



REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON CABINET AFFAIRS

ON THE

**ZAMBIA INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES
(AMENDMENT) BILL, N.A.B. NO. 14 OF 2021**

FOR THE

FIFTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY

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REPORT OF THE COMMITTEE ON CABINET AFFAIRS ON THE ZAMBIA INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES (AMENDMENT) BILL N.A.B. NO. 14 OF 2021 FOR THE FIFTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY

1.0 MEMBERSHIP OF THE COMMITTEE

The Committee consisted of Dr M Imakando, MP (Chairperson); Mrs M C Chonya, MP (Vice Chairperson); Mr C M Zulu, MP; Dr M Malama, MP; Mr S Chungu, MP; Mr S Tembo, MP; Mr L Kintu, MP; Dr C K Kalila, MP; Ms G Katuta, MP; and Mr K Kampampi, MP.

The Honourable Mr Speaker
National Assembly
Parliament Buildings
LUSAKA

Sir

The Committee has the honour to present its Report on the Zambia Institute of Diplomacy and International Studies (Amendment) Bill, N.A.B. No. 14 of 2021, referred to it by the House on 11th February, 2021.

2.0 MEETINGS OF THE COMMITTEE

The Committee held seven meetings to consider the Zambia Institute of Diplomacy and International Studies (Amendment) Bill N.A.B. No. 14 of 2021.

3.0 PROCEDURE ADOPTED BY THE COMMITTEE

In order to gain insight into the ramifications of the Bill, the Committee sought both written and oral submissions from various stakeholders. The list of stakeholders who made submissions before the Committee is at Appendix II.

4.0 BACKGROUND

This Bill sought to amend the *Zambia Institute of Diplomacy and International Studies Act, Cap. 22* so as to revise the composition of the Board by removing the Permanent Secretary from the Board and providing for performance contracts for members of the Board. It had been noted that the appointment of Permanent Secretaries on some Boards or Technical Committees compromised good governance principles. This also posed a conflict of interest in the execution of the Permanent Secretaries' roles. There was need, therefore, to amend the provision so as to remove the Permanent Secretary from the membership of the Zambia Institute of Diplomacy and International Studies Board. The amendment also introduced performance contracts to enhance performance.

5.0 OBJECTS OF THE BILL

The object of this Bill was to amend the *Zambia Institute of Diplomacy and International Studies Act*, so as to revise the composition of the Board.

6.0 SALIENT PROVISIONS OF THE BILL

Clause 1 – Short title

The clause provided for the short title of the Bill. The Bill did not have a commencement date. This meant that the Act would come into force immediately it was assented to and published in the Government *Gazette*.

Clause 2 – Amendment of section 6

Section 6 of the principal Act provided for the functions of the Board. Clause 2 amended section 6 of the principal Act by empowering the Minister to give general or specific directions to the Board in the performance of its functions. Further, it provided for the Minister to enter into performance contracts with the Board for a specified duration which was consistent with the provisions on tenure prescribed in the principal Act.

Clause 3 – Amendment of section 7

This clause sought to amend section 7 of the principal Act so as to revise the composition of the Board by replacing the Permanent Secretary, Ministry of Foreign Affairs with a Chairperson being appointed by the Minister. Clause 3 also sought to amend the reference to a representative of the Ministry of Science, Technical Education and Vocational Training under section 7 (1) (d) of the principal Act to “a representative of the ministry responsible for technical education and vocational training.”

7.0 SUMMARY OF SUBMISSIONS AND CONCERNS BY STAKEHOLDERS

7.1 General Concerns

The stakeholders who appeared before the Committee were in support of some of the proposed amendments in the Bill. However, they raised concerns on the other proposed amendments.

7.2 Specific Concerns and Recommendations

The specific concerns of stakeholders are set out hereunder.

Clause 2 – Amendment of section 6

Stakeholders noted that the proposed amendment sought to, inter alia, bestow discretion on the Minister to give general or specific directions to the Board relating to the performance of its functions. Further, once given, the Board shall have a mandatory duty to give effect to the directions to the extent that the directions were not inconsistent with the principal Act.

With regard to this amendment, stakeholders argued that the proposed amendment could create an opportunity for the Minister to interfere with the functions of the Board, which may, despite being legal, breach governance rules and defeat the purpose of having a Board created under section 6.

Stakeholders held the view that the Minister was a political appointee with or without a constituency. Such a person may take decisions purely from a political perspective. It was such risks and in the spirit of supporting good governance principles that the proposed amendments under subsection (2) were not supported.

The stakeholders further argued that the general and specific directions relating to performance of the board's functions were provided for in the outlined functions of the board and was the essence of the very existence of the Board. It was, therefore, their view that, given the existence of the guidance from the Act, giving powers to the Minister to provide general and specific guidance may adversely affect the performance of the Board because in some cases it could lead to conflicting interpretations of the guidance to follow.

Furthermore, the stakeholders argued that the Board needed a certain level of autonomy which was necessary for it to maintain its independence and professional output, considering the fact that the institute was some kind of academic and training unit.

On the proposal for the Minister to enter into performance contracts with the Board for a specified period and in accordance with the provisions of the Act, the stakeholders were in support of this amendment in that it provided for the Board to be accountable to the public through the Minister for its performance. This would enable the Board to work extra hard in the execution of its functions, consistent with the provisions of the Act. Further, the subsection would provide for remedial action to be taken by the Minister in an event that the Board failed to perform according to the contract agreement.

Clause 3 – Amendment of section 7

With regard to the amendment of section 7, some stakeholders welcomed the amendment of paragraph (a) as it removed the restriction of the Chairperson having to be a Permanent Secretary from a prescribed government ministry. They argued that the amendment provided the appointing authority greater room when identifying a suitable Chairperson for the Board.

On the other hand, some stakeholders recommended the retention of the chairpersonship of the Board by the Permanent Secretary, Ministry of Foreign Affairs as it would ensure that necessary links between the Institute and other institutes both locally and globally were maintained. They argued that the Ministry was well positioned to help in establishing useful local and international links with similar institutes around the world.

The stakeholders further noted that, while other members of the Board were coming from designated institutions, no qualifications were specified for the position of Chairperson in the Bill. They, therefore, recommended the retention of the chairpersonship of the Board to the Permanent Secretary, Ministry of Foreign Affairs as this would also help maintain the technical competence of the Institute.

Stakeholders further argued that the retention of the Permanent Secretary as Chairperson of the Board was useful for purposes of networking as the Ministry had many contacts with similar structures and training for diplomats in general.

Stakeholders believed that the core business of the Zambia Institute of Diplomacy and International Studies was to offer academic training in diplomacy and international relations, among other related activities. Given the nature of the mandate of the Institute, it was felt that the position of Chairperson of the Board should continue to sit in the ministry responsible for foreign affairs so that the Permanent Secretary could guide the Board on the needs and expectations of the Ministry.

With regard to the proposed amendment of section 7 (1) (a) substituting ‘Chairman’ with ‘Chairperson’, the amendment was supported as stakeholders were of the view that this was a reflection of the commitment as a nation to gender inclusivity.

Other stakeholders proposed the deletion in section 7 (1) (a) which reads “a Permanent Secretary” and substitution with “a representative of the ministry responsible for foreign affairs at the level of Director, who shall be Chairperson.”

With regard to the amendment of section 7 (1) paragraph (d), some stakeholders welcomed it as it removed the specificity, in terms of the nomenclature of the ministry from which the representative may be identified. The amendment was futuristic in that it took into account the potential changes that may arise with regard to the naming of ministries, as regards the status of the Zambia Institute of Diplomacy and International Studies.

Other stakeholders proposed the deletion of section 7 (1) (d) which reads “A representative of the Ministry of Science, Technical Education and Vocational Training” and substitution with “A representative of the ministry responsible for higher education.”

8.0 COMMITTEE’S OBSERVATIONS AND RECOMMENDATIONS

While supporting the Bill, the Committee shares some of the concerns that were raised by stakeholders and highlights its observations and recommendations on the specific provisions set out below.

Clause 2 – Amendment of section 6

The Committee notes that empowering the Minister to give general or specific directions to the Board may subject the Board to interference from a Minister in the

performance of its functions. Consequently, the Board would lack autonomy and independence in its decision-making. This would ultimately render the Board inefficient and ineffective. Therefore, the Committee recommends that the amendment be deleted.

Clause 3 – Amendment of section 7

With regard to the amendment to section 7, the Committee notes that this amendment is progressive because Permanent Secretaries are controlling officers for the ministries under which the agencies of the Government fall. In this regard, as overseers of the operations of agencies of the Government that fall under their ministries, Permanent Secretaries should not sit on the governing bodies of the Agencies. This is because they will not efficiently hold accountable, supervise or direct the governing bodies if they are part of those bodies and participate in their decision-making.

The Committee further notes that the Bill proposes the replacement of the ‘Permanent Secretary’ with the ‘Chairperson’ without indicating the qualifications of the appointee and how that person will be appointed. The Committee is of the view that this would leave the appointment of the Chairperson to the discretion and whims of the appointing authority.

In this regard, the Committee recommends that the Permanent Secretary be replaced with a representative from the ministry responsible for foreign affairs as this will be consistent with the proposed amendments to similar legislation.

9.0 CONCLUSION

While supporting the Bill, the Committee urges the Government to take into account the various concerns that were raised by stakeholders. The Committee further urges the Government to address its recommendations which need to be addressed to ensure that the Zambia Institute of Diplomacy and International Studies continues to provide quality training that meets best practices for diplomats in the missions around the world.

The Committee wishes to express its gratitude to all the stakeholders who virtually appeared before it and tendered both oral and written submissions. The Committee wishes to thank you, Mr Speaker and the Clerk of the National Assembly for the guidance and support services rendered to it throughout its deliberations.

We have the Honour to be, Sir, the Committee on Cabinet Affairs, tasked to scrutinise the Zambia Institute of Diplomacy and International Studies (Amendment) Bill N.A.B No. 14 of 2021 for the Fifth Session of the Twelfth National Assembly.

Dr M Imakando, MP
(Chairperson)

Mrs M C Chonya, MP
(Vice-Chairperson)

Mr S Chungu, MP
(Member)

Dr C K Kalila, MP
(Member)

Mr S Tembo, MP
(Member)

Ms G Katuta, MP
(Member)

Mr L Kintu, MP
(Member)

Mr K Kampampi, MP
(Member)

Dr M Malama, MP
(Member)

Mr C M Zulu, MP
(Member)

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)
Mrs M K Siwo, Committee Clerk
Ms L Chilala, Personal Secretary II
Ms I Mwiya, Typist
Mr D Lupiya, Committee Assistant
Mr M Chikome, Committee Assistant
Mr M Kantumoya, Parliamentary Messenger

Appendix II:List of Witnesses

Ministry of Justice

Ms M Siwiwaliondo, Senior Parliamentary Counsel

Ms M Phiri, Parliamentary Counsel

Ms N Nchito, Parliamentary Counsel

Ministry of Foreign Affairs

Ms M M Sikazwe, Director – Human Resources and Administration

Ms L Mulimbika, Director – Zambia Institute for Diplomacy and International Studies

Ms L Mtonga, Registrar – Zambia Institute for Diplomacy and International Studies

Mr J K Maulu, Senior Planner

Ministry of Higher Education

Ms K Siame, Permanent Secretary

Mr S Mubanga, Director – Planning and Information

Mr C Mulenga, Director – University Education

Mr B Mutale, Senior Planner – Cabinet and Parliamentary Affairs

National Institute of Public Administration

Prof R Mukwena, Executive Director

Public Service Management Division

Mr B Chimbwali, Permanent Secretary

University of Zambia School of Humanities and Social Sciences

Prof P Bbaala, Head – Political and Administration Studies

Prof J Moomba, Lecturer

Mr J Ndambwa, Lecturer

Mr E Daka, Lecturer

Mr N Wamunyima, Lecturer

Mr T C Nyirenda, Lecturer

Ms M Mulunda, Lecturer

Mr A Siwale, Lecturer

Policy Monitoring and Research Centre

Ms L N Tembo, Head – Monitoring and Evaluation

Ms E C Besa, Senior Researcher

Mr C Chibuta, Senior Researcher

Mr K Chiwele, Research Assistant

Ms S Williams, Research Fellow

Transparency International Zambia

Mr B Chizonde, Advocacy, Policy and Research Specialist

Law Association of Zambia
Ms M Mudenda, Member