary of Submissions by Stakeholders

Presented hereunder is a summary of views by stakeholders on the implementation of the programmes under the Strategy.

7.2.2.1 Trade Mediation Programme Support

The Committee was informed that Zambian Missions Abroad had continued to serve as the front end for advancing economic, social and political interests between Zambia and the host countries. Each of the Zambian Missions Abroad had an economic and/or trade diplomat. The Economic Diplomats were, *inter alia*, required to provide weekly and monthly economic reports to the Ministry of Foreign Affairs on best practices and possible areas of cooperation with the receiving country. The reports were shared with relevant Government institutions, which assisted

the country to make informed decisions on economic and trade issues. This had also helped the country to revisit some policies and revise archaic laws. The Committee further learnt that Diplomats in Missions participated in multilateral trade negotiations and other economic discussions such as those held at the World Bank, World Trade Organisation (WTO) and the United Nations Commission on Trade and Development (UNCTAD). Diplomats were also tasked to promote Zambia's investment opportunities abroad. In this regard, the Missions had on several occasions facilitated investors' visits to Zambia to explore investment opportunities in key sectors.

The Committee also learnt that Zambia had been able to make use of Zambian Missions Abroad to advance both commercial and economic diplomacy in the resolution of various trade disputes. For instance, the Zambian Missions in Kinshasa and Lubumbashi in the Democratic Republic of Congo (DRC) were recently instrumental in facilitating bilateral meetings aimed at resolving non-tariff barriers (NTBs) affecting trade between the two countries. In 2017, the DRC imposed a ban on products of Zambian origin. Through the Mission, the two countries were able to meet and resolve the problem.

Additionally, the Zambian Mission in Luanda, Angola, facilitated the hosting of a bilateral trade ministerial meeting in Lusaka which focused mainly on discussing the possibility of implementing the agreement which the two countries signed in 2016 and which Zambia ratified in September, 2018. The Zambian side had on several occasions failed to secure a response on the status of ratification by the Angolan side but with the intervention of the Mission, a bilateral trade ministerial meeting was scheduled and held in October, 2019 in Lusaka. The meeting provided a roadmap on the implementation of the Agreement.

The Committee further learnt that the Zambia Development Agency (ZDA), in conjunction with Missions Abroad, had been implementing the strategic interventions set out below under investment promotion.

- i) Identifying and marketing investment opportunities abroad and locally through outward and inward investment missions.
- ii) Promoting and facilitating foreign direct investment to Zambia, including facilitating of Public Private Partnerships (PPPs) and Joint Ventures (JVs).
- iii) Facilitating national branding and promotion of tourism and tourism investment, in collaboration with the Zambia Tourism Agency (ZTA).

With regard to how much Foreign Direct Investment (FDI) was attributable to the shift from political to economic diplomacy in the Missions abroad, the Committee was informed that over the last few years, pledged FDI had increased from US\$ 5,460.1 million in 2013 to US\$ 17,403.3 million in 2017.

The table below is a summary of the level of pledged investment for the years 2013 to 2017 in US\$ millions.

Sectors	2013	2014	2015	2016	2017
Agriculture	477.0	140.1	113.2	455.6	6,705.0
Construction	231.9	3,233.7	160.1	301.0	606.0
Education	9.5	1.6	34.3	0.0	1.3
Energy	873.7	26.1	1,461.4	888.1	8402
Financial Institutions	0.0	0.0	3.4	0.0	0.0
Health	1.1	26.7	55.2	4.2	35.0
ICT	6.5	173.9	5.2	43.8	259.0
Manufacturing	1,995.0	949.4	600.1	699.6	843.0
Mining	124.8	76.3	43.3	189.8	219.0
Real Estate	984.0	2,24.0	527.6	260.5	102.0
Service	177.2	168.2	58.8	82.0	74.0
Tourism	549.8	83.1	228.3	140.8	114.0
Transport	29.6	25.4	31.6	47.2	43.0
Totals	5,460.1	5,128.5	3,322.4	3,112.7	17,403.3

7.2.2.2 Economic Diplomacy Capacity Development

The Committee was informed that in a bid to ensure continuous professional development in diplomacy and enhanced contribution to social, political and economic development, in line with the 7NDP, the Ministry of Foreign Affairs had targeted to train fifty officials in economic diplomacy by the end of 2019. As of September, 2019, forty seven officials had been trained under the Diplomatic Practice, Protocol and Public Relations Programme. Among the components covered under this programme were; economic diplomacy, which included topics on Zambia's development cooperation, techniques of trade and investment negotiation and the promotion of trade and investment, among others, as well as Diplomacy and International Relations.

The Committee was further informed that the Ministry of Foreign Affairs had also undertaken a geo-economic analysis of strategic countries and regions of the world and would soon organise an economic diplomacy forum, which would be a platform for engaging stakeholders to discuss Zambia's geo-strategic interests abroad, among others. In this regard, Zambia had signed a number of agreements in diplomatic training. For instance, Zambia and India had signed a Memorandum of Understanding on Cooperation between the Zambia Institute of Diplomacy and International Relations Studies (ZIDIS) and the Foreign Service Institute, Ministry of External Affairs of the Republic of India. This was meant to enhance the quality of knowledge and skills imparted to students at the Institution. Through ZIDIS, the Government had been able to build capacity in diplomats before they were deployed into foreign Missions and the Institute had continued to ensure that economic diplomacy remained a high priority on its curriculum and the country's agenda.

The Committee was informed that one notable milestone of capacity development was the relocation of the Economic and Social Council, an organ of the African Union (AU) from Addis Ababa, Ethiopia to Lusaka, Zambia. This was the first time Zambia would be hosting an organ of the African Union. The hosting of the AU organ would not only create jobs but strengthen Zambia's voice and position on the continent.

At regional level, Zambia had been host to the Common Market for Eastern and Southern Africa (COMESA), which had been of great benefit to the country. The regional organisation was recently given a larger plot of land in the East of Lusaka by the Government where the construction of a modern secretariat was expected to commence soon. This would further cement Zambia's position in the region and improve the country's chances of hosting other international organisations.

7.2.2.3 The Scaling up of Career Diplomats

The Committee was informed that the Ministry of Foreign Affairs had continued to implement a career diplomatic service in order to enhance professionalism and service delivery. In line with the 7NDP, the Ministry had targeted to deploy six economic officers by the end of 2019. However due to the limited fiscal space only three officers were deployed at the Beijing (China), Abuja (Nigeria) and Dubai (UAE) Missions. The Committee heard that in view of the ongoing austerity measures, the Ministry had taken measures to ensure that Missions of strategic economic interest were adequately staffed.

7.2.2.4 Private Sector Regional and International Trade Negotiations Integration

The Committee was informed that the Ministry of Foreign Affairs, in collaboration with the Ministry of Commerce, Trade and Industry, the private sector and key Government institutions, had continued to enhance the promotion of regional and international trade negotiations for enhanced exports. In line with the 7NDP target of holding ten consultative meetings with the private sector, fifteen were held in 2019. These included Zambia's participation in the United States of America (USA) -Africa Business Forum and the state visit to India, as well as participation in the Tokyo International Conference on African Development (TICAD) and Forum on China-Africa Cooperation (FOCAC).

The Committee learnt that in consultation with key stakeholders, Zambia signed the African Continental Free Trade Area (AfCFTA) on 10th February, 2019. The market had 1.2 billion people, which offered Zambia an opportunity to increase exports to the rest of the continent and earn the much needed foreign exchange to propel national development. The Mission in Addis Ababa, in close collaboration with the relevant Zambian stakeholders, facilitated the signing and ensured that Zambia's interests were safeguarded prior to the country signing. Furthermore, the Missions in Geneva and Brussels, in conjunction with the Ministry of Commerce, Trade and Industry, were involved in trade negotiations at the World Trade Organisation (WTO) on the Doha round of negotiations and the African-Caribbean and Pacific Group (ACP) for a successor arrangement to the Cotonou Partnership Agreement between the European Union and seventy-nine African-Caribbean and Pacific countries after 2020.

7.2.2.5 Global and Regional Development Agendas Integration

The Committee was informed that the Ministry of Foreign Affairs and Zambia's Missions Abroad, in collaboration with other line ministries, such as the Ministry of Commerce Trade and Industry had continued to enhance the promotion of global and regional co-operation and Zambia's ability to bargain for development assistance from the arrangements presented hereunder.

(i) The UN Agenda for Sustainable Development Goals (SDGs)

This was a commitment to eradicate poverty and achieve sustainable development by 2030 world-wide, ensuring that no one was left behind. The adoption of the 2030 Agenda was a landmark achievement providing for a shared global vision towards sustainable development for all. The UN, under the Zambia-UN Partnership Programme on SDGs from 2016 to 2021, was providing support to Zambia to achieve SDGs. The Mission in New York was a key facilitator in this regard.

(ii) The United Nations Vienna Programme of Action

This programme was meant to help build the capacity of landlocked developing countries, including Zambia, to design and implement policies that promoted transport connectivity and other infrastructure to facilitate their international trade through access to sea routes and for the attainment of the SDGs.

(iii) The Istanbul Plan of Action for Least Developed Countries (LDCs)

This was also a UN Programme, which prioritised climate change initiatives, development corridors, economic growth and other fundamental factors affecting the capacity of LDCs to reduce the cost of doing business by:

- a) expediting the movement of goods; and
- b) strengthening human, institutional and regulatory capacities in trade policy and trade negotiations in areas such as market entry and access, tariffs, customs, competition, investment, technology and regional integration.

(iv) The Elsie Initiative by Canada

This programme supported Zambia's endeavours in increasing participation of female police officers in international peacekeeping. Zambia was discussing the requirement for establishing a Female Police Unit, with the aim of enhancing police service delivery and participation in international peace keeping efforts.

(v) The African Union Programme for Infrastructure Development in Africa (PIDA)

The Committee learnt that Zambia was benefitting from this programme through, *inter alia*, the preparations for the implementation of the Batoka Hydropower Station, which was among the NEPAD sixteen mega projects to transform Africa. Other priority programmes in PIDA from which Zambia was benefitting included the Serenje–Nakonde Road, Lusaka-Lilongwe ICT Terrestrial Fibre Optic and the Zambia-Tanzania-Kenya Transmission Line.

(vi) The Agenda 2063 Flagship Projects

At the regional level, Africa was championing an integrated approach to the continent's development through its Agenda 2063, which outlined the vision and action plan on the future that Africa wants. Under this project, Zambia had offered the Mpika Workshop to manufacture accessories for the high-speed train.

The Committee further learnt that the global agenda on trade had continued to expand and had extended to areas that were not traditionally under the umbrella of trade to cover intellectual property, investment policy, competition policy, government procurement, environmental policy and some aspects of domestic policy regulations, among others.

At the subcontinent level, Zambia was engaged in negotiations to harmonise programmes for regional integration with a view to creating wider markets and common programmes for the development of infrastructure and the promotion of industrial sector growth. To this end, Zambia was a member of the Common Market for Eastern and Southern Africa (COMESA) FTA, Southern African Development Community (SADC) Trade Protocol and the COMESA-SADC-East African Community (EAC) Tripartite Arrangement.

7.2.2.6 Committee's Observations and Recommendations

Having considered the submissions from stakeholders regarding the shift from political to economic diplomacy, the Committee makes the observations and recommendations set out below.

Trade Mediation Programmes Support

While noting the strides made in trade mediation programme support and the Foreign Direct Investment (FDI) emanating therefrom, the Committee observes that very few manufacturing companies, particularly involved in value addition, have set up base in Zambia. This has resulted in Zambia remaining largely a trading economy. The Committee is further concerned that the trade imbalance between Zambia and South Africa has remained very huge and in favour of South Africa.

In this regard, the Committee urges the Government to ensure that more effort and resources are committed to attracting Foreign Direct Investment (FDI) that will be skewed towards value addition, thereby creating employment. The Committee further recommends that the Mission in Pretoria should work much harder to reduce Zambia's trade deficit with that country.

The Scaling up of Career Diplomats

The Committee observes that inadequate funding has hampered the training and recruitment of career diplomats. The Committee is concerned that, in the absence of a legal framework to ensure the development of career diplomats, appointments into foreign service have still continued to be made along partisan lines. In the view of the Committee, this has in some instances resulted in ill qualified staff being sent to Missions Abroad.

In this regard, the Committee recommends that funding to the programme of the scaling up of career diplomats should be improved. Further, the Foreign Service Bill, which can help curb the problem of partisan appointments into the foreign service, should be finalised and presented to Parliament without further delay.

Private Sector Regional and International Trade Negotiations Integration

The Committee observes with concern that although the private sector is an important partner of the State with regard to economic development and job creation, it has remained on the periphery in regional and international trade and investment negotiations.

The Committee, therefore, strongly recommends that the Government should provide incentives for the private sector to be involved in regional and international trade negotiations and investments in order to expand the economy and create jobs.

Global and Regional Development Agendas Integration

The Committee observes that despite Zambia having signed numerous international agreements, most of them have not been ratified, which has resulted in the country losing out on the economic benefits that would have accrued from those agreements.

In this regard, the Committee strongly recommends that the Government take steps to ensure that all international agreements that the country has signed are ratified and domesticated to ensure that the country benefits from international best practices.

Part Two

8.0 CONSIDERATION OF OUTSTANDING ISSUES FROM THE ACTION TAKEN REPORT FOR THE THIRD SESSION OF THE TWELFTH NATIONAL ASSEMBLY

In considering the Action-Taken Report on its Report for the Third Session of the Twelfth National Assembly, the Committee requested the appearance of Permanent Secretaries for the Ministries of Defence, Home Affairs and Foreign Affairs to give fresh updates on matters whose implementation period had expired.

TOPIC ONE THE OPERATIONS OF THE DEPARTMENT OF IMMIGRATION VIS-À-VIS THE ISSUANCE AND MANAGEMENT OF VISAS AND EMPLOYMENT PERMITS

Committee's Observations and Recommendations

Arising from the submissions during the long meetings and findings from the local tour and stakeholder meetings, the Committee in the previous Session had made the observations and recommendations set out below:

i. **Inadequate Staffing Levels**

The Committee was concerned that since the Department of Immigration was created in 1965, the establishment had not been revised to bring it in line with the new demands emanating from population growth, increased mobility of foreign nationals and the creation of new districts. This had resulted in the shortage of staff to manage the additional offices and unsatisfactory service delivery.

In this regard, the Committee had strongly recommended that the Government should consider revising the establishment of the Department of Immigration to bring it in consonance with the current demands.

Executive's Response

The Ministry of Home Affairs, in the Action-Taken Report had stated that it had written to the Management Development Division (MDD) at Cabinet office, requesting for authority to revise the establishment. Once approval was given, the Ministry would embark on the exercise to review the establishment in order to make it more robust and responsive to the current trends and needs.

Committee's Observations and Recommendations

The Committee notes the response with concern and, bemoans the apparent lackadaisical approach taken by the Executive towards this matter. The Committee, therefore, urges the Executive to treat the matter with the seriousness it deserves. The Committee awaits a progress report.

ii. Inadequate and Erratic Funding

The Committee had noted with regret that the Department of Immigration suffered from inadequate and erratic funding, which had resulted in a very slow pace of rolling out the Zambia Immigration Management System (ZIMS). For example, so far, the system was only operational at twenty-two out of the ninety-nine stations countrywide. More importantly, irregular and untimely funding had also led to failure by the Department to conduct follow-ups on integrated enforcement processes and procedures.

The Committee therefore had urged the Government to take urgent measures to increase funding to the Department and ensure that it was released in a timely manner for effective service delivery.

Executive's Response

The Committee was informed through the Action-Taken Report that the Government, through the Ministry of Home Affairs, acknowledged the observations and recommendations of the Committee regarding the erratic funding to the Immigration Department. The Ministry had however, been engaging the Treasury to lobby for increased funding to the Immigration Department on two grounds: (i) the Immigration Department was critical to the security of the country through its monitoring of in and outflows of people and that this required adequate resources to effectively undertake its operations and (ii) the Immigration Department raised substantial revenue for the Government from non-tax revenue and once the Department was adequately funded, the more revenue it would raise for the Treasury. The Ministry had continued engaging the Treasury for increased funding to the Department in order to increase its operational efficiency.

Committee's Observations and Recommendations

The Committee notes the response with concern and therefore, urges the Executive to treat it with the seriousness it deserves and requests a further update on the matter.

iii. Management Information Systems

The Committee had observed that there were no effective management information systems among the implementing agencies. In particular, key ministries and agencies involved in the issuance and monitoring of adherence to the conditions of the employment permits and visas did

not have a platform for information sharing. This had resulted in fragmented enforcement efforts and consequently failure to achieve expected outcomes.

The Committee therefore had recommended that in order to enhance collaboration and coordinated enforcement mechanisms in relation to employment permits and visas, the Government should ensure that implementing agencies were equipped with an integrated information management system for effective service delivery. To be specific, a common data portal into which all law enforcement institutions may input and tap into for information should be established under the Ministry of Home Affairs.

Executive's Response

The Committee was informed in the Action-Taken Report that the Immigration Department had acquired an Immigration Management System which had been installed and operationalised at twenty two out of the ninety nine existing stations. The Zambia Immigration Management System (ZIMS) was a state of the art computer based programme with a capability to communicate with other compatible systems. So far, the system was able to interlink with other systems such as those used at National Prosecution Authority (NPA), Zambia Revenue Authority (ZRA) and Patents and Companies Registration Agency (PACRA). However, none of the institutions under national security services had installed any Information Management System(s) through which security information could be shared with the Immigration Department. Information sharing between national security institutions was, therefore, only through meetings and printed letters and reports. These were costly means of information sharing and were time consuming and therefore called for investing in modern information management systems. The Ministry of Home Affairs was aware of this challenge and remained committed to improving the efficiency in information sharing between security institutions through installation of modern information technology and communication systems. In this regard, the Ministry of Home Affairs had started the implementation of the Safe City Project which had a component of enhancing information sharing and coordination among security institutions once fully operationalised.

Committee's Observations and Recommendations

In noting the strides made in the roll-out of the Zambia Immigration Management System (ZIMS), the Committee urges the Executive to ensure that it is extended to the remaining seventy-seven stations. The Committee awaits a progress report on the matter.

iv. Updated Skills Inventory and Labour Audits

The Committee had noted a serious lack of an updated skills inventory and labour audits to ascertain the number of Zambians and expatriates employed in the country for a specified period of time. There was also no capacity to ascertain the availability or lack of skills in the Zambian economy as a result of weak collaboration between the Immigration Permits Committee and professional bodies to verify the applicant's competencies and skills before the employment permit was issued.

In this regard, the Committee had urged the Government to ensure that the Department of Immigration, working with the Ministry of Labour and Social Security and other relevant institutions such as professional bodies, put in place and maintain an inventory of skills in the

country in order to facilitate verification of the availability or otherwise of skills presented by foreigners before issuing them with employment permits. Regular labour audits should also be conducted in order to develop a data base of Zambians and expatriates employed in the country in a specified field at any given time.

Executive's Response

The Committee was informed through the Action-Taken Report that the Government through the Immigration Department, issued work permits through the Immigration Permits Committee. The Committee always consulted relevant professional bodies such as the Engineering Institute of Zambia (EIZ), the Zambia Institute of Certified Accountants (ZICA), the Civil Aviation Authority (CAA), the Zambia Institute of Marketing (ZIM) to mention but a few, on whether the skills presented by foreigners were locally available before issuing work permits. The Ministry of Home Affairs was however, aware that the Ministry of Labour and Social Security had the mandate to develop and maintain a skills database in the country. The skills database would facilitate verification of availability of skills in the country to enable the Committee make informed decisions when issuing employment permits to foreigners.

Committee's Observations and Recommendations

In noting the response, the Committee urges the Executive to ensure that a skills database of the country is established under the Ministry of Labour and Social Security which can be used by the Immigration Department.

v. Records Management

The Committee was concerned that the problem of missing files was a common occurrence at the Department of Immigration, which did not only prolong the processing of visas and employment permits but also made it more costly. In this regard, the Committee had strongly urged the Immigration Department to take measures to improve in this area as a matter of urgency. Further, the Zambia Immigration Management System (ZIMS), which was currently operational at only twenty-two out of the ninety-nine stations should be rolled out countrywide so as to improve records management.

Executive's Response

The Committee was informed in the Action-taken Report that the Records Management System used to be a big challenge at the Immigration Department until the introduction of the Zambia Immigration Management System (ZIMS) in 2014. ZIMS was a computer based electronic Records Management System. The Immigration Department was still dealing with a backlog, mainly at headquarters in Lusaka, where old physical records were being converted into electronic ones through digitisation. This process would take some time to complete before all records could be converted. With the coming of the electronic records management system and once all physical records were converted, records management would no longer be the challenge it had been hitherto. The Executive stated that as the Committee had correctly observed, the ZIMS version 3.0 was operational at only twenty two out of the ninety nine stations. The Ministry of Home Affairs was, however, considering rolling out the ZIMS to the rest of the remaining stations in the near future. In this regard, the goal of the Immigration Department was to enhance the efficiency in service delivery through improved records management systems by rolling out of the ZIMS version 3.0 to all the stations.

Committee's Observations and Recommendations

In noting the strides made in the roll-out of the Zambia Immigration Management System (ZIMS), the Committee urges the Executive to ensure that it is extended to the remaining seventy-seven stations to enhance records management and awaits a progress report on the matter.

vi. Processing Time for Employment Permits and Visas

The Committee had noted concerns by stakeholders that the Department of Immigration did not adhere to the time frame within which it had undertaken to process employment permits and visas.

The Committee, therefore, had strongly recommended that the Department should take steps to adhere to the stipulated period of fourteen days in order to avoid inconveniences.

Executive's Response

The Committee was informed through the Action-Taken Report that the fourteen day period for processing employment permits and visas was contained in the Service Charter that was developed for ZIMS version 1.0 which was not fully operationalised due to some difficulties. Once the ZIMS version 3.0, was fully rolled out and established, a new service charter would be developed to guide the clients on the operations and periods of processing both employment permits and visas. The ZIMS version 3.0 had been installed at twenty two stations out of the ninety nine stations and therefore, the processing time for employment permits and visas at the twenty two stations was less than fourteen days.

Committee's Observations and Recommendations

In noting the response, the Committee urges the Executive to expedite the roll out of ZIMS Version 3.0 to the remaining stations for enhanced visa processing.

vii. Absence of the Zambianisation Committee

The Committee had noted that there was no mechanism to ensure adherence to the two year period within which a Zambian was meant to understudy an expatriate for eventual takeover of the position. In some cases, the understudy was transferred and sometimes fired in order to justify the stay of the expatriate in a particular position in perpetuity.

The Committee had, in this regard, urged the Department of Immigration, working with the Ministry of Labour and Social Security, to develop monitoring mechanisms to ensure that Zambianisation through the understudy of expatriates takes root and erring companies should face legal sanctions. In the same vein, the Committee had called for the revamping of the Zambianisation Committees at places of work, without further delay.

Executive's Response

The Executive informed the Committee through the Action-taken Report that the Government, through the Department of Immigration, fully supported the Zambianisation policy and worked together with the Ministry of Labour and Social Security in monitoring expatriates and their understudies. Further, for expatriates with understudies, the Department of Immigration issued employers with two year permits to which a notice was attached that the permit was not

renewable. This enabled understudies to take over the positions held by expatriates when their permits expired.

Committee's Observations and Recommendations

The Committee, in noting the response, observes that the absence of the Zambianisation Committee has not been addressed. Further, the reality on the ground is quite different from what the response is portraying. In this regard, the Committee resolves to await an update on the revamping of the Zambianisation Committee and on what the Government is doing to enforce the two year understudy period.

viii. Compliance with the Zambian Labour Law and Resistance to Inspections

The Committee expressed grave concern over the blatant abrogation of labour laws by some foreign investors with regard to the number of foreign workers they could employ and their resistance to inspections, in spite of the law having given guidelines.

The Committee had, in this regard, strongly recommended that the implementing institutions should apply the law firmly and fairly in order to protect the local labour market and ensure that those that resisted inspections faced the law.

Executive's Response

The Committee was informed through the Action-Taken Report that the Government had taken note of the observations and recommendations by the Committee and that the Government would not take kindly any foreign investors who were abrogating the labour laws during their business operations. The Zambia Development Agency (ZDA) had, among other things, provided guidelines on the number of expatriates the foreign investors should employ in Zambia as enshrined in the *Zambia Development Agency Act, No. 11 of 2006*. Further, the *Immigration and Deportation Act*, the ZDA Act provided that employers seeking to employ expatriate staff were required to follow the laid down procedures. Furthermore, the Act provided that Investors who invested a minimum of US\$ 250,000 and employed a minimum of 200 employees shall be entitled to Investor's Permit for up to five expatriate employees. The Government would, therefore, continue enforcing this provision to ensure increased levels of compliance from the foreign investors.

In terms of resistance to labour inspections, it had come to Government's attention that there were some employers who were showing some resistance to inspections and were generally not complying with the labour laws and foreign investors or any other employers found wanting would be dealt with in accordance with the provisions of the law. The labour officers and inspectors under the Ministry of Labour and Social Security had powers to undertake inspections at any workplace without any hindrance or resistance from an employer as provided for under Section 10 of the *Employment Code Act, No. 3 of 2019*. The Government had, under the *Employment Code Act*, strengthened the legal provisions on the employment of expatriates in Zambia as contained under Sections 60, 61 and 62 of the Code. The Act provided for the carrying out of the skills audit to ensure that the expatriates were employed in fields where there were skills shortages locally. In this regard, the Employment Code had provided for the establishment of the Skills Advisory Committee which would, among other things, be responsible for carrying out surveys and research in expatriate skills required in Zambia. As

recommended by the Committee, the Government would ensure that the labour laws were responsive to the needs of the labour market and employers including those coming from outside the country had an obligation to adhere to them. The Government, through the Ministry of Labour and Social Security, would intensify labour inspections and those who would be found wanting would be dealt with and prosecuted within the confines of the Zambian laws.

Committee's Observations and Recommendations

In noting the response, the Committee observes that the problem has not been the absence of the law but rather enforcement. The Committee, therefore, urges the Executive to ensure enforcement of the labour laws by recruiting more labour inspectors and providing the requisite funding for operations. The Committee awaits statistics of how many companies have been found contravening this piece of legislation and the action taken against them.

ix. Report Order

The Committee had noted that the administration of the Report Order, which required that an applicant whose application to extend the employment permit had been delayed, should report to the Department of Immigration in Lusaka on a weekly or monthly basis, had resulted in delayed works and increased costs on some projects.

The Committee, therefore, recommended that an applicant whose application for the extension of the employment permit delayed should report to the Department of Immigration at the Province and/or District instead of travelling to Lusaka until the permit was renewed.

Executive's Response

The Committee was informed in the Action-Taken Report that the observations and recommendations of the Committee were well noted. Any person whose application for extension of employment permit had been delayed was not necessarily required to report to the Immigration Department Headquarters in Lusaka but to the nearest Immigration Office to legalise their stay in the country, without which they would be regarded to be in the country illegally. The human resources staff was allowed to travel to the Immigration Department Headquarters in Lusaka to check on the progress on the application. The Committee was assured that once the ZIMS version 3.0 was fully rolled out, this challenge would be surmounted.

Committee's Observations and Recommendations

In noting the strides made in the roll out of the Zambia Immigration Management System (ZIMS), the Committee urges the Executive to ensure that it is extended to the remaining seventy-seven stations in order to enhance the issuance of work permits.

x. Porousness of Borders vis-à-vis Inadequate Transport and Poor Roads

The Committee had observed that most of the borders on the Copperbelt and North Western Provinces did not have natural boundaries as was the case with the south of the country, thereby rendering them very porous. The situation had been compounded by inadequate transport and the poor road network leading to the posts.

In this regard, the Committee had recommended that active areas along the border should be fenced for at least for ten kilometres on either side of the post. The Government should also

grade the roads and provide motor vehicles. Each station should have at least two reliable motor vehicles.

Executive's Response

The Executive informed the Committee through the Action-Taken Report that the Government, through the Ministry of Home Affairs had noted the recommendation of the Committee and would soon engage the Ministry of Lands for guidance on the boundary lines in the concerned border points. This would guide the possible erection of boundary fences on either side of the border points in Copperbelt and North Western Provinces. However, authority would need to be sought from Cabinet and neighbouring countries would have to be engaged through the Ministry of Foreign Affairs prior to erection of the fence. With regard to the provision of transport to some of the border points in Copperbelt and North Western Provinces, the Government already procured motor vehicles, among other equipment, through the Poly-Technologies contract which was a government to government contract with the People's Republic of China. Some of the procured equipment through this contract had already started arriving in the country. The whole consignment, including motor vehicles, would be delivered within the next few months, some of which would be allocated to needy border points in the Copperbelt and North Western Provinces.

While appearing before the Committee to give a fresh update on issues in the Action-Taken Report whose implementation period had elapsed, the Permanent Secretary informed the Committee that the third consignment, which consisted 225 utility and heavy duty motor vehicles and the fourth consignment consisting of 191 pick-up vehicles were due to arrive in Dar-es-salaam in March and April, 2020 respectively, en route to Zambia. With regard to the allocation of motor vehicles to the Zambia Police for operations in active border points in Copperbelt and North Western Provinces, this would be done once the third and fourth consignments arrived in the country.

Committee's Observations and Recommendations

In noting the responses, the Committee awaits an update on the deployment of vehicles to points on the Copperbelt and North Western Provinces.

xi. Encroachment of the No-man's Land (Kasumbalesa)

The Committee had noted that the encroachment on the no man's land at Kasumbalesa border was not just a violation of international law and a recipe for conflict with neighbouring DRC, but also a recipe for criminality and a threat to national security.

The Committee, therefore, had strongly recommended that in order to be in tandem with international law on boundaries and curb criminality, the structures that had been constructed on the no-man's land at Kasumbalesa should be demolished as a matter of urgency.

Executive's Response

The Committee was informed in the Action-Taken Report that the Government would engage the Ministry of Lands, the Ministry of Foreign Affairs and Copperbelt Provincial Administration on this matter in order to come up with the best way to resolve it amicably.

Committee's Observations and Recommendations

The Committee urges the Executive to treat this matter with the seriousness it deserves and therefore expedite execution of the Committee's recommendation to demolish the structures erected on the no man's land. The Committee awaits an update on the matter.

xii. Absence of Beacons to Mark the Boundary

The Committee had noted with concern that the absence of beacons to mark the Zambia-DRC boundary at Kasumbalesa was a recipe for lawlessness and possible conflict. Currently there was only one beacon in sight.

In this regard, the Committee had recommended that the Zambian Government should engage its Congolese counterpart in order to mark the boundary and erect beacons.

Executive's Response

The Committee was informed through the Action-Taken Report that the boundary between Zambia and DRC (Kasumbalesa) was beacons. However, even though the boundaries were marked, most of the pillars were either destroyed or were placed at long distances apart and could not easily be seen/identified making it very difficult to know the exact location of the beacons. The boundary therefore, required reaffirmation. Further, Government had noted with concern that the beacon at Sakania was vandalised. A recommendation was made to Cabinet that physical demarcation of Zambia's international boundaries be undertaken to enhance national security and address boundary disputes.

The Committee was further informed that a program to re-affirm the boundary marks (confirming the boundary pillars) at Kasumbalesa and Sakania was in the pipeline. An invitation to the Joint Technical Commission of Experts for the Demarcation of the Common Boundary between Zambia/DRC was initiated. This meeting between the two countries was meant to discuss the reconnaissance survey works on border demarcation and was scheduled to take place from 15th to 29th July, 2019 at Kasumbalesa and Sakania, however, this meeting had been postponed by the Democratic Republic of Congo to a date to be communicated to the Republic of Zambia. Further, Cabinet approved a Memorandum on Physical demarcation of Zambia's international boundaries to enhance national security and address boundary disputes. It was worth noting that since 2010, a total of K20,000,000 had so far been spent on the physical demarcation of the international boundaries and on security out of the total estimated cost of K140,776,019.28. The Ministry awaited the remaining funds so as to finish the remaining boundary works on the international boundaries.

Committee's Observations and Recommendations

The Committee awaits an update on this serious matter.

xiii. Lack of Police Presence at Border Posts

The Committee had noted with gross concern, the lack of police presence at some border posts, which even collected huge sums of money. Surprisingly, both the Department of Immigration and the Police Service fell under the Ministry of Home Affairs. The Committee, had therefore, wondered what the difficulty was, in dispatching both to a particular post, particularly on the borders where the situation could turn hostile at any moment.

In this regard, the Committee had strongly recommended that all border control posts should have police presence to enhance security both for the personnel and the revenue collected.

Executive's Response

The Committee was informed through the Action-Taken Report that the Government, through the Ministry of Home Affairs, was aware of the challenges regarding shortage of personnel under the Zambia Police Service in some border points. This was because of the staff deficit the Zambia Police Service had had for many years which stood at one police officer to 950 people against the international required standard of one officer to 250 people. The Zambia Police Service recently recruited 1,500 officers who were currently undergoing training. While the number recruited was inadequate, it would, however, contribute to reducing the staff shortfall. The Ministry of Home Affairs would consider deploying Zambia Police officers to some of the borders lacking police presence in order to enhance security both for the immigration personnel and the revenue collected. However, the deployment would only be implemented after necessary logistics such as staff and office accommodation, transport and other equipment were put in place.

Committee's Observations and Recommendations

In noting the response, the Committee urges the Executive to provide a timeframe within which the deployment of officers will be concluded and awaits an update on the matter.

xiv. Morale among Department of Immigration Staff

The Committee had observed that the harmonisation of salaries and conditions of service among the security agencies, which started in 2011, had not been extended to the Department of Immigration. This had resulted in the Director General of Immigration remaining at the level of deputy commissioner of police and between a director and assistant director in the general administrative scale. This had generally affected the morale of the officers.

The Committee, had therefore, recommended that the reforms among the security agencies should be extended to the Department of Immigration with a view to bringing it in tandem with other security institutions.

Executive's Response

The Committee was informed in the Action-Taken Report that the Government, through the Ministry of Home Affairs, was aware that the harmonisation of salaries and conditions of service among government security agencies did not include the Immigration Department. The Ministry of Home Affairs would present a request to Cabinet for authority to harmonise the salaries and conditions of service for the Immigration Department with those of the security agencies in order to boost the morale of immigration staff.

Committee's Observations and Recommendations

The Committee urges the Executive to provide a timeframe within which this matter will be resolved and awaits an update on it.

AN UPDATE ON THE STATE OF INFRASTRUCTURE IN MISSIONS ABROAD VIS-À-VIS THE IMPLEMENTATION OF THE MORTGAGE FINANCING STRATEGY

Committee's Observations and Recommendations

Having considered submissions received from stakeholders on the topical issue, the Committee in the previous Session had made observations and recommendations outlined below.

i. Drawings and Bill of Quantities

The Committee was concerned that the approval processes for the drawings and Bills of Quantities took so long that by the time these were done, a lot of variables would have changed on the ground, thereby distorting the estimates. In some cases, funds were disbursed to the Missions before procurement processes were completed. This entailed that the funds were kept in the Missions' bank accounts for long periods of time, leading to losses due to bank charges.

The Committee, in this regard, had recommended that the Government should ensure that the disbursement of funds to Missions was only done after the approval and completion of all procurement procedures.

Executive's Response

The Executive informed the Committee through the Action-Taken Report that the Government had taken note of the observations and recommendations by the Committee. The Ministry of Housing and Infrastructure Development would, as a matter of standard practice, always request funding for undertaking actual construction works of new buildings in Missions abroad after confirmation of completion of the procurement processes.

Committee's Observations and Recommendations

The Committee awaits the actual implementation of this Strategy and an update on progress made.

ii. Losses due to Exchange Fluctuations

The Committee had noted with concern the huge losses, to the tune of US\$ 3,411,032.76 that were incurred under the mortgage facility obtained from Atlas Mara Bank through exchange fluctuations because the funds were disbursed in kwacha. The Committee was concerned that this happened even though the Government officials involved in obtaining the mortgage were aware that this money was meant for Missions Abroad, where foreign currency was required.

The Committee had recommended that in future, money obtained under the mortgage financing facility should be designated in foreign currency in order to forestall losses via fluctuating foreign exchange rates. The Committee had further recommended that the officers who were involved in this transaction should face disciplinary action.

Executive's Response

The Committee was informed in the Action-Taken Report that the Government, through the Ministry of Foreign Affairs, had taken note of the Committee's recommendations. However, the Ministry of Finance which was mandated to negotiate and acquire debt on behalf of the Republic of Zambia was better placed to take action on the recommendation. The Ministry of Foreign

Affairs, as Chairperson of the Committee on Mortgage Financing, would table the issue at the next Inter Ministerial Mortgage Financing meeting.

Committee's Observations and Recommendations

The Committee, in noting the response, is disappointed that no action has been taken to date on this matter and reiterates its recommendations. The Committee awaits an update on the outcome of the Inter Ministerial Mortgage Financing meeting.

iii. Diplomatic Immunity

The Committee had noted with concern that the diplomatic immunity enjoyed by Missions Abroad made them unattractive for lending institutions in the host countries to extend credit facilities to them for fear that they would not be able to enforce their contractual rights in the event that the Missions failed to service the mortgages. This could be a hindrance to the success of the Mortgage Financing Strategy that the Government has embarked upon.

In this regard, the Committee had recommended that the Government should create a corporate entity, possibly under the Industrial Development Corporation, (IDC) to handle the mortgage financing on general business terms in order for the Strategy to succeed. The Company created under IDC would not enjoy the immunity under the Vienna Convention of 1961, making it easy for it to access financing from the market competitively.

Executive's Response

The Committee was informed in the Action-Taken Report that the Government, through the Ministry of Foreign Affairs, had taken note of the recommendation and would explore the possibility of engaging the IDC and other entities like NAPSA on the purchase, construction and maintenance of Government property. With the launching of the Diaspora Policy, engaging Zambians in the diaspora of the host countries and other countries of accreditation in joint ventures for the maintenance of property in the Missions Abroad would also be explored. The Missions would engage the Zambian diaspora within their jurisdiction on the possibility of partnering with the Zambian Government on property management and development.

Committee's Observations and Recommendations

The Committee awaits an update on the outcome of engagements with IDC and Zambians in the diaspora, as the case may be.

AN UPDATE ON THE SHIFT FROM POLITICAL TO ECONOMIC DIPLOMACY: THE CASE OF CHINA

In order to enhance operations at the Mission in Beijing, particularly with regard to the enhancement of the shift from political to economic diplomacy, the Committee made observations and recommendations set out below.

i. Relationship with China

The Committee had noted that Zambia had a long-standing relationship with China based largely on political and ideological similarities between the two countries. In recent times, however, China had become an important player on the world economic stage, hence the need for Zambia

to shift its efforts to a greater concentration on economic rather than political relations with China. However, funding to the Beijing Mission was inadequate and sometimes released late. This negatively impacted on the ability for the Mission to carry out promotional programmes. The Committee, had therefore, strongly recommended that the Government should increase funding to the Mission and release it timely so as to facilitate the implementation of the shift.

Executive's Response

The Committee was informed in the Action-Taken Report that the recommendation given by the Committee had been noted accordingly. However, it was cardinal to note that resources were limited while demands from all MPSAs across the Government were too numerous. Further, it may not follow for all Missions Abroad that the shift from political to economic diplomacy should automatically translate into additional funding. Therefore, the Treasury would engage the Ministry of Foreign Affairs regarding any additional funding that would be required for each Mission Abroad as a result of this shift. The result of this engagement would allow the Government to appropriately submit a report to Parliament regarding the levels and rationale of the additional funding increment for each affected Mission Abroad, including the Mission in Beijing.

Committee's Observations and Recommendations

In noting the submission, the Committee awaits further update on this matter, particularly with regard to the engagement between the Treasury and the Ministry of Foreign Affairs. In this vein, the Committee urges the Executive to provide a timeframe within which the engagement will be concluded.

CONSIDERATION OF OUTSTANDING ISSUES FROM THE ACTION TAKEN REPORT FOR THE SECOND SESSION OF THE TWELFTH NATIONAL ASSEMBLY.

The Operations and Management of Institutions under the Ministries of Defence and Foreign Affairs: The Zambia Army; the Zambia Air Force; Zambia National Service and Selected Missions Abroad.

i) Defence Forces Operating below Approved Establishment Levels

The Committee had noted the response in the previous Action-Taken Report and awaited an update on its observation that the Defence Forces were operating below the approved establishment levels due to non-recruitment over a long period of time.

Executive's Response

The Committee was informed in the Action-Taken Report that after obtaining Treasury Authority for recruitment for the Defence Forces, the Ministry had continued to engage Ministry of Finance on the release of funds for the exercise.

ii) Inadequate Infrastructure and Equipment in newly established Provincial Capitals

Committee's Observations and Recommendations

The Committee had considered the construction of regional offices and 7ZR in Choma, Southern Province which was being undertaken by Sinomine Resource Exploration Corporation and the

construction of 8ZR in Muchinga Province barracks which was being undertaken by Anhui Shuian Corporation as work in progress and had, therefore, requested for regular updates on the matter.

Executive's Response

The Committee was informed in the Action-Taken Report that the status on the construction of regional offices of 8ZR barracks in Muchinga Province, Chinsali still remained the same as the financing agreement between the Ministry of Finance and the Industrial Commercial Bank of China has not yet been signed. With regard to construction of the Battalion Headquarters, construction was still underway and so far 80% of the project has been completed.

Committee's Observations and Recommendations

The Committee awaits an update on the matter.

iii) Encroachment on Military Land

The Committee had urged the Executive to expedite the process of obtaining Title Deeds for the cantonments which were not on title and report progress.

Executive's Response

The Committee was informed in the Action-Taken Report that there was massive encroachment of KDK Barracks land. Fencing it with game wire would alleviate the situation. The wall fencing at Kalewa Barracks in Ndola had reached the second phase awaiting funding for the third and final phase. The title deeds had since been obtained. The construction of a wall fence at Kalewa Garrison had since been completed and the Ministry had made tremendous progress in the acquisition of title deeds. So far, title deeds had been obtained for the following Cantonments:-

- (1) ABTA Nanking;
- (2) Mikango Barracks;
- (3) Arakan Barracks;
- (4) 2nd Infantry Battalion Rifle Range;
- (5) Army Farm;
- (6) L85 Military Camp;
- (7) Chindwin Barracks;
- (8) School of Military Police in Emmasdale;
- (9) Kalewa Barracks in Chipata;
- (10) Kala 48 Marine Barracks in Kawambwa;
- (11) Luena Barracks in Kaoma; and
- (12) Southern Command.

The following areas had been surveyed, their site plans produced and submitted to the Ministry of Lands for preparation of title deeds:

- (1) 16 Trials;
- (2) Mikango Borehole Site;
- (3) Burma Barracks;

- (4) VIP Houses around Arakan Barracks;
- (5) Central Ammunition Depot;
- (6) Central Mechanical Workshop;
- (7) Lilanda Camp;
- (8) Kohima Barracks;
- (9) Giarso Barracks;
- (10) Apollo Officers' Mess; and
- (11) 7th Infantry Battalion Construction Site.

Land Surveys, Site Plans and Title deeds for the following Cantonments were yet to be obtained:-

- (1) Buffalo Village Makeni
- (2) Nyumba Yanga Houses
- (3) Defence School of Health Sciences
- (4) Central Ammunition Depot (CAD) Mpima
- (5) President Stadium
- (6) Headquarters 2 Infantry Brigade
- (7) Headquarters 2 Infantry Brigade Guest House
- (8) Kanona Farm
- (9) ABTA Lukanga
- (10) Tung-up Barracks
- (11) School of Military Engineering in Mufulira
- (12) ZCCF Luanshya
- (13) ZCCF Chingola
- (14) Mbala Training Area
- (15) Burton Military Camp in Mongu
- (16) Headquarters Western Command
- (17) Mbonga Training Area

Committee's Observations and Recommendations

The Committee urges the Executive to expedite the fencing of KDK and the acquisition of certificates of title for the remaining military cantonments. The Committee awaits a progress report on the matter.

iv) Orientation of Permanent Secretaries

The Committee had requested for a timeframe within which the recommendation that Officers appointed as Permanent Secretary at the Ministry of Defence, should undergo some orientation to enable them appreciate the needs and demands of the defence forces would be implemented and awaited an update on the matter.

Executive's Response

The Committee was informed in the Action-Taken Report that the Government had taken note of the Committee's request and acknowledged that the recommendation would be implemented in due course with the subsequent office holders that would be appointed later, to undergo some orientation to enable such office holders appreciate the needs and demands of the defence forces.

Committee's Observations and Recommendations

The Committee awaits an update on the implementation of the recommendation.

v) The Ex-Servicemen's League of Zambia

The Committee had noted the response that the review of the Defence and ZNS Acts was in progress to accommodate the Ex-Servicemen's League in the defence forces and had requested for further update on the matter.

Executive's Response

The Committee was informed in the Action-Taken Report that the process to review the Defence Act to conform to the new constitution was in progress. The Ex-Servicemen's League to this effect had made a submission to the technical committee for possible inclusion to the revised constitution. To this effect, consideration to include the proposals in the Act was the major concern and the Ministry would endeavour to move in the right direction to ensure that the review was concluded.

Committee's Observations and Recommendations

The Committee awaits a further update on the matter.

vi) Water and Sanitation Infrastructure in The Barracks

The Committee had noted the response that Sinomine Resource Exploration Corporation had been engaged to carry out a complete overhaul of the sewer and water system in Tug-Argan Barracks and that works would commence by March, 2019 and had requested for an update on the matter.

Executive's Response

The Committee was informed in the Action-Taken Report that the Government, through the Ministry of Defence, and Sinomine International had signed a contract for the designing and constructing of cantonment infrastructure and that the water reticulation system at Turg-Argan was one of the components of the project. The contractor had already mobilised but was still finalising other contractual obligations such as designs, as this contract was finance, design and construct.

Committee's Observations and Recommendations

The Committee awaits further update on the matter.

vii) Shortage of Accommodation

The Committee had noted the response that the Ministry of Housing and Infrastructure Development was formulating a National Infrastructure Development plan in which the Ministry of Defence was a beneficiary and requested further regular updates on the matter.

Executive's Response

The Committee was informed through the Action-Taken Report that the Government, through the Ministry of Housing and Infrastructure Development, had requested for submission of baseline infrastructure data to be incorporated in the National Infrastructure Development Plan. Currently, the Ministry was compiling data on the status of infrastructure in all the cantonments

to be submitted to the Ministry of Housing and Infrastructure, although this had proven to be a challenge due to limited resources as the process involved physical inspections.

Committee's Observations and Recommendations

In noting the response, the Committee awaits further updates on the matter.

ix) State of the Messes and Canteens

The Committee had requested for a progress report on response in the previous Action-Taken Report that the Ministry of Defence, would liaise with the Ministry of Finance to increase the Mess Grants and that these be paid to Units yearly and awaited an update on the matter.

Executive's Response

The Committee was informed that the state of messes and canteens in Tug-Argan and Kalewa Barracks still posed a health hazard, and nothing had been done so far. However, a Chinese company had been contracted to renovate the messes and canteens. Further, the Zambia Army had embarked on a programme of renovating existing messes and canteens starting with Arakan Barracks. So far, 2nd Infantry Battalion Troops canteen was under renovation by Helemart Investment Limited Company. No Mess Grant had been given to any Unit and the state of affairs had remained the same.

Committee's Observations and Recommendations

The Committee urges the Executive to treat the morale of men in uniform with the seriousness it deserves and allocate funds to the improvement of their welfare and awaits an update sanitary status of the messes in Turg-Argan and Kalewa Barracks.

xi) State of Road Network

The Committee had requested for a progress report on the response that the Government was currently in the process of varying various contracts under the Link Zambia 8000, the C400 and L400 projects to include the construction of roads in the barracks. The Road Development Agency (RDA) had done the assessment of the roads and physical fitness training circuits to be tarred in all military cantonments. It was envisaged that the variations would be concluded in the fourth quarter of 2018 and that works would commence thereafter, subject to availability of funds.

Executive's Response

The Committee was informed in the Action-Taken Report that after making a follow up with RDA on the inclusion of military cantonments in the C400 and L400 Project, the Ministry of Defence was informed that a number of kilometres of road network had been allocated to various districts in which the cantonments were located. The Ministry was, therefore, urged to liaise with respective local authorities for inclusion of military cantonments on the project. The response from respective local authorities had not yet been received. However, Roads in Arakan Barracks had been tarred.

Committee's Observations and Recommendations

The Committee requests for a further progress report on the matter.

xii) **Establishment of Military University**

The Committee had requested for a timeframe on the establishment of the University.

Executive's Response

The Committee was informed through the Action-Taken Report that a feasibility study and environmental impact assessment were done on the project and submitted to Ministry of Finance for possible financing as per the implementation framework.

Committee's Observations and Recommendations

The Committee requests for a further progress report on the matter.

xiii) **State of the 1st Battalion Engineering Regiment**

The Committee had requested for an update on the response that since the company which had been engaged to supply engineering equipment to the Unit had delayed the delivery, the Government was contemplating terminating the contract and engaging other suppliers.

Executive's Response

The Executive informed the Committee through the Action-Taken Report that the Government, through the Ministry of Defence, had since obtained business proposals for the supply of various engineering and earth moving equipment from Delta Limited Company and Construction World Limited Company. The proposals would soon be forwarded to the Ministry of Finance for possible funding.

Committee's Observations and Recommendations

The Committee awaits further update on the matter.

STATELESSNESS AND THE PROTECTION OF STATELESS PERSONS IN ZAMBIA

Having considered submissions from stakeholders, the Committee in the previous Session had observed and recommended as outlined below.

i) **Documentation of Statelessness**

The Committee had urged the Executive, through the Ministry of Home Affairs, to present the necessary amendments to the *Citizenship Act*, the *National Registration Act* and the *Births and Deaths Registration Act* to document statelessness and to provide an update accordingly.

Executive's Response

The Executive informed the Committee that the Government, through Ministry of Home Affairs, recognised and appreciated the recommendations of the Committee and would engage the Ministry of Justice to commence the process to prepare the Citizenship Bill for documentation of stateless persons and the National Registration Bill and the Birth and Death Registration Bill for the maintenance of a population register. Once the bills were finalised, the Ministry of Home Affairs would present them to Parliament for consideration and possible enactment.

Committee's Observations and Recommendations

The Committee requests a timeframe within which the two Bills will be presented to Parliament and awaits further update on the matter.

FOREIGN TOUR

Zambian Mission in Windhoek- Namibia

i) Mission Properties

The Committee had noted the response that the evaluation process would start in the month of April, 2019, after which the contract would be sent to the Ministry of Justice for scrutiny before signing by the contractor and that on completion of the tendering process, scheduled for May, 2019, the rehabilitation works would commence and requested further update on the matter.

Executive's Response

The Committee was informed in the Action-Taken Report that there had been no progress following the tendering process that was scheduled to conclude in May, 2018 because the bids that were received were not responsive to the solicitation document. In this case, the Procurement Committee had recommended for a re-tendering process of the same. This tendering process was scheduled for completion by September, 2019.

Committee's Observations and Recommendations

Considering that September 2019 had passed, the Committee requested the Ministry to give an update on the matter.

Executive's Response

During his appearance before the Committee, the Permanent Secretary informed the Committee that the Ministry had made considerable progress on the matter, as the procurement process had been completed. A draft contract submitted to the Ministry of Justice was approved on 8th January, 2020 and the signing of the contract to start the rehabilitation works with the contractor was scheduled for February, 2020.

Committee's Observations and Recommendations

The Committee awaits a fresh update on the matter.

ii) Relocation of Chancery

The Committee noted the response and requested a fresh update on the rehabilitation of the Chancery and staff houses that were in a more deplorable state.

Executive's Response

The Committee was informed through the Action-Taken Report that the Government had not yet commenced rehabilitation works on the property because the bids that were opened were not responsive to the solicitation document that was sent out to the prospective contractors. As such, a retendering process that was scheduled to be concluded in September, 2019 was ongoing. With

regard to the Committee's proposal to relocate the Chancery to the property at No. 9 Schwerlingsburg Street, Luxury Hill, the Committee was informed that an assessment of that property for use as a Chancery was done and it was recommended that it would not be feasible to use it for that purpose. However, the Mission owned a piece of bare land in a prime area of Windhoek which had been earmarked for future construction of a Chancery.

Committee's Observations and Recommendations

The Committee requests for the latest update on the tendering process which should have been completed in 2019 and the commencement of the construction of a new Chancery.

Promotion of Tourism and Trade

The Committee, had in noting the response, expressed disappointment that the National Airports Corporation was unable to negotiate a favourable deal with Air Namibia for the airline to start flying into Livingstone. The Committee had, therefore, urged the Executive to revisit this matter and possibly renegotiate with Air Namibia on the possibility of it commencing its flights into Livingstone. Further, the Committee had urged the Executive to engage all relevant ministries and agencies to address the issue of the cost of doing business which was causing Zambia to lose business opportunities to neighbouring countries and provide an update on the matter.

Executive's Response

The Committee was informed in the Action-Taken Report that the Government had taken note of the concerns and disappointment of the Committee and the was working round the clock to address the concerns. With regard to Air Namibia, the Committee was informed that the operations of Air Namibia had fluctuated between four to six flights a week over the last eight years due to many reasons. Some of the reasons included:-

- i. lack of adequate equipment to service the Windhoek – Lusaka route;
- ii. high cost of operating mainly made up of Jet A-1 and airport fees. Zambia Airports Corporation Limited, (ZACL) had recently introduced airline incentives of up to 25% off on ground handling that benefited airlines on passenger load factor. This particularly worked with point-to-point operations. Air Namibia currently benefited from these incentives as it implemented a point-to-point operation between Windhoek and Lusaka;
- iii. Air Namibia had briefly diverted flights from Windhoek to Livingstone in September 2018 due to a judgement that was passed in favour of the aggrieved in Victoria Falls Town Zimbabwe. To avoid seizure of their aircraft, the airline briefly operated into Livingstone until the impasse was resolved. The airline had also diverted to Livingstone from Victoria Falls from time to time when there was shortage of fuel in Victoria Falls town. The airline had been operating between Windhoek and Victoria Falls Airport for a while. ZACL had approached Air Namibia to consider permanently flying into Livingstone, the proposal had not received a response yet and;
- iv. Air Namibia had relatively high fares as competing airlines continued to drop air fares. This had affected their passenger uplift numbers over the years.

Further, ZACL had continued to engage Air Namibia to increase flights into the country and review rates from time to time. To assist reduce costs for the airline, ZACL recently cancelled costs for headset services on meet and dispatch services. All these were in an effort to reduce the

costs of operating into Zambian airports. ZACL had also always been flexible to accommodate Air Namibia with their preferred slots. The Corporation was planning to send a team to Windhoek in due course to revive talks on the Windhoek-Livingstone route with attractive incentives, cutting costs up to 50% on Landing and Ground Handling Fees as incentives for a new route. The Corporation had been engaging airlines individually recently with the aim of strengthening relations and reviewing rates where possible to encourage growth of the sector. ZACL was also finalising engagement of an Air Service Development Consultant who would assist the Corporation on how to attract new airlines, review the incentives policy, forecast traffic and carry out feasibility studies on subserviced potential routes.

a) Cost of Doing Business and Jet A-1 Fuel

Following concerns from the public in 2016 regarding the high fares being charged by Emirates Airlines on passengers relative to other countries in the region, the Ministry of Tourism and Arts requested the Competition and Consumer Protection Commission (CCPC) to institute a market inquiry on the pricing of Jet A-1 fuel. The findings by CCPC indicated that aviation fuel in Zambia was more expensive relative to selected countries, namely, Zimbabwe, Kenya and South Africa and the cost was then passed on the consumers.

In that regard, the Secretary to the Cabinet tasked a Committee of Permanent Secretaries to identify measures to mitigate the high cost of aviation fuel in the country. The Committee comprised Permanent Secretaries in the Ministry of Finance, Ministry of Energy and Water Development, Ministry of Tourism and Arts, Ministry of Transport and Communications and Ministry of Commerce, Trade and Industry in order to address the high cost of aviation fuel, the Committee recommended that the Energy Regulation Board (ERB) should change the pricing model of Jet A-1 from the Cost Plus Model to Import Parity Pricing Framework. The ERB had since approved the implementation of pricing Jet A-1 using IPP in the first quarter of 2019.

With regard to reducing the cost of doing business in the country, the Ministry of Commerce Trade and Industry was spearheading the implementation of various business reforms in different strategic areas such as continuous streamlining and simplifying of processes and procedures in starting a business, paying taxes, getting electricity, getting credit, trade facilitation including enforcement of contracts. As a country, Zambia was on a quest to ease doing business in order to accelerate economic diversification and inclusive growth. Furthermore, the Ministry had embarked on the review of regulations and licenses that governed business activity in the tourism sector in order to establish a single licensing system for the sector.

Committee's Observations and Recommendations

The Committee notes the responses and urges the Executive to pursue outstanding issues in the review of regulations and licenses in order to establish a single licensing system for the tourism sector and provide an update.

Zambian Mission in Pretoria-South Africa

The Committee had noted the response in the previous Action-Taken Report and awaited a progress report on the improvement in the funding situation to Missions Abroad and particularly the Mission in Pretoria, South Africa.

Executive's Response

The Committee was informed through the Action-Taken Report that there had been no improvement in funding to the Mission in Pretoria, especially that the Government was implementing austerity measures during this time of fiscal challenges. However, to date, the Mission had been funded an amount of K103, 250 for Recurrent Departmental Charges (RDCs) during the month of April, 2019. The Mission was directed to prioritise its activities for implementation.

Committee's Observations and Recommendations

The Committee awaits further update on the funding situation at the Pretoria Mission and other Missions.

i) Motor Vehicles for the Mission

The Committee had awaited update on the procurement of motor vehicles for the Zambian Mission in Pretoria, South Africa.

Executive's Response

The Committee was informed in the Action-Taken Report that Government had not yet purchased motor vehicles for the Mission in Pretoria but the Mission had continued to maintain the existing fleet through regular service. Funds allowing, the Ministry would consider purchasing a new fleet.

Committee's Observations and Recommendations

The Committee awaits a further update on the purchase of motor vehicles for the Pretoria Mission.

ii) Birth Certificates

The Committee had expressed disappointment over the failure by the Ministry of Foreign Affairs to attend to the issue of birth certificates with the urgency it deserved and called upon the Secretary to the Cabinet to coordinate and convene a meeting of all the ministries concerned to chart the way forward as a matter of extreme urgency. The Committee awaited a progress report on the matter.

Executive's Response

The Committee was informed that the Government had noted and appreciated the concerns of the Committee on this matter. The Ministry of Home Affairs would engage the Ministry of Foreign Affairs on the urgent need to facilitate a bilateral meeting with the Republic of South Africa in order to address this matter amicably without delay. The Ministry of Home Affairs would thereafter present a progress report to the Committee accordingly.

Committee's Observations and Recommendations

The Committee awaits a further update on the matter.

CONSIDERATION OF OUTSTANDING ISSUES FROM THE ACTION TAKEN REPORT ON THE REPORT OF THE COMMITTEE FOR THE FIRST SESSION OF THE TWELFTH NATIONAL ASSEMBLY

The Management and Operations of Law Enforcement Agencies in Zambia: (The Police Service; the Drug Enforcement Commission (DEC); the Citizenship Board of Zambia; Department of Immigration and the Zambia Correctional Services)

The Zambia Police Service Continuous Recruitment Exercise

The Committee, in noting the earlier response, had urged the Executive to endeavour to undertake the recruitment of police officers annually until the international standard was attained. The Executive was also urged to, in the long run, plan and execute an expansion programme for the existing training institutions and establish new facilities in light of the growing population of the country. The Committee sought an update on this matter.

Executive's Response

The Committee was informed in the Action-Taken Report that Government would endeavor to recruit police officers annually funds permitting, in order to attain the new recommended United Nations International Standard Police to Population ratio of one police officer to 450 people. Funds permitting, the Government was committed to expanding existing training facilities for the Zambia Police Service and build new ones in order to recruit more police officers and also meet changing training needs.

Committee's Observations and Recommendations

The Committee awaits a further update on the matter.

Provision of Appropriate Modern Equipment

The Committee had requested for the latest status on procurement of modern equipment.

Executive's Response

The Permanent Secretary, in a fresh update, indicated that the consignment under the contract with Poly-Technologies of China started arriving in the country in April, 2019. The first consignment comprised uniforms for officers under the four security wings under the Ministry of Home Affairs. The second consignment comprising uniforms and communication equipment started arriving in the country in October, 2019 and this would go on up to January, 2020.

The Committee was further informed that the first batch of the third consignment arrived in Dar-es-salaam on Tuesday 21st January, 2020 en route to Zambia and consisted of uniforms and protective equipment. A second batch had been dispatched from China and was due to arrive in Dar-es-salaam by mid-February, 2020 en route to Zambia. This batch consisted of radio communication equipment, agricultural equipment and generators, among others. The third consignment comprising weapons and ammunition, anti-riot cartridges, 225 utility and heavy duty vehicles as well as heavy duty agricultural equipment was due to arrive by end of March, 2020 in Dar-es-salaam and thereafter would be dispatched to Zambia. The fourth and last consignment comprising 191 pick-up vehicles for the Zambia Police Service, Zambia Correctional Service, Immigration Department and Drug Enforcement Commission were due to arrive in Dar-es-salaam by end of April, 2020 en route to Zambia.

Committee's Observations and Recommendations

In noting the fresh update, the Committee awaits an update on the outstanding consignments.

Provision of Modern Training Facilities

The Committee had urged the Executive to expedite this matter and provide a progress report.

Executive's Response

The Committee was informed in the Action-Taken Report that plans to construct a modern Zambia Police Service Training Academy that would provide a conducive environment for training of recruits and in-service officers were very active. The Zambia Police Service had already obtained a title deed for the 100 hectares of land in Chibombo District on which the said training academy would be built. Further, the training curriculum which had been reviewed had now been validated and ready for use. It now included new policing methods that recognised human rights and other rights that people were entitled to. With regard to the construction of the modern training academy, this did not commence due to the current policy of the Government not to embark on new projects prior to completion of all ongoing projects. It was envisaged that once most of the ongoing projects were completed, the construction of the modern training academy would commence, funds permitting.

Committee's Observations and Recommendations

The Committee requests a further update on the matter.

The Zambia Correctional Service

Improved Service Delivery

The Committee had urged the Executive to expedite the financing of the construction of the perimeter wall around Katombora Reformatory School and requested an update on the matter.

Executive's Response

The Committee was informed through the Action-Taken Report that the construction of the security wall fence around Katombora Reformatory School did not commence as there was no budget line in the 2019 budget. This was also as a result of the current policy of government not to embark on new projects prior to completion of ongoing projects. The project of construction of a security wall fence at Katombora Reformatory School would however, be considered in the near future, funds permitting.

Committee's Observations and Recommendations

The Committee resolves to keep the matter alive and therefore awaits a further update on it.

Provision of Transport and Upgrade of Road

The Committee had awaited a progress report on the matter.

Executive's Response

The Committee was informed through the Action-Taken Report that the upgrading of the 7.5km road stretch to Katombora Reformatory School, to bituminous standard did not take off due to the current Government policy of not embarking on any capital projects before completion of

ongoing projects by all Ministries, Provinces and other Spending Agencies (MPSAs). The Ministry of Home Affairs was, however, in the process of engaging the Ministry of Housing and Infrastructure Development to consider including the upgrading of the 7.5km road stretch in the national road network plan in the 2020 national budget.

With regard to the provision of transport to Katombora Reformatory School, the Government already procured motor vehicles, among other equipment, through the Poly-Technologies contract which was a government to government contract with the People's Republic of China. In this contract, the Katombora Reformatory School, through the Zambia Correctional Service, would be allocated some vehicles among other departments. Some of the procured equipment through this contract had started arriving in the country and once the whole consignment was delivered, some motor vehicles would be allocated to Katombora Reformatory School.

Committee's Observations and Recommendations

The Committee awaits a further update on the matter.

Staff Accommodation and Provision of Blankets and Mosquito Nets for Lads

The Committee had awaited an update on the implementation of Phase II, which included the construction of staff houses.

Executive's Response

The Committee was informed through the Action-Taken Report that the construction of staff houses at selected correctional centres under Phase I was still ongoing and covered Mwembeshi, Kanfinsa, Mkushi, Serenje, Monze, Mumbwa and Chitumba. Katombora Reformatory School fell under Phase II, which would only commence after Phase I. Phase I was expected to be completed in the year 2020.

Committee's Observations and Recommendations

The Committee awaits a further update on the matter.

Provision of Start-up Capital for Graduate Juveniles

In noting the response that the start-up capital or tools for graduate juveniles was not provided for in the succeeding budget cycle due to inadequate budgetary allocation to the Zambia Correctional Service, the Committee had urged the Executive to treat this matter with the seriousness it deserved and provide funding for it. The Committee had therefore, awaited an update.

Executive's Response

The Committee was informed through the Action-Taken Report that the provision of start-up capital for graduate juveniles was not provided for in the 2019 budget due to inadequate fiscal space allocated to the Zambia Correctional Service. The Zambia Correctional Service may consider including the provision of start-up capital for graduate juveniles when the budgetary allocation improved substantially.

Committee's Observations and Recommendations

The Committee urges the Executive to expedite this matter and awaits a further update.

MWEMBESHI MAXIMUM CORRECTIONAL FACILITY

Upgrading and Expanding of Staff Establishment

The Committee had noted the earlier response and urged the Executive to treat the matter with the seriousness it deserved and provide requisite funding for this programme. The Committee had further requested for a progress report on the matter.

Executive's Response

The Committee was informed through the Action-Taken Report that the Ministry of Home Affairs had been engaging the Treasury seeking Treasury Authority to operationalise the 5,500 staff establishment that was recently approved by Cabinet. The staff establishment prior to approval of the 5,500 stood at around 3,000 officers. The Ministry of Home Affairs however, was granted partial Treasury Authority for the newly approved establishment and managed to recruit 941 officers who recently passed out from the Zambia Correctional Training School at Nyango Staff Training Centre in Kaoma District, Western Province. Following the pass out, the number of officers had increased from 3,056 to 3,997. The Ministry of Home Affairs would continue to engage the Treasury for the remaining deficit of 1,503 of the newly approved 5,500 staff establishment. Once this was achieved, the Ministry would engage Cabinet to consider approving the 7,500 staff establishment which was initially submitted for consideration by Cabinet out of which only 5,500 was approved. Following Cabinet decision to harmonise salaries and conditions of service for security wings, about 2,000 positions had since been upgraded in terms of salary scale structures and Treasury Authority had already been granted for Zambia Correctional Service.

Committee's Observations and Recommendations

The Committee awaits further update on the remaining 1,503 of the newly approved 5,500 staff establishment.

Adoption of Modern Techniques and Security Systems

In noting the response, the Committee had urged the Executive to expedite the implementation and roll out of both the Electronic Offender Management Bio-data System and the Safe City Project, including installation of CCTV in correctional facilities. The Committee had awaited a progress report.

Executive's Response

The Committee was informed in the Action-Taken Report that the implementation of the Electronic Offender Management Bio-data System would be implemented concurrently with the Safe City Project. All requisite equipment and materials had been put in place in readiness for implementation of the system. The installation of the CCTV in correctional centres under the Safe City Project was however, underway with surveillance cameras installed at Zambia Correctional Service Headquarters, Kabwe Maximum and Kabwe Female Correctional Centres and would in the long run be rolled out to all correctional centres, funds permitting.

Committee's Observations and Recommendations

The Committee awaits further update on the roll-out of the Electronic Offender Management Bio-data System to other correctional facilities.

Alternatives to Custodial Sentences

The Committee had noted the response that the Ministry of Home Affairs may consider initiating the process of formulating regulations for community sentencing for inmates convicted for misdemeanours in line with the *Prisons (Amendment) Act, No. 14 of 2000*, in due course and had, therefore, requested a progress report on the matter.

Executive's Response

The Committee was informed through the Action-Taken Report that the mandate of passing sentences of fines and community service lay with the Judiciary and that the Ministry of Home Affairs had no role in sentencing of convicted persons. However, through the parole system, the Ministry of Home Affairs had an opportunity to release deserving inmates before expiry of their custodial sentences. Further, the Ministry of Home Affairs, in line with its mandate, had initiated the process of formulating regulations with regard to community sentencing for inmates who were convicted of misdemeanours in accordance with provisions of the *Prisons (Amendment) Act*. Once finalised, they would be submitted to the Ministry of Justice for consideration.

Committee's Observations and Recommendations

The Committee awaits a further update on the matter.

Construction of New Juvenile Reformatory Schools

The Committee awaited a progress report on the matter.

Executive's Response

Committee was informed in the Action-Taken Report that the construction of new juvenile schools in Kabwe, Kitwe and Lusaka, as recommended by the Committee had not commenced. This was due to the current policy of the Government that all ministries, provinces and spending agencies should not embark on any new construction projects until after the completion of ongoing projects. In view of the foregoing, the construction of new juvenile reformatory schools in the three towns may only be considered after ongoing projects were completed and funds allocated to new projects.

Committee's Observations and Recommendations

The Committee awaits a further update on the matter.

The Drug Enforcement Commission Treasury Authority for the Implementation of full Establishment

The Committee had in the previous Session recommended that the Ministry of Finance should expedite the issuance of Treasury Authority to facilitate full implementation of the 1,821 DEC staff establishment and awaited a progress report on the matter.

Executive's Response

The Executive informed the Committee through the Action-Taken Report that in the year 2018, the staff establishment at the Drug Enforcement Commission stood at 535, of which 521 were filled and fourteen were vacant. During the same year, the Commission had its proposed staff establishment structure of 1,821 positions approved. Further, the Commission was granted partial Treasury Authority for twenty one new positions, thereby raising the establishment to 555. In 2018, the Commission, through the Ministry of Home Affairs, recruited and trained twenty-one officers who had since taken up the newly approved positions. The Commission, through the Ministry of Home Affairs, would continue to engage the Treasury for Authority over the remainder of the positions in the approved staff establishment in order to fully operationalise it.

Committee's Observations and Recommendations

The Committee awaits a further update on the remainder of the positions in the approved staff establishment in order to fully operationalise it.

Revision of Legislation

In the previous Session, the Committee had recommended that the Government should revise the *Narcotic Drugs and Psychotropic Substances Act, Chapter 96 of the Laws of Zambia* and the *Prohibition and Prevention of Money Laundering Act, No.14 of 2001* (as amended by Act No. 44 of 2010) in order to deal with new dimensions of white collar crime and effectively collaborate with other law enforcement agencies and requested for further update on the matter.

Executive's Response

The Committee was informed through the Action-Taken Report that the process of revising the *Narcotic Drugs and Psychotropic Substances Act* and the review of the *Prohibition and Prevention of Money Laundering Act* had been put on hold until after the Constitution of Zambia was reviewed to remove the Drug Enforcement Commission (DEC) from Investigative Commissions and appropriately place it under the National Security Services. Currently, the Commissioner for DEC also served as Commissioner for the Anti-Money Laundering Investigations Unit (AMLIU). Therefore, reviewing the Constitution to place DEC under the National Security Services would lead to the harmonisation of the legal framework which provided for the mandate of DEC. This would further facilitate the review of subsidiary legislation to be in tandem with the proposed new name of the Commission, which was Anti-Drug, Economic and Financial Crimes Agency.

Committee's Observations and Recommendations

The Committee awaits a further update on the matter.

Formulation of Drug and Alcohol Policy

The Committee had awaited a further update on the development of the Drug and Substance Control Policy.

Executive's Response

The Committee was informed in the Action-Taken Report that the United Nations Office on Drugs and Crime (UNODC) did not fulfil its pledge of financing the remaining stages in the development of the Drug and Substance Control Policy due to other commitments. The

Commission, through budgetary allocation, would continue with the remaining stages and ensure that the draft policy was finalised and approved. The draft policy document could not be circulated to stakeholders as the Policy Analysis and Coordination (PAC) had guided that there was need to develop the implementation plan before engaging stakeholders. The Technical Committee was currently working on the development of the policy implementation plan. As soon as the implementation plan was completed, it would be submitted to PAC at Cabinet Office together with the draft policy for quality assurance and authorisation to engage stakeholders to review both documents concurrently. This was for purposes of enhancing stakeholder buy-in and ensuring that the policy document and its implementation plan were harmonised for smooth implementation.

Committee's Observations and Recommendations

The Committee urges the Executive to own the development of the Drug and Substance Control Policy rather than depend on donor funding and awaits an update on the matter.

National Registration, Passport and Citizenship Department Digitisation of Record Management System

In the preceding Session, the Committee had resolved to continue monitoring the digitisation process and requested for regular updates on the matter.

Executive's Response

The Committee was informed through the Action-Taken Report that owing to the huge backlog of physical records, the digitisation of records was still ongoing and had since slowed down because data entry clerks could not be engaged due to inadequate fiscal space. The Ministry of Home Affairs, funds permitting, would consider expediting the process in the near future.

Committee's Observations and Recommendations

The Committee awaits a further update on the matter.

CONSIDERATION OF OUTSTANDING ISSUES FROM THE ACTION- TAKEN REPORT FOR THE FIFTH SESSION OF THE ELEVENTH NATIONAL ASSEMBLY

The Shift from Political to Economic Diplomacy; Transparency in the Recruitment Process; and Awareness of the Code of Conduct and Financial Regulations

In the previous Session, the Committee had requested for an update on the Foreign Service Bill, which was said to be a panacea for the issues surrounding Foreign Service. The Committee had noted that for three consecutive years, the Ministry had been talking about tabling the Bill before Parliament but this had not been actualised.

Executive's Response

The Committee was informed through the Action-Taken Report that the Government remained committed to tabling in Parliament, the Career Foreign Service Bill and that it was currently undergoing further consultations.

Committee's Observations and Recommendations

The Committee awaits a further update on the matter.

LOCAL TOURS OF LUSAKA, KABWE, KAPIRI-MPOSHI, NDOLA, KITWE AND SOLWEZI

Construction of a Mini Hospital within the Mukobeko Maximum Facility

In the previous Session, the Committee had stated that the issue of a mini-hospital at Mukobeko was a serious matter, which must be treated as such. The Committee, had therefore, urged the Executive to fund the project expeditiously and awaited a progress report.

Executive's Response

The Committee was informed through the Action-Taken Report that the construction of a Mini Hospital within Mukobeko Maximum Facility had not commenced because the President's Emergency Plan for AIDS Relief (PEPFAR), a United States Government initiative that had indicated their willingness to fund the project, withdrew their pledge. However, due to the urgent need for a Mini Hospital at Mukobeko Maximum Facility, the Ministry of Home Affairs was in the process of engaging the Ministry of Housing and Infrastructure Development to consider including this project in the infrastructure development plan budget for the year 2020.

Committee's Observations and Recommendations

The Committee awaits a further update on the matter.

Provision of a Generator-set at Mukobeko Maximum Facility

The previous Committee had urged the Executive to treat this matter with the seriousness it deserved and provide funding for it.

Executive's Response

The Committee was informed in the Action-Taken Report that the procurement of a generator at Mukobeko Maximum facility was a capital project requiring a huge amount of money. Owing to the limited fiscal space arising from reduced budgetary allocation to the Ministry and the Zambia Correctional Service the generator had not been procured. This matter was however, receiving active attention and the Ministry would endeavor to make a budgetary provision for it once the budgetary allocation improved.

Committee's Observations and Recommendations

The Committee awaits a further update on the matter.

CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE REPORT OF THE COMMITTEE FOR THE ELEVENTH NATIONAL ASSEMBLY

Regulation of the Movement of Arms

The previous Committee had requested for an update on outstanding procedures

Executive's Response

The Committee was informed through the Action-Taken Report that the Government, through the Ministry of Defence, had requested for assistance from the Arms Trade Treaty (ATT)

Voluntary Trust Fund (VTF) to assist Zambia Develop its National Control List. This request had been approved and the process of coming up with a control list would start in September with the help of Small Arms Survey of Switzerland. The control list would be ready by end of the year 2019. The domestication of the ATT is in the process. Draft legislation had been prepared and would be circulated to members of the Inter-Ministerial Committee for their input. A Cabinet Memorandum requesting Cabinet to approve, in principle, the domestication of the ATT had also been prepared and would soon be sent to Cabinet Office for consideration and if approved, the domestication process was expected to be concluded by the course of 2020.

Committee's Observations and Recommendations

Considering that 2019 has ended, the Committee awaits further update on the matter.

CONSIDERATION OF OUTSTANDING ISSUES FROM THE ACTION- TAKEN REPORT ON THE REPORT OF THE COMMITTEE FOR THE SECOND SESSION OF THE ELEVENTH NATIONAL ASSEMBLY

Permanent Commissions on Zambia's Boundaries with the DRC and Tanzania

In noting the response that the mobilisation stage for the above works would commence in September 2019, while the actual exercise would commence in the fourth quarter of 2019, the Committee had requested for a fresh update seeing that 2019 had elapsed.

Executive's Response

The Committee was informed in the Action-Taken Report that the continuation of the demarcation exercise which started at Nakonde/Tunduma could not commence despite GIZ providing support in terms of fuel logistics and the Zambian Government providing other logistics including allowances, the Tanzanian Joint Survey Team counterparts could not mobilise to fulfil their commitment as agreed.

There were now efforts, however, to implement the programme in the first quarter of 2020, starting with Minister's visit to the Nakonde/Tunduma border on 28th January, 2020 with field work by the Zambia -Tanzania Joint Survey Team still awaiting Tanzanian counterparts to respond to the letter from the Ministry. Should Tanzania be ready, Zambia was also expected to mobilise resources for the whole exercise as provided in the approved Cabinet Memorandum on International Boundaries. Funds to facilitate the reaffirmation /demarcation of all international boundaries with neighbouring countries was expected to be financed as per the Cabinet Memorandum on International Boundaries approved by Cabinet in December, 2018.

Committee's Observations and Recommendations

The Committee awaits a further update on the matter.

Construction of Accommodation and Offices at Zombe and Lumi Border Posts

The previous Committee had requested for an update on the matter.

Executive's Response

The Committee was informed in the Action-Taken Report that the construction of accommodation and offices at Zombe and Lumi Border Posts had not started. This was because

the implementation of on-going projects had not yet been completed to allow Government to free resources for new projects.

Committee's Observations and Recommendations

The Committee requests further update on the matter

Provision of Staff and Office Accommodation of Security Personnel at Nsumbu Border Post

The previous Committee had urged the Government to pay the contractor in order for the works to resume and also requested an update on the matter.

Executive's Response

Through the Action-Taken Report, the Committee was informed that progress on the construction of staff and Office accommodation for security personnel at Nsumbu Boarder Post was as follows:-

- i) Border Post Office Block: – The office block had been roofed, plastered, and electrical conducting and wiring, fitting of plumbing (geysers, urinals, wash hand basin), floor tiling in wet areas had been done. Manholes, septic tanks and soak-away had been completed.
- ii) Two staff houses had also been roofed, plastered, and ceiling, tiling, fitting of frames, doors, glass panes, plumbing and electrical had been done. Aprons, spoon drains, septic tanks, soak ways had been built and undercoat paint applied.

Further, the Committee was informed that the correct position was that there was no project for the construction of houses for security personnel at Nsumbu Border Post apart from the construction of the border post and staff houses for the Immigration Department. The Ministry was up to date with payments in respect of the contractor for the Nsumbu project. The contractor was on site and works were expected to be completed soon.

Committee's Observations and Recommendations

The Committee awaits a fresh update on the matter.

Kamfinsa School of Public Order and Maintenance – Firing Range

The Committee had requested for an update on the acquisition of the title deed for the Kamfinsa School of Public Order and Maintenance Firing Range, following the budgetary allocation for this activity in the 2019 budget.

Executive's Response

Through the Action-Taken Report, the Committee was informed that this matter was still outstanding. The funds for this activity were not released in the first quarter of 2019 as scheduled. The funds were, however, released later in the year but were varied to cater for the urgent needs for the Zambia Police recruits. As such, the activity was included in the 2020 budget and would, therefore, be undertaken as soon as funds were released by the Treasury.

Committee's Observations and Recommendations

The Committee urges the Executive to treat the matter with the seriousness it deserves, considering that it has been outstanding for a very long time. In this regard, the Committee urges the Executive to indicate a timeframe within which it will be done.

9.0 CONCLUSION

The Committee notes that although private security companies were supposed to be an integral part to the maintenance of homeland security, there was no legal or policy framework to guide their operations. Subsequently, they were not accountable to anyone for their operations other than to their paying clients. For the same reason, the level of collaboration among security companies on one hand and between state security agencies on the other, was uncoordinated and very low. There was, therefore, no capacity among private security companies to respond to current security threats, including terrorism. Based on best practice in the region and beyond, the Committee recommends, among other things, that the operations of private security companies should be regulated and that for security reasons, their ownership should be restricted to indigenous Zambians.

In noting the efforts being made by the Government with regard to the shift from political to economic diplomacy, the Committee notes that funding remains a challenge. The Committee, therefore, urges the Executive to provide adequate funding for the effective implementation of the paradigm shift.

Finally, the Committee wishes to express its indebtedness to the office of the Speaker and the Clerk for the guidance rendered to it during the Session. The Committee further wishes to express its gratitude to the Permanent Secretaries and Chief Executive Officers of various institutions for their co-operation and input into the Committee's deliberations.

Dr M Malama, MP
CHAIRPERSON

June, 2020
LUSAKA

APPENDIX I

Officials of the National Assembly

Ms C Musonda, Principal Clerk of Committees

Mr F Nabulyato, Deputy Principal Clerk of Committees (SC)

Mr S Chiwota, Senior Committee Clerk (SC)

Mr C Chishimba, Committee Clerk

Mrs G Chikwenya, Typist

Mr M Chikome, Committee Assistant

Mr D Lupiya, Committee Assistant