



REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON LOCAL GOVERNANCE, HOUSING

AND CHIEFS' AFFAIRS

FOR THE

FIFTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY

Published by the National Assembly of Zambia

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REPORT OF THE COMMITTEE ON LOCAL GOVERNANCE, HOUSING AND CHIEFS' AFFAIRS FOR THE SESSION OF THE TWELFTH NATIONAL ASSEMBLY

1. Membership of the Committee

The Committee consisted of Mr N Samakayi, MP (Chairperson); Mrs S S Mulyata, MP (Vice Chairperson); Mr G Chiyalika, MP; Mr M M Kabanda, MP; Mr M Chikote, MP; Dr E I Chibanda, MP; Mr E Musonda, MP; Mr D Livune, MP; Mr C Chali, MP; and Mr A Kasandwe, MP.

The Honourable Mr Speaker
National Assembly
Parliament Buildings
LUSAKA

Sir

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

2. Functions of the Committee

The functions of the Committee on Local Governance, Housing and Chiefs' Affairs are set out in Standing Order number 157(2), 2016.

3. Meetings of the Committee

The Committee held thirteen meetings to execute its Programme of Work during the year under review.

4. Procedure adopted by the Committee

The Committee requested for detailed memoranda on the topic under consideration from relevant stakeholders and invited them to appear before it in order to make oral submissions and clarifications on issues arising from their submissions.

5. Arrangement of the Report

The Committee's Report is in two parts. Part I deals with the topical issue while Part II deals with the Action-Taken Report.

PART I

CONSIDERATION OF THE TOPICAL ISSUE

6. THE ROLE OF TRADITIONAL LEADERS IN THE LOCAL GOVERNANCE SYSTEM IN ZAMBIA

6.1 Background

Traditional leadership was one of the early forms of societal governance which embodied the protection of culture, traditions, customs and values, and the only system of governance before the colonial era. As in many other African countries, the system of traditional authorities and chieftainship judicial functions, allocation of land, preservation of law and provision of administrative services within the local communities among other functions.

Further, during the pre-colonial time, communities in Zambia like many other countries in Africa owned all natural resources available within the boundary of the villages and there were village-level associations for their management. In that respect, a system of rules, traditions, beliefs, values, ethics, taboos, regulations and customs pertaining to the utilisation and maintenance of natural resources and village leadership held the responsibility of their implementation. The Chief controlled the allocation of land for use by households, and access to natural resources.

Over the years in the post-colonial era, there have been changes in governance system from traditional leadership to Central and Local Governments. In Zambia, traditional leadership is established under the *Chiefs Act Chapter 287* and the House of Chiefs which is established under *Article 169 of the Constitution of Zambia as amended under Act No. 2 of 2016*. Their functions have also been stipulated under the two Acts. With regard to their participation in local governance, traditional leaders exercise their ex-officio right to participate in local government structures through various councils.

Despite the chiefs or their representatives being ex-official members of local government meetings, very little is known on their collaboration and engagements during the implementation of programmes. It is also not known on how their ex-official membership at council meetings influences decision making at local government level in order to foster development in rural communities in various chiefdoms in Zambia. Further, despite being possible powerful agents of change in rural areas, very little is known on how the chiefs are involved in various programmes drawn by local authorities to better the lives of the rural communities.

Given that decentralisation in Zambia is now taking centre stage through the National Decentralisation Policy by devolving some functions to local authorities, it has become imperative that the chiefs' roles in local governance is well understood.

In addition, the 7th National Development Plan states that the Government will focus on capacity development at national, provincial and local levels, to effectively implement the decentralisation process leading to improved service delivery. This in essence implies that councils will be given a greater number of governance functions and greater decision-making powers while the central government would retain the responsibility for overall policy. From this background, it is important that traditional leadership and local authorities coordinate their plans

in an effort to take the country to middle income state as envisaged in various policy documents such as the Vision 2030.

In light of this, the Committee resolved to carry out a study on the participation of traditional leaders in the local governance system in Zambia, with a view to understanding the significance of their participation to national development.

Objectives

- (i) appreciate the adequacy of the legal framework governing the participation of traditional leadership in local governance;
- (ii) appreciate the significance of traditional leadership in local governance;
- (iii) ascertain the institutional capacity for traditional leadership to fully participate in the local government programmes;
- (iv) establish if both the local authorities and traditional leaders have intertwined strategic plans;
- (v) learn about the challenges face by the traditional leaders in the implementation of developmental programmes; and
- (vi) recommend the way forward.

6.2 SUMMARY OF SUBMISSIONS BY STAKEHOLDERS

6.2.1 Adequacy of the legal framework governing the participation of traditional leadership in local governance

The Committee was informed that the power of traditional leaders was often based on two sources; state recognition and local tradition. Whilst formal recognition of chiefs could enhance their local power and legitimacy, the laws that related to the participation of traditional leadership in local governance were inadequate, outdated and in some instances did not reflect the current situation. Some of the laws were not in line with the *Zambian Constitution*. Others used language that was outdated and in some cases referred to structures that either did not exist or had since been renamed and therefore, did not appear in other related laws.

Thus, there was need to have a legal mechanism that managed the intersection of tradition and the nation-state where cultural boundaries matched up with political boundaries. This was because statutory laws were responsible for creating an enabling environment for traditional leaders to participate in local governance system and for local governance systems to deliver development to the masses. Notwithstanding the fact that traditional leaders had not been explicitly mainstreamed in the national legal frameworks that were used to govern the nation, they still remained a common feature in Zambia. The current legal framework was as set out hereunder.

a. Constitution of the Republic of Zambia

The Committee was informed that in January, 2016 the *Constitution of Zambia, 1991* was amended by *the Constitution of Zambia (Amendment) Act No. 2 of 2016*. The Constitution as amended introduced among other provisions such as Article 165 which guaranteed the existence of the institution of chieftaincy and traditional institutions in accordance with the culture,

customs and traditions of the people to whom it applied. The same Article provided that Parliament would not enact legislation which conferred on a person or authority the right to recognise or withdraw the recognition of a chief; or derogate from the honour and dignity of the institution of chieftaincy.

Following the enactment of the above constitutional provision, the chiefs remained with no legal authority in the Constitution to help them function legally apart from customary, traditionally and culturally. The legal framework did not specify the role (s) chiefs should play in the local governance. The various pieces of legislations in that regard, which had been enacted with a view to advancing and strengthening the institution of chieftaincy had failed to heal the lacuna.

The Constitution of the Republic of Zambia, through *Article 169 (5) of the Constitution (Amendment) Act No. 2 of 2016* provided for the establishment of the House of Chiefs. Through this provision, the articles guarantee traditional leadership's participation in local government without specifying their roles in local governance.

b. Local Government Act No. 2 of 2019

The Committee was informed that the *Local Government Act No. 2 of 2019* was meant to repeal and replace the Local Government Act, 1991 and the object of the Act were to; provide for an integrated local government system; give effect to the decentralisation of functions, responsibilities and services at all levels of local government; and provide for the role of traditional leadership in the democratic governance among other things.

Further, Section 36(1) of the Act provided for the establishment of Ward Development Committees and the involvement of traditional leadership through representatives from the chiefs.

Various pieces of legislation, which included sections of the *Urban and Regional Planning Act No. 3 of 2015*, had also incorporated roles for traditional leaders to be part of the local governance system. Section 25 of the *Urban and Regional Planning Act No. 3 of 2015* stated that; "*A local authority may, in order to develop a customary area and facilitate the implementation of an integrated development plan or local area plan in the customary area, enter into planning agreements with one or more Chiefs responsible for the customary area.*" From this section, the Act recognised the role of traditional leaders in local governance hence the need to enter into planning agreements to facilitate the implementation of an integrated development plan or local area plan.

c. National Heritage Conservation Commission Act No. 13, 1994

The Committee was informed that the *National Heritage Conservation Commission Act No. 13 of 1994* spelt out the functions of the Commission and provided for the conservation of ancient, cultural and natural heritage among other things. This law recognised the fundamental essence of preservation of cultural practice. While this Act was for the National Heritage Conversation Commission, its execution was anchored on traditional leadership as they were the curators of cultural and national heritage, relics and other objects.

d. Local Government Act No. 2 of 2019

The Committee was informed that *the Local Government Act No. 2 of 2019* recognised the traditional leadership as an important part of the governance system. In recognising the role of traditional leadership, this law recognised traditional ceremonies and chiefs as leaders because they were at the epicenter of mobilising their subjects to participate in the ceremonies.

e. Registration and Development of Villages Act No. 30 of 1971

The Committee was informed that *the Registration and Development of Villages Act No. 30 of 1971 Chapter 289* in Section 17, gave the Chief, power at any time and within his area, to “attend a meeting of the Productivity Committee, the Ward Council or the Ward Development Committee and address the respective members thereof on any subject conducive to the well-being of the villagers in his area”.

Section 10 subsection (1) (a) and (b) of *the Chiefs Act Chapter 287*, also mandated a Chief to discharge the traditional functions of his office under African customary law in so far as the discharge of such functions were not contrary to the Constitution or any written law and was not repugnant to natural justice or morality.

f. The Lands Act No. 29 of 1995, Chapter 184

The Committee was informed that *the Land Act No.29 of 1995* provided for the continuation of leaseholds and leasehold tenure; the continued vesting of land in the President and alienation of land by the President; the statutory recognition and continuation of customary tenure; the conversion of customary tenure into leasehold tenure; among other things. The Act provided for the role of traditional leadership who were the custodians of customary land through not only the recognition of their ownership but also through guidelines for conversion of customary to statutory land.

Whilst some stakeholders appreciated this Act, they felt that the drawback was potentially detrimental to the poor and marginalised in society, as research showed that local power holders such as chiefs were not always pro-poor and often kept a tight grip on the land in order to use it for their own and their families’ benefit. Thus, the allocation of tribal land was done by one person who could not be held accountable through the regular democratic means such as elections.

g. International Cultural Conventions

The Committee was informed that Zambia was a State Party to four global cultural conventions administered through the United Nations Educational, Scientific and Cultural Organisation (UNESCO). Those international cultural conventions safeguarded, nurtured and promoted institutions recognised as custodians of intangible and tangible heritage aspects as well as diversity and creativity. The Cultural Conventions that Zambia was a State Party to included the following listed hereunder.

- (a) The 2003 Safeguarding of the Intangible Cultural Heritage;
- (b) 1952, 1971 Protection of Copyright and Neighbouring Rights;

- (c) 1972 Protection of the World Cultural and Natural Heritage; and
- (d) 1970 Fighting against the illicit trafficking of cultural property.

In view of the legal provisions highlighted above, the Committee was informed that the existing legal framework supported the existence of chiefs and their role in customary matters and national development in general. However, there was no comprehensive legal mechanism to provide specific and binding provisions for the participation of traditional leaders in local governance in Zambia. Further, in all the Acts, the final decision was vested in the Minister or President, implying that Chiefs could only make recommendations when required to do so. Although they carried out important functions, the Zambian Government had still not officially included traditional leaders in its government system and there was a clear division between civil service and traditional leaders.

6.2.2 The Role of Traditional Leaders in Local Governance

a. Development Administration

The Committee was informed that traditional leaders played a critical role in planning, implementation and monitoring of development policies, programmes and projects. They were the principal sources of information on a range of issues affecting their communities. They were also key to successful implementation of programmes. The high degree of legitimacy they enjoyed made them instrumental in spearheading community acceptance and support for various development programmes. For instance, to ensure adherence to Community Led Total Sanitation (CLTS), a number of chiefs instituted sanctions in form of fines to make the initiative successful in their chiefdoms.

Similarly, the Committee was informed that when it came to matters of community contributions towards development projects, traditional leaders were effective in unifying their subjects towards such ventures. Traditional leaders also served as avenues for communication of government policies, programmes and notices in their jurisdictions. Investors sought the consent of traditional leaders before implementing projects in their communities. The membership of traditional leaders and representation in councils, Ward Development Committees (WDCs) and the District Development Coordinating Committees (DDCCs) underscored their role in development administration.

b. Arbitration and Conflict Resolution

The Committee was informed that traditional leaders played an important role in resolving disputes and conflicts in their jurisdictions. They complemented the modern judicial system because of their extensive understanding of local customs. They were prominent in adjudicating matters affecting their subjects. Through their adjudicatory role, they ensured harmony in their communities. There was a robust hierarchy through which civil cases were handled in villages starting with the village committees presided by the village headmen or headwomen, up to the chief's council. Traditional leaders mediated in matters between the state and the community as well as between non – state actors and their communities. Whenever communities had grievances with Government, investors and other entities, traditional leaders were the first recourse for conflict resolution.

c. Promoting Cultural, Customary and Traditional Values

The Committee was informed that traditional leaders were the custodians of culture, customs and traditions of their respective communities and as such, they performed a host of functions linked to culture, customs and traditions. Those elements governed how people conducted themselves at individual, family and community level. For examples, issues of gender roles, marriage, property ownership and others occurred under the rubric of tradition. Since traditional leaders influenced the behavioural aspects of their subjects, they played a pivotal role in cultural remodeling. Vices such as property grabbing, early marriages, gender based violence and gender discrimination which were rooted in culture were lessening after traditional leaders started deploring such practices. The annual traditional ceremonies also played a vital role in combating such vices.

d. Natural Resource Management

The Committee was informed that traditional leaders played a prominent role in matters pertaining to customary land. Their consent was required in the acquisition and appropriation of traditional land for various purposes. Although ownership of land was vested in the state, its management was incumbent on whether it was state or customary land. State land was managed by the state and covered 39 per cent of the country, while traditional land where chiefs and headmen decided on how the land was used covered 61 per cent. Furthermore, in chiefdoms with Game Management Areas (GMA), traditional leaders were involved in wildlife and natural resource management. Traditional leaders were also prominent figures in curbing environmental hazards like deforestation by sanctioning community members involved in the vice.

e. Lobbying and Advocacy

The Committee was informed that traditional leaders played an active role in lobbying state and non-state actors on issues affecting their chiefdoms. Government, donors, businesses, civil society and citizens were more amenable to traditional leaders because of the high degree of legitimacy they enjoyed. Traditional leaders had successfully lobbied for various projects for their communities in the areas of health, agriculture, environment, water, education and sanitation. Chiefs were also instrumental in Behavioral Change Communication (BCC) which brought about social change.

Further, the Committee was informed that chiefs were also more vested with the management of diverse issues concerning the communities, as they were in most cases the persons with the day to day direct contact with the communities through institutions of chieftaincy.

6.2.3 Traditional Leadership Institutional Capacity to fully participate in the Local Government Programmes

The Committee was informed that whereas most traditional leaders were well vested in matters of tradition, culture and customs within their respective clans and tribes, very few were trained in matters of local governance. In the modern education and administrative systems, local governance administration did not apply in the selection of traditional leaders. The Ministry of Local Government and the Ministry of Chiefs and Traditional Affairs did not have well

structured training programs that aimed at traditional institutional capacity building for traditional leaders. Chiefs were not inducted in local governance upon ascending to the throne. Therefore, there was no formal basis for traditional leaders to fully participate in local governance.

This lack of formal framework by the Government to assist traditional leaders in training had contributed to limited participation of traditional leaders in governance matters.

Further, the Committee was informed that there were many bottlenecks faced by the majority of chiefdoms in the country. There was an alarming inadequacy of both institutional and human capacities in most traditional set ups. Infrastructure to support modern administration was non-existence. The absence of modern and robust facilities to handle complex administrative challenges had made it even more difficult for traditional leadership to efficiently participate in the local government programmes. Most traditional leaders lacked capacity and knowledge to utilise modern communication tools such as computers and facilities such as internet. Since modern administration was anchored on the utilisation of these modern gadgets, the participation of traditional leadership in local government programs became very limited. In addition, low literacy levels had untold ramifications on the general citizenry including the lack of knowledge to exercise the right to participate in the development and governance decision making process. Thus, the value of education could not be overemphasised and in its absence, it was difficult to envisage how the traditional leaders could interact with political and public service representatives at local level.

Furthermore, little attention had been paid to the traditional leader's individual capacities to fit in the local governance structures. Sometimes, such involvement had been blind to obvious barriers such as the use of the English language in council meetings, which made it difficult for some traditional leaders to effectively participate in the local governance system.

In addition, there were also a good number of capacity building programmes and consultative processes which had been carried out based on the assumption that all chiefs were at the same level. Such programmes and processes had been implemented with the level of complexity that only few traditional leaders were able to meaningfully participate from an informed position. The lack of appreciation of the different levels at which traditional leaders operated resulted in the slow implementation of local government programmes and sometimes frustration among those championing a particular cause for which the support of traditional leadership was a necessity.

Due to these challenges, training traditional leaders and empowering them with skills was very important for effective leadership. Training and educational opportunities needed to be made available to traditional leaders in order to build on the current capacity of chiefs. Criteria for future training needs were required to be defined, and chiefs would need to be part of that process. The aim of policy frameworks on traditional leadership transformation was to ensure that the institution of traditional leadership ran their affairs in a manner that promoted both democracy in an efficient, effective and responsible manner

6.2.4 Challenges in Collaborating Efforts in the Implementation of Developmental Programmes between Traditional Leadership and Local Government Authorities

The Committee was informed that the relationship between traditional leaders and local government authorities was sometimes constrained by conflict of vision, goals and objectives. For instance, some traditional leaders had failed to manage inter-generational equity of natural resources like land which was sometimes indiscriminately sold for pecuniary gain in oblivion to the needs of future generations or their expanding populations. There were also instances where traditional leaders had denied local authorities' requests for land to expand their districts or undertake developmental purposes. Those contradictions were partly a result of the traditional leadership not aligning itself with the aspirations of local authorities, thereby, straining their relationship. In instances where traditional leaders were politically inclined, they were not cooperative with local authorities that were of a different party. That created competition for power, resources and legitimacy between the two entities.

There were also instances where traditional leaders wanted to exercise hegemony over local authorities. Since local authorities were guided by Government guidelines, regulations, procedures and laws, traditional leaders sometimes wanted to exempt themselves in order to maintain their authority. This created an impasse as local authorities opted to adhere to professionalism while traditional leaders invoked their hegemony. Further, the Constitution of Zambia (Amendment) Act No. 2, 2016 provided that chiefs could not occupy a public or state office, except that of councilor. That was what currently allowed for three chiefs in every district where there were chiefs in the country to sit in councils. Occasionally, this had resulted in negative perceptions between elected officials and traditional leaders, as the latter always demanded that the former adhere strictly to traditional etiquette during meetings which, however, had not always been the case in circumstances where local authority technocrats were not well versed in some customs and traditions

In addition, lack of a formal structured outline and insufficient laws and policy frameworks have created a gap between traditional leadership and local government authorities. Notwithstanding this, traditional leadership had many challenges which needed to be addressed for them to efficiently participate in local government programmes. Some of the challenges inhibiting participation of traditional leadership in local government programmes could be summarised as set out below.

- a. **Inadequate Organisation Structure:** While the current structures were adequate to manage the cultural and traditional aspects of chiefdoms, and were relatively adequate to interface with Government on policy issues, it was not adequate to fully drive chiefdom development. It was inadequate to coordinate and manage complex development undertakings, especially those carried out with support from external stakeholders.
- b. **Poor Strategy:** There was poor coordination between the institutions set to facilitate development and the chiefdoms. For instance, most district development coordinating committees (DDCC) did not have representatives from the chiefdoms. Chiefs had no forum where they could meet and discuss development issues at district level.
- c. **Ineffective Record Keeping System:** Record keeping and management was poor and ineffective.
- d. **Ineffective Style of Leadership and Management:** there was generally an ineffective leadership style among traditional leaders in chiefdoms.
- e. **Inadequate Skills:** There were inadequate skills in leadership, management, information collection and utilisation.

Thus, the weak and non-existent institutional structures and untrained human traditional resource, coupled with inadequate legislation and policy framework was the fundamental source for the traditional leadership not to fully participate in local government programs. Whereas, decentralisation demanded that local development includes participation of local leaders in policy debates, there was no clear framework and training of such leaders.

6.2.5 Tradition and customs in shaping the development agenda in chiefdoms

The Committee was informed that in many countries, belief, culture and values were the main pillars of development and sustenance of communities. In many parts of the world, and especially in post-colonial states, customary institutions remained important. Even fairly recently, it had been argued that the failure to reform customary institutions in many countries in Africa had led to the division of populations into ‘citizens and subjects’ in the context of bifurcated states. Traditions and customs had a significant role in the social, political, and economic agenda. History showed that development was only sustainable if it was contextualised, that is, designed and implemented based on the traditions and customs of the people. Way before the European imperialism took over; Zambia had made significant progress in healing and public healthcare, architecture and engineering. They had developed medicinal remedies for combating some of the endemic diseases of the region including malaria. In terms of architecture, Zambian had traditions and customs that constituted the values and principles that underlined the design, production and beautification of structures and the environment. Therefore, developmental choices were in every sense affected by traditions and customs.

6.2.6 Establishing if both local authorities and traditional leaders have intertwined strategic plans

The Committee was informed that there were discrepancies in the manner through which traditional leaders handled the issue of developing their communities. Some traditional leaders were able to formulate development plans for their chiefdoms while others lacked the wherewithal to undertake such a task. For examples, of the two chiefdoms in Chibombo District, only one had a strategic plan. Notably, by 2015 emphasis had been on Strategic Planning in Local Authorities. With a shift in policy direction from Sectoral to Integrated Multi-Sectoral Development Approach, which was more inclusive, emphasis had been on having integrated development planning especially with the enactment of the *Urban and Regional Planning Act No. 3 of 2015 (URP Act No 3 2015)*.

Section 19 (3) Urban and Regional Planning Act No. 3 of 2015 stated that *An Integrated Development Plan shall be the principal planning instrument to guide and inform all planning and development in the area of the Local Authority and all planning decisions of the planning authority.*

This provision made it possible for Local Authorities and Traditional Leaders to have one integrated plan. Section 25 (1) Urban and Regional Planning Act No. 3 of 2015 provided that *A local authority may, in order to develop a customary area and facilitate the implementation of an integrated development plan or local area plan in the customary area, enter into planning agreements with one or more Chiefs responsible for the customary area.*

With this provision, there was need to have one integrated development plan incorporating both state and customary land. Currently, some Traditional Authorities were still not willing to make planning agreements with local authorities believing that their authority over land under their jurisdiction would diminish. In addition no local authority had an approved integrated development plan in Zambia, implying that Local Authorities and Traditional Leaders did not have intertwined or integrated strategic plans, but were planning based on the old strategic plans. For instance, a search at Kaoma District Council also revealed that its strategic plan was still in draft form. In other words, there was no strategic plan at local authority level in the district to act as a linkage with the traditional leadership planning strategy. This explained why development activities were not coordinated and could not reach the grassroots people.

The international community, for example; the American Embassy attempted to assist some chiefdoms establish strategic plans under the SHARE11 Project. But the illiteracy levels among some chiefs and their counselors combined with high poverty levels and lack of government support for traditional institutions had led to very few of such projects to succeed. Due to non sustainable support of traditional leadership, majority of chiefs and their traditional leaders had identified land as a commodity and many vulnerable families were left landless by institutions that were indigenously founded to safeguarding the weak in society. In a situation where there was no policy framework by government on formulation of strategic plans, one could not talk about ‘intertwined strategic plans.

6.2.7 Way forward

Stakeholders who appeared before the Committee were of the view that through the local authorities and in partnership with the local traditional leaders, Public-Private Partnerships (PPPs) and rural economic empowerment could be considered as a way to generate wealth, involve community resources and access natural resources in ways that directly benefited local communities. PPPs were necessary for increasing investment, financing of public works and knowledge transfer which had not been sufficiently exploited and could be a channel for increased collaboration between local authorities, traditional leaders and investors.

Further, stakeholders were of the view that the issue of representation needed to be addressed to ensure that traditional leaders were well represented at all decision-making levels (Constituencies, District and National) with clear guidelines on how such meetings would be conducted. To ensure successful integration of traditional leadership into the modern state structures, there was need to enhance information sharing between traditional leaders and local government authorities.

To assist traditional leaders and the local authorities further strengthen their roles, stakeholders were of the view that it was imperative that needs assessments were jointly undertaken by the local authorities and traditional leaders in their respective communities. That would be in the form of some self-assessment process to identify strengths, weaknesses, opportunities and threats that faced traditional communities.

With regard to the debate about the House of Chiefs and its relevance to matters of public governance and socio - economic development of the country, some stakeholders were of the view that the Government must hold a national symposium to discuss the issue of transforming

the House of Chiefs into an Upper House whose membership would be elected chiefs and elected eminent persons. It was important that the institution of chieftaincy be part of the symposium so as to discuss qualifications, installation procedure and whether chiefs would have to ascend to the throne or get elected by popular vote; and; if of the royal family tree but did not meet the benchmarks, what next. The symposium would have to look into matters related to installation, disputes and how conflict resolution and peace building would be handled unlike the court systems that were taking too long to dispose off, thereby, leading to continued divisions within chiefdoms.

7.0 Committee's Observations and Recommendations

After analysing the written and oral submissions from various stakeholders, the Committee makes the observations and recommendations as set out hereunder.

- 7.1 The Committee in agreeing with stakeholders' note that there is need to review, update and harmonise subsidiary laws relating to the participation of traditional leadership in local governance and make them gender sensitive in line with the current Constitution and up to date with current issues. The Committee also observes that the *Chiefs Act No. 13 of 1995 Chapter 287 of the laws of Zambia* provides for the recognition of Chiefs by the President and defines the functions of Chiefs and Deputy Chiefs the *Local Government Act* does not specify what roles the chiefs would play in the local governance system apart from being part of the council meetings and custodians of customary practices.

The Committee in this regard, urges the Executive to ensure that subsidiary laws relating to local governance also spell out specific roles relating to traditional leaders in relation to participation in the local governance system in Zambia.

- 7.2 The Committee notes that the legal framework provides for the membership of a maximum of three chiefs in local councils in line with Article 153 of the Constitution. However, the Committee in agreeing with most stakeholders who appeared before it during its study, urges the Executive to amend Article 153 of the Constitution so as to also provide that in the event that the chief cannot be part of council meetings due to traditional considerations, the chiefs representatives to be part of council meetings.

- 7.3 The Committee observes that representation of three chiefs where there are more than three chiefdom within the a council jurisdiction completely excludes those chiefdom which are not among the three elected chiefs in local governance participation. Further, the Committee also notes that those chiefs who are part of the council meetings are not under any obligation to brief or provide any information to other non council member chiefs on the resolutions of council meetings.

In view of this, the Committee urges the Executive to ensure that in amending Article 153, it also provides that non council member chiefs or chiefdoms participate in council deliberations through their chiefdom representatives other than the current practice where some chiefdoms are completely excluded from local governance participation or representation.

- 7.4 The Committee notes that the biggest resource owned by chiefdoms is land, with over 61 per cent of land in Zambia falling under traditional leadership. Given that customary land provides communities with a commonly shared pool of natural resources and a source of livelihood for almost all the rural communities in chiefdoms, there is a need to develop standardised guidelines on the role of traditional leaders in land management and natural resource distribution under their jurisdiction.

Further, the Committee notes that while collaboration has been seen between traditional leaders and the Government, there is inadequate collaboration when it comes to management of natural resources in chiefdoms and some traditional leaders feel their resources are being exploited by local authorities who, when they receive free land from the chiefs will sale it to investors and in addition to this start collecting loyalties in perpetuity with almost nothing returning to the chiefdom.

The Committee in this regard, urges the Executive through the Ministry of Lands and Natural Resources and the Ministry of Chiefs and Traditional Affairs to develop standardised clear guidelines on natural resource sharing, customary land acquisition and alienation as it relates to investors or any other settlers in chiefdoms.

- 7.5 The Committee also notes that there are no established and standardised land management schemes in place in almost all chiefdoms and no local authority had an approved integrated development plan.

The Committee in this regard urges the Executive to ensure that strategic and integrated plans are in place in all local authorities and approved which will serve as model strategic plans for chiefdoms. The Committee also urges the Executive to scale up the training for traditional leaders in the local governance matters so that developmental activities are coordinated between local authorities and traditional leaders.

- 7.6 The Committee notes that lack of appreciation of the different levels at which traditional leaders operate has resulted in the slow implementation of local government programmes. Due to this, it has become imperative that selection criteria for chiefs should also include some minimum level of education as the case is for all other systems that involves governance.

The Committee in this regard, urges the Executive through the Ministry of Chiefs and Traditional Affairs to amend the *Chiefs Act Chapter 287* to include a minimum qualification of grade 12 as part of the selection criteria to ascend to chieftaincy, in line with the tenets of modern day governance other than just royal lineage which is currently the only selection criteria used in most chiefdoms.

The Committee notes that there has not been any noticeable progress made in the decentralisation plans and the devolution of government functions to local authorities despite the National Decentralisation Policy being enacted in 2002. The Policy in part, intends among other things, to devolve government functions to local authorities.

The Committee, therefore, recommends that before the devolution is implemented, it is imperative that the role of chiefs in the local governance structures is clearly spelt out in the *Chiefs Act Chapter 287* and realigned with the *Local Government Act No. 2 of 2019*. This will give effect to the decentralisation of functions, responsibilities and services at all levels of local government in line with global trends where most local government authorities are now responsible for social service delivery.

In view of this, the Committee urges the Executive to ensure that the *Chiefs Act* is revised so that it provides clarity and a linkage between the chief's role in development at local governance authority and chieftom levels. The Committee subsequently, urges the Executive to expedite the devolution of functions to local authority levels where the chiefs are expected to be part of development programmes at local government level with their full participation.

- 7.7 The Committee notes that both local authorities and chieftoms do not have any integrated project monitoring mechanisms in place for projects undertaken in customary land or land that has been converted to leasehold so as to monitor if there are any benefits that accrue to chieftom communities.

In view of this, the Committee urges the Executive through the Ministry of Local Government and the Ministry of Chiefs and Traditional Affairs to ensure that councils have a mechanism in place for tracking progress where traditional leaders embark upon development projects with local authorities so as to enhance resource and information sharing on matters of mutual interest.

- 7.8 The Committee notes that if traditional leadership is to be an effective tool in delivering the much needed development in chieftoms, issues of good governance, accountability and political neutrality of traditional leadership will be required from all traditional leaders. Further, the Committee notes that there is a growing trend for political inclination by traditional leaders who by their nature are supposed to be politically neutral.

In view of this, the Committee urges the Executive to create some information sharing system with traditional leaders where the issues of good governance and emphasis on political neutrality will periodically be communicated. The constant reminders and communications are expected to promote the tenets of good governance at local governance level between traditional leaders and local authorities.

- 7.9 The Committee notes that implementation of projects sometimes fail to take off in chieftom areas due to failure by local authorities to undertake joint needs assessment with traditional leadership before embarking on any developmental programme under customary land.

In view of this, the Committee urges the Executive to ensure that before any projects take off in chieftom areas, the local authorities and the traditional leaders undertake joint needs assessment so that there is a clear understanding on both sides from the onset on what is intended to be achieved when the jointly planned project is fully implemented.

PART II

CONSIDERATION OF THE ACTION TAKEN REPORT ON THE REPORT OF THE COMMITTEE ON LOCAL GOVERNANCE, HOUSING AND CHIEFS' AFFAIRS FOR THE FOURTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY

8.0 MANAGEMENT OF TRADITIONAL CEREMONIES IN ZAMBIA

8.1 Legal framework governing the management of traditional ceremonies in Zambia

The Committee in the previous Session had strongly recommended that the Zambian Constitution be further amended to provide for a legal framework on the management of traditional ceremonies in Zambia.

Executive's Response

In Response, the Executive submitted that the Ministry supported the Committee's recommendation that the Zambian Constitution provide a legal framework on the management of traditional ceremonies in Zambia. In that regard, the Executive through the Ministry of Chiefs and Traditional Affairs submitted that the proposed provision in the Constitution should state that "The management of traditional ceremonies in Zambia shall be as prescribed." This was in order to allow for ease of amendments as may be necessary.

Committee's Observations and Recommendations

The Committee expresses great concern on the adequacy of the response provided by the Executive regarding the action to be taken in order to ensure that the management of traditional ceremonies gets the necessary statutory recognition within a given timeline. The Committee in this regard, recommends that the Executive takes necessary action to ensure that a legal framework in the management of traditional ceremonies is enshrined in the Constitution within the next Session of Parliament. The Committee awaits a progress report on the matter.

8.2 National Cultural Policy and National Tourism Policy revision

The Committee in the previous Session had recommended that the National Cultural Policy and National Tourism Policy should be revised and aligned with the new amendments in the Constitution so as to make comprehensive provisions on the management of traditional ceremonies in Zambia.

Executive's Response

The Executive in its response submitted that the Ministry supported the Committee's recommendation that the National Cultural Policy and National Tourism Policy should be revised and aligned with the new amendments in the Constitution so as to make comprehensive provisions on the management of Traditional ceremonies in Zambia.

Committee's Observations and Recommendation

The Committee is highly concerned with the responses provided by the Executive as they have failed to provide information on what steps they will take in order to actualise the alignment of the National Cultural Policy and National Tourism Policy with the new amendments in the Constitution so as to make comprehensive provisions on the management of traditional ceremonies in Zambia. The Committee, therefore, recommends that the Executive provides information on how they will carry out the Committee's recommendations and not to just agree with its recommendations. The Committee awaits a progress report on the matter.

8.3 Identify and harness inter-ministerial and Inter-sectoral linkages

The Committee in the previous Session had recommended that the Ministry of Tourism and Arts and the Ministry of Chiefs and Traditional Affairs should identify and harness their inter-ministerial and inter-sectoral linkages in promoting traditional ceremonies as one of the ways of promoting tourism.

Executive's Response

The Executive submitted that Ministry supported the Committee's recommendation that the Ministry of Chiefs and Traditional Affairs and Ministry of Tourism and Arts should identify and harness their inter-ministerial and inter-sectoral linkages in promoting traditional ceremonies as one of the ways of promoting tourism.

Committee's Observation and Recommendation

The Committee notes the response by the Executive and observes with concern that it has not provided any roadmap on how it will actualise the recommendations by the Committee in the previous Session. The Committee in this regard, directs the Ministry of Chiefs and Traditional Affairs and the Ministry of Tourism and Arts to provide to Parliament a roadmap intended to be undertaken in order to achieve the inter-sectoral linkages in promoting traditional ceremonies. This should also include the implementation strategies to actualise the inter-sectoral linkages as recommended by the Committee. The Committee awaits a progress report on the matter.

8.3 Development of a Policy Framework on the management of traditional ceremonies

The Committee in the previous Session had recommended that the policy framework on the management of traditional ceremonies be developed together with Ministries of Chiefs and Traditional Affairs, Tourism and Arts and National Guidance and Religious Affairs to avoid having conflicting and misaligned policies in the named ministries regarding culture and traditional ceremonies. Furthermore, the Committee had recommended that the Ministry of General Education and Ministry of Higher Education should work very closely with the other named ministries above in the development of their curricula regarding the Intangible Cultural Heritage Programme to avoid having a disconnect between the learners and traditional practices.

Executive’s Response

In its response, the Executive submitted that Zambia had more than 80 traditional ceremonies that were recognised by Government. With those not recognised and not on the calendar, the traditional ceremonies were above 80 in total.

For those traditional ceremonies to be socially and economically viable, they needed local and international patronage. The Ministry had been working with other ministries such as the Ministry of Chiefs and Traditional Affairs and the Ministry of Information and Broadcasting Services, through the Department of Arts and Culture. Preservation and promotion of the traditional ceremonies was being enhanced through documentation, inventorying and material exhibitions of the traditional ceremonies. Media coverage was also being enhanced through the Zambia Tourism Agency by looking at increased local and international tourists. The aim was to market the local traditional ceremonies, carnival and festivals to economic and social sustainable levels, where those ceremonies, festivals and carnival could economically stand on their own.

Further, the Executive submitted that the Ministry Chiefs and Traditional Affairs supported the Committee’s recommendation that the policy framework on the management of traditional ceremonies be developed together with Ministries of Tourism and Arts and National Guidance and Religious Affairs to avoid having conflicting and misaligned policies in the named Ministries regarding culture and traditional ceremonies.

Furthermore, the Executive submitted that the Ministry also supported the Committee’s recommendation that Ministry of General Education and Ministry of Higher Education should work very closely with other named Ministries above in the development of their curricula regarding the intangible Cultural Heritage Programme to avoid having a disconnect between the learners and traditional practices.

Committee’s Observations and Recommendations

In noting the response, the Committee urges the Executive to provide a progress report to Parliament in the First Session of the 13th National Assembly on the progress made in developing a policy framework on the management of traditional ceremonies as recommended by the Committee in the previous Session. The Committee further urges the Ministries of General Education and Higher Education to ensure that the Intangible Cultural Heritage curricula development resonates with traditional practices in tandem with the ministries of Chiefs and Traditional Affairs, Tourism and Arts and National Guidance and Religious Affairs and to report back to Parliament in the next Session of Parliament. The Committee awaits a progress report on the matter.

8.4 Regulating the exploitation of cultural expressions and practices

- i. The Committee in the previous Session had observed that the *Genetic Resources, Traditional Knowledge and Folklore Act of 2018* had done well to regulate the exploitation of cultural expressions and practices to ensure that the exploitation of traditional knowledge, genetic resources and expressions of folklore took place with the prior informed consent of traditional communities, individuals or groups. The Committee

had noted that this Act made no direct reference to traditional ceremonies. The Committee, therefore, had recommended that the Act should provide for patenting of traditional ceremonies.

Executive's Response

The Executive in response submitted that the Ministry of Chiefs and Traditional Affairs was in support of the Committee's recommendation that the Act should provide for patenting of traditional ceremonies.

Committee's Observations and Recommendations

In noting the submission, the Committee urges the Executive to ensure that the Act provides for patenting of traditional ceremonies and to report progress in the next Session of Parliament. The Committee awaits a progress report on the matter.

- ii. The Committee in the previous Session had recommended that the Ministry of Chiefs and Traditional Affairs encouraged organisers of traditional ceremonies to patent and brand their ceremonies as a way of giving them an enduring identity and effective marketing brand across the globe for the sustainable transformation of the communities involved. That would also ensure that societies where traditional ceremonies were practiced benefited from the use of any traditional practices.

Executive's Response

The Executive in response submitted that the Ministry supported the Committee's recommendation that organisers of traditional ceremonies should be encouraged to patent and brand their ceremonies as a way of giving them an enduring identity and effective marketing brand across the globe for the sustainable transformation of the communities involved. This would also ensure that societies where traditional ceremonies are practiced benefit from the use of any traditional practices.

Committee's Observations and Recommendations

In noting the response, the Committee urges the Executive not to only support the recommendations of the Committee but to take deliberate steps to ensure that organisers of traditional ceremonies patent and brand their ceremonies as a way of giving them an enduring identity that could gain recognition locally and globally. The Committee in this regard, resolves to await a progress report on the matter.

8.5 Continued proliferation of traditional ceremonies

The Committee in the previous Session had observed that one of the reasons why it was very difficult for the Government and corporate entities to render adequate support to traditional ceremonies was due to the continued proliferation of traditional ceremonies. In view of that, the Committee recommended that the Government should issued clear guidelines on what should necessitate a traditional ceremony through the Ministry of Chiefs and Traditional Affairs.

Executive's Response

The Executive responded through the Action-Taken Report that the Ministry supported the Committee's recommendation that the Government should issue clear guidelines on what should necessitate a traditional ceremony through the Ministry of Chiefs and Traditional Affairs.

Committee's Observations and Recommendations

The Committee in noting the response wonders as to who then is responsible in issuing the guidelines if the Executive's action taken is merely supporting the Legislature's recommendations. The Committee in this regard, urges the Executive to own up and issue clear guidelines as to what can necessitate a traditional ceremony without any further delay. The Committee resolves to await a progress report on the matter.

8.6 Traditional groupings with same ethnicity to hold one traditional ceremony

The Committee in the previous Session had urged the Government to engage traditional leaders so that the groupings with the same ethnicity should only hold one traditional ceremony as opposed to having fragmented ceremonies from groups with the same ethnicity, given that financial support would be easier rendered when there were fewer traditional ceremonies.

Executive's Response

In response, the Executive submitted that the Ministry supported the Committee's recommendation that the Government should engage traditional leaders so that groupings with the same ethnicity should only hold one ceremony as opposed to having fragmented ceremonies from groups with the same ethnicity, given that financial support would be easier rendered when there are fewer traditional ceremonies.

Committee's Observations and Recommendations

The Committee notes with concern that the Executive has failed to provide information on what steps it has taken in order to ensure that traditional groupings with the same ethnicity holds only one traditional ceremony to avoid fragmented ceremonies for traditional groups with the same ethnicity. The Committee awaits a progress report on the matter.

8.7 Cultural education in the early stages of education in schools

The Committee in the previous Session had recommended that cultural education should be taught from the early stages of education in schools all the way to diploma and degree levels to avoid the already manifesting lack of interest by the youth in cultural activities.

Executive's Response

The Executive submitted through the Action-Taken Report that the Ministry of Chiefs and Traditional Affairs took note of the Committee's observation that the Ministry of General

Education and Ministry of Higher Education needed to work very closely with the other Ministries in the development of their curricula regarding the Intangible Cultural Heritage Programme to avoid having a disconnect between the learners and traditional practices.

Further, the Executive submitted that the process of developing university curricula was driven by Universities and the resultant programmes were approved by the Higher Education Authority. The development and review of curricula followed a consultative process and in that regard, the Ministry was currently working closely with the Universities and the Higher Education Authority to ensure that the Ministries of Chiefs and Traditional Affairs, Tourism and Arts and National Guidance and Religious Affairs were adequately consulted in order to ensure that there was no disconnect between the learners and traditional practices.

Committee's Observations and Recommendations

In noting the submission from the Executive, the Committee resolves to await progress report on the matter.

8.8 Sponsorship of the Intangible Cultural Heritage Degree by the Higher Education Loans and Scholarship Board

The Committee in the previous Session had recommended that more students be sponsored by the Higher Education Loans and Scholarship Board to avoid discontinuation of the course which is already facing many challenges including the acceptance of the course by society.

Executive's Response

The Executive responded in the Action-Taken Report that it took note of the Committee's observation and wished to point out that Loans were awarded to students that were pursuing courses that were in line with key national priorities. At the moment, priority was placed on Science, Technology, Engineering and Mathematics (STEM) related courses. In view of the established need to enhance patriotism and the appreciation for national values, and the contribution the course would have in preserving the Zambian culture, the Ministry of Higher Education would consider increasing sponsorship places for students under the Intangible Cultural Heritage Degree. In addition, the scholarships would increase with corresponding increases in the number of students undertaking the course.

Committee's Observations and Recommendations

The Committee appreciates the response from the Executive and resolves to await a progress report on the matter.

8.9 Revolving fund to finance viable projects for the traditional ceremonies

The Committee in the previous Session had recommended that to enhance financial independence of the organising committees and associations, the Government through the Ministry of Chiefs and Traditional Affairs, needed to come up with a revolving fund which would be dedicated to financing viable projects for the traditional ceremony organising

committees or associations in a manner similar to how the youth empowerment projects were funded after reviewing the project proposals and assessing viability of the proposed projects.

Executive's Response

The Executive in its response through the Action -Taken Report submitted that the Committee's recommendation was worthwhile which needed further study to assess viability to prevent potential loss of public funds.

Committee's Observation and Recommendations

In noting the submission from the Executive, the Committee resolves to await a progress report on studies that will assess the viability of projects for traditional ceremonies that can be funded using revolving fund through the Ministry of Chiefs and Traditional Affairs.

8.10 Mini museums at the traditional ceremony venues

In the previous Session, the Committee had recommended that in order to ensure financial independence for traditional ceremony organising committees, the Ministry of Chiefs and Traditional Affairs and the National Museums Board should engage the Treasury to consider financing the construction of mini museums at the traditional ceremony venues and to document the activities that took place during the ceremonies, including the intricacies of holding the ceremonies. That was envisaged to encourage visits to the ceremony sites all year round outside the traditional ceremony dates which in essence would help raise some funds that would be channelled to the organisation of the traditional ceremonies.

Executive's Response

The Executive in its response submitted through the Action-Taken Report that it was in support of the Committee's recommendation that the Ministry of Chiefs and Traditional Affairs and National Museums Board should, as a matter of urgency, engage the Treasury to consider financing the construction of mini museums at traditional ceremony venues and to document the activities that took place during the ceremonies including the intricacies of holding the ceremonies, so as to encourage visits to the ceremony site all year round outside the traditional ceremony dates which in essence would help raise some funds that would be channeled to the organisation of the traditional ceremony.

Committee's Observations and Recommendations

The Committee expresses concern at the lack of commitment to implement the recommendations of the Committee, preferring to take an observatory role as opposed to giving an assurance of engaging the Treasury so as to secure funds for the construction of mini museums in an effort to making traditional ceremonies become financially independent. The Committee awaits a progress report before the next Session of Parliament.

8.11 Quantification of scalable economic benefits from traditional ceremonies

The Committee in the previous Session had recommended that a research be done in order to assess scalable economic benefits other than cultural preservation that can be derived from having traditional ceremonies which should include the aggregate contribution to GDP.

Executive's Response

In response, the Executive submitted that it supported the Committee's recommendation of undertaking a research to assess scalable economic benefits other than cultural preservation of hosting traditional ceremonies including the aggregate contribution to GDP.

Committee's Observations and Recommendations

The Committee expresses concern in lack of commitment exhibited in the answers submitted before the Committee through the Action Taken Report as no action has been taken other than the words, "support the Committee's recommendations". Arising from this, the Committee urges the Executive to provide answers to the Committee on what steps it is taking to ensure that a research is undertaken in order to assess scalable economic benefits other than the preservation of culture. The Committee awaits a progress report on the matter.

8.12 Prioritising sanitation facilities at Traditional ceremony venues

In the previous Session of Parliament, the Committee had recommended that the Government in collaboration with traditional ceremony organisers prioritised the construction of sanitation facilities at traditional ceremony venues before other permanent structures were built at the ceremony sites in order to attract local and foreign tourists.

Executive's Response

The Executive responded that it supported the Committee's recommendation that the Government prioritised sanitation facilities even before other permanent structures were built at the ceremony site in order to attract local and foreign tourists.

Committee's Observation and Recommendation

In noting the response, the Committee resolves to await a progress report from the Executive on the matter.

8.13 Over branding and political interference at traditional ceremony venues

The Committee in the previous Session had recommended that the Ministry of Chiefs and Traditional Affairs drew up a programme to engage traditional ceremony organising committee members, corporate entities and political party leaders on the acceptable codes of corporate and political conduct during traditional ceremonies. In particular, the threats posed by political activities and over branding by corporate entities to the continuity of cultural practices during traditional ceremonies needed to be clearly highlighted and effectively addressed.

Executive's Response

In response, the Executive submitted that it supported the Committee's recommendation that the Ministry of Chiefs and Traditional Affairs drew up a programme to engage traditional ceremony organising committee members, corporate entities and political party leaders on the acceptable code of corporate and political conduct during traditional ceremonies. In particular, the threats posed by political activities and over branding by corporate entities to the continuity of cultural practices during traditional ceremonies needed to be clearly highlighted and effectively addressed.

Committee's Observations and Recommendations

In noting the response, the Committee expresses concern that despite the Executive drawing up a programme to engage traditional ceremony organising committee members, corporate entities and political party leaders on the acceptable codes of corporate and political conduct during traditional ceremonies, nothing much has been achieved as evidenced in the continued over branding and unacceptable political conduct. The Committee in this regard, urges the Executive to come up with legislation through the issuance of a statutory instrument that will inhibit defiant conduct during traditional ceremonies. The Committee resolves to await a progress report on matter.

8.14 Adherence to the set codes of conduct during traditional ceremonies

The Committee in the previous Session of Parliament had urged the Ministry of Chiefs and Traditional Affairs to take measures to ensure that all the parties invited or participating at traditional ceremonies adhered to the set codes of conduct during traditional ceremonies.

Executive's Response

In its response, the Executive submitted that it supported the Committee's recommendation that the Ministry of Chiefs and Traditional Affairs should take up measures to ensure that all parties involved adhered to the set codes of conduct during traditional ceremonies.

Committee's Observations and Recommendations

In noting the response, the Committee urges the Executive not only to express support in recommendations by the Legislature but to take action and to provide practical solutions to the citizens of the country on matters raised by the Committee. The Committee awaits a progress report from the Executive on the matter.

8.15 Scale up its marketing strategies of traditional ceremonies

The Committee in the previous Session had urged the Government, through the Zambia Tourism Agency, in collaboration with the Ministry of Chiefs and Traditional Affairs to scale up its marketing strategies of traditional ceremonies as tourists attraction both on the local and

international forums by arranging for increased media coverage in order to increase traditional ceremony patronage both locally and internationally.

Executive's Response

In its response, the Executive submitted that it supported the Committee's recommendation. In that regard, efforts were being made to package Zambia's traditional ceremonies with events such as music festivals and arts exhibitions. This was aimed at increasing the length of stay of tourists when they attended traditional ceremonies. This would contribute positively in boosting the local economy and bring in the much needed foreign exchange

Committee's Observations and Recommendations

The Committee notes the submission and resolves to await progress report in the next Session of Parliament on the matter.

8.16 Establishment of cultural centres in all provincial centres across the country

The Committee in the previous Session had recommended that the Ministry of Chiefs and Traditional Affairs, with support from the Treasury should establish cultural centres in all provincial centres across the country starting with the tourist towns like Livingstone with the mandate of promoting the Zambian Indigenous Knowledge and Culture.

Executive's Response

The Executive submitted through the Action-Taken Report that it supported the view that the Ministry of Chiefs and Traditional Affairs, with support from the Treasury, established cultural centres in all provincial centres across the country starting with the tourist towns like Livingstone with the mandate of promoting the Zambian Indigenous Knowledge and culture. In that regard, the Executive submitted that there would be further consultation with Ministry of Tourism and Arts since there was already a Programme that the Ministry of Tourism and Arts had embarked on in collaboration with the Ministry of Chiefs and Traditional Affairs.

Committee's Observations and Recommendations

In noting the submission from the Executive, the Committee resolves to await progress report on the outcome from further consultations that will be carried out on the establishment of cultural centres in all provincial centres across the country by the Executive.

8.17 Documenting traditional practices

The Committee in the previous Session of Parliament had urged the Ministry of Chiefs and Traditional Affairs to undertake a research in collaboration with traditional leaders to document traditional practices that had been passed on through generations with a view of documenting and embracing good practices whilst discarding bad ones.

Executive's Response

In response, the Executive through the Action-Taken Report submitted that it supported the Committee's recommendation that the Ministry of Chiefs and Traditional Affairs should undertake a research in collaboration with traditional leaders to document traditional practices that had been passed on through generations with a view of documenting and embracing good practices whilst discarding bad ones.

Committee's Observations and Recommendation

The Committee notes the response and reiterates its earlier position of urging the Executive through the Ministry of Chiefs and Traditional Affairs to not only support the views of the Committee but to take administrative steps to engage traditional leaders through the Ministry of Chiefs and Traditional Affairs to document the traditional practices as recommended in the previous Session of Parliament without necessarily attempting to take a passive role in this activity that solely lays under the ambits of the Executive. The Committee resolves to await a progress report on the documentation of traditional practices.

8.18 Traditional ceremonies are used as platforms to disseminate good practices

The Committee in the previous Session of Parliament had urged the Ministry of Chiefs and Traditional Affairs to ensure that traditional ceremonies were used as platforms to disseminate good practices as well as messages on the need for gender equality and sexual and reproductive health rights whilst attempting to end all bad or retrogressive practices without losing the essence of traditional ceremonies which is the preservation of traditional practices.

Executive's Response

The Executive submitted in the Action-Taken Report that it supported the Committee's recommendation that the Ministry of Chiefs and Traditional Affairs ensured that traditional ceremonies were used as a platform to disseminate good practices as well as messages on the need for gender equality and sexual and reproductive health rights whilst attempting to end all bad or retrogressive practices without losing the essence of traditional ceremonies which was the preservation of traditional practices.

Committee's Observations and Recommendations

The Committee notes with concern a trend in the responses provided by the Executive which does not commit to taking deliberate steps to implement recommendations from the Legislature. The Committee in this regard, urges the Executive through the Ministry of Chiefs and Traditional Affairs to come up with statutory instruments that would ensure that there is total adherence in the usage of traditional ceremony platforms in the dissemination of positive messages that promotes gender equality in an attempt to end all retrogressive vices that have been perpetuated in the name of traditional practices. The Committee resolves to await a progress report on the matter other than the Ministry of Chiefs and Traditional Affairs taking a supporting role.

8.19 Guideline for inscription of a site or ceremony as national heritage

The Committee in the previous Session of Parliament had urged the Ministry of Chiefs and Traditional Affairs, in collaboration with the Ministry of Justice and Zambia Tourism Agency to come up with comprehensive and streamlined guidelines which traditional leaders were required to follow before any consideration for inscription of a ceremony or site was undertaken. That was to help fill up the information gaps observed in situations where some traditional ceremony organising committees had been trying to have their traditional practices and sites recognised by UNESCO for years without any success as they were not sure of the information that was needed to be provided.

Executive's Response

In response, the Executive submitted through the Action-Taken Report that it supported the Committee's recommendation that the Ministry of Chiefs and Traditional Affairs, in collaboration with the Ministry of Justice and Zambia Tourism Agency, come up with comprehensive and streamlined guidelines which traditional leaders were to follow before any consideration for inscription of a ceremony or site was taken. That would help fill the information gap observed whereby some traditional ceremony organising committees who had been trying to have traditional practices and site recognised by UNESCO for years.

Committee's Observations and Recommendations

The Committee notes that the Executive through the Ministry of Chiefs and Traditional Affairs, Ministry of Justice and Zambia Tourism Agency have not taken any action regarding the recommendation by the Committee in the previous Session of Parliament. The Committee in this regard, takes exceptional concern in the failure by the Executive to provide this information to traditional leaders and their organising committees on what information should be provided to ensure inscription of a ceremony or site is done by UNESCO as this information is not written anywhere, easily accessible by traditional leaders or their organising committees. The Committee reiterates its earlier position of urging the Executive to provide the guidelines through some platform on what needs to be followed or done before a traditional ceremony or site is encrypted as a national heritage site. The Committee awaits a progress report on the matter.

8.20 Create a data base for various traditional medicines

The Committee in the previous Session of Parliament had recommended that the Government, working together with various state research institutions and medical stores, should create a data base for various traditional medicines that could heal various ailments.

Executive's Response

The Executive submitted through the Action-Taken Report that it supported the Committee's recommendation that the Government, working together with various state research institutions and Medical Stores, should create a data base for various traditional medicines that could heal various ailments.

Committee's Observations and Recommendations

In noting the response from the Executive, the Committee reiterates its earlier position of urging the Government to create a data base for various traditional medicines and not just to passively support the recommendations by the Committee without taking any practical steps to actualise the Committee's recommendations. The Committee awaits a progress report on the matter.

8.21 Streamlining the process of clinical trials for traditional medicines

The Committee in the previous Session of Parliament had urged the Government to ensure that clinical trial guidelines were made available to all traditional medicine practitioners for everyone to understand the requirements to have their medicines certified fit for administering to the public.

Executive's Response

The Executive through the Action-Taken Report submitted that Government had established a statutory body, the National Health Research Authority (NHRA), formed through the *Health Research Act No. 2 of 2013* to among other mandates, facilitate research in Traditional, Complementary, and Alternative Medicine (TCAM). NHRA developed Guidelines for research in TCAM in 2018 and those were launched in the same year and were disseminated. To operationalise the guidelines, NHRA developed and disseminated further guidance to research stakeholders and interested traditional health practitioners, a simplified process of having traditional medicines tested for safety and efficacy. In addition, NHRA had designated specific research institutions as centres for testing traditional medicines. Those centres were: The UTH Food and Drugs Laboratory, Tropical Diseases Research Centre, National Institute for Scientific and Industrial Research (NISIR), University of Zambia Chemistry and Drug Discovery Department, Centre for Infectious Diseases Research in Zambia (CIDRZ), and the Macha Research Trust.

NHRA was in the process of consulting with TDRC, the UNZA Drug Discovery team and other stakeholders to come up with a database of all medicinal plants in Zambia. Medical Stores may not be the right institution to host a database of medicinal plants but was an important institution to work with NHRA. But a decision could be made once the proposed legislation for TCAM had been enacted. In addition, Cabinet had already granted approval in principle for the introduction of a TCAM Bill in Parliament. The TCAM Bill sought among others, to establish a TCAM Council that would facilitate the use of traditional medicines found to be effective and facilitate the collaboration between traditional medicine and conventional medicine in Zambia. The layman's TCAM Bill was currently undergoing drafting at Ministry of Justice.

The greatest challenge in actualising research in traditional medicine had been lack of funding. That was why the trials on Sondashi Formula had stalled. Pre-clinical studies had been done on the Sondashi Formula and a Phase 1 Clinical Trial (Safety trial) had been done. What remained were funds to conduct Phase 2 and Phase 3 studies meant to ascertain efficacy. To address the challenge of funding, NHRA had created a Research Trust Fund. However, not enough funds had been mobilised so far; but efforts were ongoing. NHRA had also connected Researchers interested in traditional medicine to funding agencies and had been funded. Further, some research activities were going on. The National Science and Technology Council (NSTC)

through the Strategic Research Fund had also come on board to support some research in traditional medicine.

Committee's Observations and Recommendations

In noting the comprehensive response from the Executive, the Committee resolves to await a progress report on the TCAM Bill that will facilitate the use of traditional medicines found to be effective that can be used along conventional medicines after establishing their efficacy. The Committee awaits a progress report on the matter.

8.22 Scaling up of traditional medicines for commercial purposes

The Committee in the previous Session of Parliament had urged the Executive through the Ministry of Health and the Ministry of Chiefs and Traditional Affairs to find common ground on which to promote and encourage the scaling up of traditional medicines for commercial purposes so that in the future, these medicines could also be stocked in various pharmaceutical stores across the country.

Executive's Response

The Executive through the Action-Taken Report submitted that it supported the Committee's recommendation that the Ministry of Health and Ministry of Chiefs and Traditional Affairs, as a matter of urgency, should find common ground on which to promote and encourage the scaling up of Traditional medicines for commercial purposes so that in the future, those medicines could also be stocked in various pharmaceutical stores across the country.

Committee's Observations and Recommendations

The Committee notes that no action has been taken in the submitted response and, therefore, urges the Executive to provide a response on what the two ministries namely; Ministry of Health and the Ministry of Chiefs and Traditional Affairs have done so far to scale up usage of traditional medicines in a commercial aspect. The Committee awaits a progress report on the matter.

CONSIDERATION OF THE ACTION TAKEN REPORT ON THE REPORT OF THE COMMITTEE ON LOCAL GOVERNANCE, HOUSING AND CHIEFS' AFFAIRS FOR THE THIRD SESSION OF THE TWELFTH NATIONAL ASSEMBLY

9.0 THE MANAGEMENT AND OPERATIONS OF MARKETS AND BUS STATIONS IN ZAMBIA

9.1 Amendments and revisions on all complimentary law to the *Markets and Bus Stations Act, No. 7 of 2007*

The Committee had noted in the previous Session of Parliament that the response on the revision of complimentary legislation to *the Markets and Bus Stations Act, No. 7 of 2007* such as the *Public Health Act*, the *Food and Drugs Act* and the *Weights and Measures Act* was very general and requested for an update on the specific pieces of legislation that had been revised to

complement it. Much as the Committee appreciated the response from the Executive that the *Solid Waste Management Act, No 20 of 2018* had been enacted to take care of some of the pieces of legislation and that other pieces of legislation such as the Food Safety Bill were already under review. The Committee had resolved to await a progress report on the matter.

Executive's Response

The Executive submitted through the Action Taken Report that it had constituted a committee to look at the regulations with regards to the *Markets and Bus Stations Act, No.7 of 2007*. The Committee had yet to sit and formulate regulations through the Ministry of Local Government.

Committee's Observations and Recommendations

The Committee notes the response and resolves to await progress report on the matter.

9.2 Development of regulations to operationalise the *Markets and Bus Stations Act No. 7 of 2007*

The Committee in the previous Session of Parliament was disappointed over the inordinate delay in initiating the formulation of the policy in the running of markets and bus stations. The Committee had resolved to await a progress report on the formulation and implementation of a policy on markets and bus stations.

Executive's Response

The Executive submitted through the Action-Taken Report that the *Markets and Bus Stations Act No. 7 of 2007* was enacted to provide for the establishment and regulation of markets and bus stations; to provide for the establishment of management boards for markets and bus stations; to repeal and replace the Markets Act, 1937; and to provide for matters connected with or incidental to the foregoing. As such, the management of markets and bus stations was guided by this Act. However, the Ministry of Local Government had noticed the need to develop regulations that would operationalise the Act and the process of developing the said regulations were underway.

Committee's Observations and Recommendations

The Committee notes the response and resolves to await a progress report on the regulations that will eventually operationalise the *Markets and Bus Stations Act No. 7 of 2007*.

9.3 Inclusion of the markets and bus stations section in the Eighth National Development Plan.

The Committee in the previous Session of Parliament had urged the Ministry of Local Government to engage the Ministry of National Development Planning to ensure that a section in the Eighth National Development Plan was apportioned specifically to address markets and bus stations operations. The Committee had resolved to await a progress report on the engagement with the Ministry of National Development Planning.

Executive's Response

The Executive submitted through the Action Taken Report that the Ministry of Local Government had constituted a committee to look at the regulations with regards to the Markets and Bus Stations Act. Further, this was one of the proposed Action points to be tabled before the newly constituted committee, and had yet to engage the Ministry of National Development Planning and Development.

Committee's Observations and Recommendations

The Committee notes the response and resolves to await progress report on the matter.

9.4 Guidelines in the running of markets and bus stations

In the previous Session of Parliament, the Committee had urged the Ministry of Local Government to provide the general guidelines that will be applicable to all the markets whilst the specific ones that only applied to respective markets be left to the respective boards in the markets. The Committee had resolves to await a progress report on the matter.

Executive's Response

The Executive submitted that Ministry of Local Government had constituted a committee to look at the regulations with regards to the Markets and Bus Stations Act. The committee had yet to sit and formulate regulations and general guidelines.

Committee's Observations and Recommendations

The Committee notes the response and resolves to await a progress report on the formulation of general guidelines in the running of markets and bus stations.

9.5 Construction of the new inter-city terminus

The Committee in the previous Session had noted the plans to establish a new inter-city terminus subject to availability of funds or by Public Private Partner arrangements. However, the Committee was disappointed that no action was being taken by the Ministry to actualise the plans. In that regard, the Committee called for urgent action on the matter so as to ameliorate the challenges faced by the travelling public. The Committee had resolved await a progress report on the matter.

Executive's Response

The Executive submitted in response through the Action-Taken Report that a private company called China Civil Engineering Corporation had expressed interest in the venture to do a PPP or a Contractor Financed Project and had since undertaken a feasibility study. The Ministry of Local Government was waiting for the report.

Committee's Observations and Recommendations

The Committee notes the response and resolves to await progress report on the matter.

9.6 Automated Revenue Collection System project

The Committee in the previous Session of Parliament resolved to await a progress report on the rolling out of the automation of revenue collection in markets and bus stations.

Executive's Response

The Executive through the Ministry of Local Government informed the Committee that the pilot project proved successful. The Ministry had since engaged a company called Book Now Zambia (Dot-com Zambia) to roll out the e-levy system country-wide. For the first phase, a circular was sent to all Local Authorities and those that submitted first were selected for training. Those included; Livingstone, Choma, Solwezi, Mansa, Kabwe, Lundazi, Nakonde, Kafue, Samfya, Kaoma and Kasempa starting in the last week of October 2020.

Committee's Observations and Recommendations

The Committee notes the progress made in rolling out of the e-levy system countrywide which started with a few selected local authorities. The Committee awaits a progress report on the rolling out of the e-levy system to the rest of the country.

9.7 Illegal Trading in Markets and Bus Stations

The Committee in the previous Session of Parliament had observed that despite the issuance of the Local Government (Street Vending and Nuisance) (Amendment) (No. 2) Statutory Instrument No 12 of 2018, the vice of illegal vending still remained a big challenge in the markets and bus stations and in that regard had urged the Executive to end the scourge of illegal vendors by providing alternative trading places and strict enforcement of the law in the markets and bus stations. The Committee had resolves to await a progress report on the matter.

Executive's Response

The Executive submitted through the Action-Taken Report that efforts were being made to identify alternative trading places and bus stations country-wide. However, the process was being hampered by the scarcity of land in most towns.

Committee's Observations and Recommendations

The Committee takes note of the submission with concern as it is of the contrary view that the Ministry of Land and the Ministry of Local Government are the only two land administration ministries in the country, and therefore, cannot fail to find alternative land for trading and bus stations in most of the small districts countrywide in as much as it would be difficult in larger cities. The Committee, therefore, urges the Ministry of Local Government to address the issue of illegal vending which is contrary to Local Government (Street Vending and Nuisance)

(Amendment) (No. 2) Statutory Instrument No 12 of 2018. The Committee awaits a progress report on the matter.

9.8 Non-state actors in the operations of markets and bus stations

The Committee in the previous Session of Parliament had noted the assurance from the Executive but observed that no action had been taken to realise the commitment of removing all non state actors in the operations of markets and bus stations. In that regard, the Committee had urged the Government to remove all non-state actors, especially the political party cadres, from markets and bus stations in order to pave way for the boards to run the markets. The Committee had resolved to await a progress report on the matter.

Executive's Response

In response, the Executive submitted that the Ministry of Local Government working in collaboration with the Ministries of Home Affairs, and Transport and Communication had been engaging various stakeholders to work out modalities to remove all non-state actors in the Markets and Bus Stations. The collaboration was still in its infancy and the Committee would be updated in due course when significant strides were made. The Committee was in that regard, assured that the Ministry was determined to have the issue resolved.

Committee's Observations and Recommendations

The Committee notes the assurance from the Executive with delight and resolves to await a progress report on the matter.

9.9 Markets in border towns

The Committee in the previous Session of Parliament had noted the response but was disappointed over the lack of action on the running of markets in border towns which were strategic and could facilitate trade with other countries if well managed. The Committee in that regard had urged the Government to come up with deliberate programmes in border towns to upgrade and renovate markets and bus stations. The Committee, therefore, had called for urgent action in that regard and resolved to await a progress report on the matter.

Executive's Response

The Executive submitted that the Ministry of Local Government was working with COMESA and Ministry of Commerce, Trade and Industry to construct all border Markets starting with Mwami and Chirundu border towns.

Committee's Observations and Recommendations

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

9.10 High Levels of Intimidation of Operators in the Inter-City Bus Terminus

The Committee had noted the response from the Executive with concern, given that the onus to engaging law enforcers lied within the ambit of the local authorities who superintend over the boards and the Ministry of Local Government being at the helm of the reporting chain. The Committee in that regard, had urged the Executive to ensure that they engaged the services of the law enforcers to remove all political and non-political groupings which were illegally operating and harassing bus operators from the Inter-City Bus Terminus. The Committee had resolved to await a progress report on the matter.

Executive's Response

The Executive submitted through the Action-Taken Report that the Ministry of Local Government had so far not received any reports of intimidation of operators at Inter-City Bus Terminus from Lusaka Local Authority.

Committee's Observations and Recommendations

The Committee is highly perturbed with the response which is not assuring in any way as it had observed high levels of intimidation of operators in the Inter-City Bus Terminus who feared to freely express themselves during a Public Hearing in the facility during the Third Session of the Twelfth National Assembly.

The Committee, therefore, urges the Government to take responsibility of what was observed in the Intercity Bus Terminus by investigating the matter. The Committee resolves to await a progress report on the investigation of the matter by the Ministry of Local Government.

9.11 Operations of Private Bus Stations

The Committee in the previous Session of Parliament was greatly disappointed that the Executive had allowed the illegal operation of Millennium Bus Station. In that vein, the Committee had directed that immediate measures be implemented to ensure that the illegality was stopped forthwith.

Executive's Response

The Executive informed the Committee that it had instructed the Local Authority to approach the proprietor of Millennium Bus Station to discuss and negotiate mechanisms to legalise the operations of the bus station. The process was on-going.

Committee's Observations and Recommendations

The Committee notes the response and resolves to await a progress report during the next Session of Parliament on the on-going process of negotiating the mechanisms of legalising the operations of the Millennium Bus Station.

9.13 Illegal operations of bus stations and markets

The Committee in the previous Session of Parliament had urged the Executive to ensure that all privately owned bus stations partnered with local authorities without fail in order to end illegal operation of bus stations and markets. The Committee had resolved to await progress report on the matter.

Executive's Response

The Executive submitted through the Action Taken Report that the *Markets and Bus stations Act of 2007* provided that all markets be run by Local Authorities. Local Authorities had, however, reported resistance in cooperative-run markets country-wide and had yet to iron out an amicable co-existence with the said cooperative markets.

Committee's Observations and Recommendations

The Committee notes the response and resolves to await progress report on the matter.

CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE REPORT OF THE COMMITTEE ON LOCAL GOVERNANCE, HOUSING AND CHIEFS' AFFAIRS FOR THE SECOND SESSION OF THE TWELFTH NATIONAL ASSEMBLY

10. The Implementation of the National Decentralisation Policy in Zambia

10.1 Harmony between the National Decentralisation Policy and other pieces of legislation

The Committee in the previous Session of Parliament had noted the response through the Action-Taken Report and recommended that the National Decentralisation Policy should be strengthened and implemented so as to devolve licensing of motor vehicles, water bills, toll gate fees and other revenue collection fees to the local authorities. The Committee had resolves to await a progress report on the matter.

Executive's Response

The Executive informed the Committee that progress had been made to address the conflict between some constitutional provisions and the National Decentralisation Policy, following the recently held National Dialogue Forum. Proposals to amend the conflicting allocation of functions were contained in the Constitution of Zambia Amendment Bill No. 10 referred to as "Bill 10.

Various pieces of legislation had also been repealed, replaced and enacted to bring them in line with the policy. Those included;

- *Local Government Act No.2 of 2019.*
- *The employment Code Act No. 3 of 2019*
- *Public Finance Management Act No. 1 of 2018*
- *Rating Act No. 21 of 2018*

- *Service commissions Act No. 10 of 2016*
- *Urban and Regional Planning Act No. 3 of 2015*

Committee’s Observations and Recommendations

The Committee notes the response from the Executive where reference has been made to a piece of legislation (Bill 10) which was not yet passed in Parliament at the time as having had proposals to amend conflicting allocation of functions, much as it appreciates other pieces of legislation that were repealed and enacted with a view of bringing them in line with the National Decentralisation Policy. In view of this, the Committee urges that the Executive to urgently draft bills that would resolve the issue of conflicting functions observed under the National Decentralisation Policy without making reference to the Constitution of Zambia Amendment Bill No. 10 which was never enacted. The Committee had resolves to await progress report on the matter.

10.2 Capacity Development Programmes on Decentralisation

The Committee in the previous Session of Parliament had noted the strides made through the capacity development programmes on decentralisation in line with the Comprehensive Capacity Development Action Plan on Decentralisation (2018-2022) and resolved to await for an update on the activities earmarked to take place in the fourth quarter of 2019 and 2020.

Executive’s Response

The Executive informed the Committee through the Action-Taken Report that capacity development programmes under decentralisation had intensified. Progress made so far included;

- 1,320 Ward Development Committees - WDC’s had been constituted by Local Authorities out of 1,624 wards country-wide.
- Orientation/induction of Local Government Devolved staff was conducted in all the 10 provinces.
- Sensitisation on *Urban and Regional Planning Act* and the development of Integrated Development Plans had been done in all Local Authorities in the country.
- Orientation of media houses on local government and decentralisation had been conducted.
- Orientation workshops for 10 Commonwealth Local Government Forum Project had been conducted.
- Council public relations officers from seven provinces had been trained by the Decentralisation Secretariat.

Further, the Committee was informed that a number of training programmes had been drawn and had not been implemented due to Covid 19.

Committee’s Observations and Recommendations

In noting a comprehensive response from the Executive, the Committee resolves to await progress report on the other capacity development programmes yet to be undertaken before implementation of the Decentralisation Policy.

10.3 Measures to Track Progress of Devolved Functions

The Committee in the previous Session of Parliament had noted that implementation of decentralisation at provincial and district levels to some extent remained weak due to the pending Constitution (Amendment) Bill which was supposed to strengthen the in-built monitoring system on decentralisation. However, the Committee was cognisant of the fact that the *Local Government Act, No 2 of 2019* was enacted and should have been one of the avenues used to strengthen the monitoring system on decentralisation. The Committee, in that regard, had reiterated its earlier position and urged the Executive to ensure that monitoring of decentralisation was strengthened.

Executive's Response

The Committee was informed that measures to track and monitor progress on devolved functions on decentralisation were strengthened. The Government had now formulated the Decentralisation Implementation Plans (DIPs), with clear short to medium and long term indicators and targets. The National Monitoring and Evaluation Policy to be used by sector institutions had also been formulated and passed.

Committee's Observations and Recommendations

In view of the strengthened measures to track and monitor progress on devolved functions on decentralisation through the formulated Decentralisation Implementation Plans, the Committee urges the Executive to implement the Decentralisation Policy by devolving functions to local government levels starting with the short term targets and with clearly outlined indicators of the progress made. The Committee resolves to await a progress report on the matter.

Further, the Committee urged the Executive to ensure that punitive measures are meted out against officers who will deliberately want to frustrate the decentralisation process. The Committee resolves to await a progress report on the matter.

Executive's Response

The Executive informed the Committee that the observed reluctance was mainly due to misunderstandings on devolutions processes. To counter that, sensitisation via various engagements had been conducted and the matter had been resolved. Devolution would be implemented, starting with Chibombo District by the end of September, 2020.

Committee's Observations and Recommendations

The Committee notes the response on devolving the functions starting with Chibombo District by the end of September 2020. However, the Committee is cognisant of the fact that the devolution of functions in Chibombo District as of December, 2020 . In view of this, the Committee resolves to await a progress report on the matter.

10.4 Transfer of Human Resources to Local Authorities

The Committee had noted with disappointment the inordinate delays that had characterised the implementation of the decentralisation programme, in particular the transfer of human resources to local authorities. In that vein, the Committee had called upon the Government to ensure that the transfers were effected without any further delay. The Committee in that aspect had urged the Government not only to expedite the transfers but to also instil disciplinary measures on officers who were deliberately delaying the transfer process of officers from devolved ministries to the local authorities. The Committee had resolved to await a progress report on the matter.

Executive's Response

The Executive informed the Committee that a lot of progress had been made over that issue. Chibombo District had been selected as a pilot for the process and a new responsible officer, assisted by a six-member Human Resource Management committee had been appointed. All earmarked devolving staff were administratively reporting to the council and attending committee meetings.

Committee's Observations and Recommendations

In noting the response, the Committee resolves to await a progress report on the operations of the devolved functions and staff in Chibombo District in the next Session of Parliament.

10.5 Development of Local Government Service Regulations

The Committee was dismayed at the lack of urgency in the response through the Action-Taken Report and had urged the Executive to prioritise the development of Local Government Service Regulations without any further delay as these regulations were to be a point of reference in the conduct and operations of local authorities. The Committee in this regard, urged the Government to ensure that the Local Government Service Regulations are developed and operationised without any further excuses. The Committee had resolved to await a progress report on the matter.

Executive's Response

The Ministry stated that the Ministry of Justice had approved the Service Commission Regulations and Cabinet Office was yet to publish and operationalise the regulations with the respective Commissions that included the Local Government Service Commissions.

Committee's Observations and Recommendations

The Committee highly expresses concern on the response as publishing the already formulated and approved Service Commission Regulations should not take years. The Committee in this regard, urges the Cabinet Office to publish and operationalise the regulations which it has been holding on to, as this delay is partly frustrating the implementation of the Decentralisation Policy. The Committee resolves to await a progress report on the matter.

CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE REPORT OF THE COMMITTEE ON LOCAL GOVERNANCE, HOUSING AND CHIEFS' AFFAIRS FOR THE FIRST SESSION OF THE TWELFTH NATIONAL ASSEMBLY

11. THE HOUSING SITUATION IN ZAMBIA

11.1 Review of Existing Legislation

The Committee had noted the response with concern given that the Urban and Regional Planning Regulations and the *National Housing Authority Act* review had taken inordinately long, especially that the delay was being perpetuated by officers in the respective ministries and not in any way connected to financial limitations. The Committee in that regard had urged the Government to prioritise this overdue matter and reiterated its earlier position for the Government to expedite the finalisation of the Urban and Regional Planning Regulations. The Committee had resolved to await a progress report on the matter.

Executive's Response

The Executive submitted that the Ministry of Housing and Infrastructure Development engaged the Zambia Law Development Commission (ZLDC) as a consultant on the Review of the *National Housing Authority Act*. The Ministry had since drafted a Bill to be tabled before Cabinet upon submission to Cabinet Office.

The Committee was further informed that out of four (4) sets of Urban and Regional Planning Regulations earmarked for review, one had been finalised and gazetted. The remaining three were awaiting action by the Ministry of Justice.

Committee's Observations and Recommendations

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

11.2 Operationalisation of the National Housing Policy

The Committee had noted the response by the Executive where it submitted that the operationalisation of the National Housing Policy was expected to take full effect after approval by Cabinet which was expected in due course. The Committee had resolved to await a progress report on the matter.

Executive's Response

The Executive submitted that operationalisation of the National Housing Policy was expected to take full effect in the second year (2021) of its implementation plan. That was due to the numerous challenges faced in its first year of implementation after its approval in March, 2020. Among the notable activities being undertaken by the Ministry was;

- translation, advocacy and dissemination of *National Housing Authority Act*;
- review and formulation of the *National Housing Authority Act*,

- provision of technical support to the development and implementation of the National Urban Policy being formulated under the Ministry of Local Government; and
- facilitation of research and development of alternative construction technologies that reduce the cost of housing, by universities and other research institutions.

Committee's Observations and Recommendations

The Committee notes the submission and resolves to await progress report on the full operationalisation of the National Housing Policy in 2021.

Review of Policies on Housing Development

11.3 15 percent budget allocation to housing financing

The Committee had noted the progress being made towards the attainment of the 15 per cent of the national budget allocation to housing financing. In that regard, the Committee had urged the Government to progressively increase the housing funding towards 15 per cent target. The Committee had awaited a progress report on the matter.

Executive's Response

The Executive submitted that in an effort to ensure that 15 per cent budgetary allocation to housing development was achieved, the Ministry of Housing and Infrastructure Development had continued to lobby for increase and consolidation of the fragmented housing budgetary allocations and realignment of all activities thereof. That was expected to harmonise housing development activities of the Government and help track percentages in terms of housing budgetary allocation from the national budget annually

Committee's Observations and Recommendations

The Committee notes the submission from the Executive and resolves to await a progress report up to 2021 with the base year being taken as 2019 where 2.6 per cent was reported in the budget allocation.

10. CONCLUSION

Although much has been done to ensure that there is a legal framework for the participation of the traditional leadership in local governance, there still remains a disconnect between state structure and Civil societies and while the view is held generally that democratisation in particular should draw from its cultural traditions, more needs to be done . Even if the legal framework envisages an avenue for participation of tradition leaders in local governance and their role therein, the legal framework does not sufficiently highlight their roles and functions therein.

The Chiefs Act is silent on their function vis-a vis collaboration with local authorities in term of local governance.

The *Urban and Regional Planning Act* does to a certain extent envision the consultation of traditional leaders, the preparation of local area plans and strategic plans. It however also stops short of outlining what their role is, and in that respect does not outline what channel the local authorities and traditional leaders will take in terms of collaboration. There are no proper guidelines with regard to synergies between local authorities and traditional leadership. The Committee, therefore, hopes that the issues raised in this report will be addressed by the Executive accordingly.

N Samakayi, MP
CHAIRPERSON

April, 2021
LUSAKA

APPENDIX I - List of National Assembly Officials

Ms C Musonda, Principal Clerk of Committees

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

Mrs C K Mumba, Senior Committee Clerk (FC)

Mr D Kunda, Committee Clerk

Ms M Kalonga, Typist

Mr D Lupiya Committee Assistant

APPENDIX II – List of Witnesses

- (i) Ministry of Agriculture and Livestock
- (ii) Ministry of Gender
- (iii) Ministry of Chiefs and Traditional Affairs
- (iv) Ministry of Local Government
- (v) The House of Chiefs
- (vi) Ministry of Higher Education
- (vii) Ministry of Finance
- (viii) Zambia National Commission for UNESCO
- (ix) The University of Zambia, School of Education/ School of Humanities
- (x) The Zambian National Men’s Network
- (xi) Women for Change
- (xii) Citizens Economic Empowerment Commission (CEEC)
- (xiii) Chief Bunda Bunda Establishment
- (xiv) Chief Mumena Establishment
- (xv) Chief Ndungu Establishment
- (xvi) Mambwe/ Lungu Traditional Leadership
- (xvii) Chibombo District Council
- (xviii) Mazabuka Municipal Council
- (xix) Nakonde District Council
- (xx) Chipata Municipal Council
- (xxi) Rufunsa District Council
- (xxii) Solwezi Municipal Council