



REPUBLIC OF ZAMBIA

REPORT

OF THE

**COMMITTEE ON LOCAL GOVERNANCE, HOUSING AND CHIEFS' AFFAIRS ON
THE REVIEW OF THE IMPLEMENTATION OF THE INTEGRATED
DEVELOPMENT PLANS IN LOCAL AUTHORITIES**

FOR THE

SECOND SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

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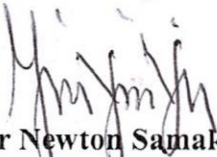
FOREWORD

Honourable Madam Speaker, the Committee on Local Governance, Housing and Chiefs' Affairs, has the honour to present its report for the Second Session of the Thirteenth National Assembly. The functions of the Committee are set out under Standing Orders No 197 (i) and 198 of the National Assembly of Zambia Standing Orders, 2021.

In accordance with its Programme of Work for the Second Session of the Thirteenth National Assembly, the Committee undertook a detailed study on the topical issue namely; *"The Review of the Implementation of the Integrated Development Plans in Local Authorities"*. The Committee held twelve meetings to consider the topical issue. In order to fully interrogate the topical issue, the Committee requested detailed memoranda from various stakeholders. The stakeholders were also invited to appear before the Committee and speak to their memoranda in order to afford the Committee an opportunity to make clarifications on issues contained in the memoranda. The list of stakeholders who provided memoranda and appeared before the Committee is at Appendix II.

The Committee's Report is organised in two parts. Part I presents the Committee's findings from its deliberations on the topical issue, including findings from the tours. Part I further presents the Committee's observations and recommendations on the topical issue. Part II contains the Committee's observations and recommendations on its consideration of the Action-Taken Report on the Report of the Committee for the First Session of the Thirteenth National Assembly.

The Committee is grateful to all stakeholders who tendered both written and oral submissions. The Committee further wishes to thank you, Madam Speaker, for affording it an opportunity to carry out its work. The Committee also appreciates the services rendered by the Office of the Clerk of the National Assembly during its deliberations.


Mr Newton Samakayi, MP
CHAIRPERSON

June, 2023
LUSAKA

LIST OF ACRONYMS AND ABBREVIATIONS

8NDP	-	Eighth National Development Plan
CDF	-	Constituency Development Fund
IDP	-	Integrated Development Plan
MoLGRD	-	Ministry of Local Government and Rural Development
RDA	-	Road Development Agency
LGEF	-	Local Government Equalisation Fund
UNESCO	-	United Nations Educational, Scientific and Cultural Organisation
UNZA	-	University of Zambia

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1.0 MEMBERSHIP OF THE COMMITTEE

The Committee consisted of Mr Newton Samakayi, MP (Chairperson); Mrs Maureen Mabonga, MP (Vice Chairperson); Mr Christopher Shakafuswa, MP; Mr Tyson Simuzingili, MP; Mr Menyani Zulu, MP; Mr Kenny Siachisumo, MP; Mr Remember Mutale, MP; Dr Simon Mwale, MP; Mr Luhambe Mweene, MP; and Mr Twaambo Mutinta, MP.

PART I

CONSIDERATION OF THE TOPICAL ISSUE

2.0 REVIEW OF THE IMPLEMENTATION OF THE INTERGRATED DEVELOPMENT PLANS IN LOCAL AUTHORITIES

2.1 Background

Integrated development planning in Zambia became more pronounced after the enactment of the *Urban and Regional Planning Act, No. 3 of 2015*, which saw the shift from the sectoral planning approach and the master planning process which were promulgated under the repealed *Town and Country Planning Act, Chapter 283 of the Laws of Zambia* to an integrated planning approach. The integrated planning approach was more comprehensive and embraced the social, environmental and economic spheres of planning, thereby giving local areas an opportunity to thrive sustainably.

Prior to the enactment of the *Urban and Regional Planning Act, No.3 of 2015*, cities such as Lusaka and Livingstone had master plans which were a semblance of the Integrated Development Plans (IDPs) although they mainly focused on defining the spatial development strategy and these plans were largely developed by external consultants with limited knowledge of the local settings and inadequate stakeholder involvement.

At the time, the concept of integrated development planning fell within the global charters to which Zambia was a party such as the Sustainable Development Goals (SDGs), which among other targets, sought to eradicate poverty and create sustainable cities and communities by 2030 without leaving anyone behind and by creating sound policy frameworks at subnational, national and regional levels. These policy frameworks were based on pro-poor and gender-sensitive development strategies to ensure that both men and women had equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property. Integrated development planning was therefore, premised on providing an overall framework for development within district and regional levels to guide and inform planning, budgeting, management and decision-making at all levels of government and by all actors to ensure effective coordination, equitable resource allocation and stakeholder participation.

In essence, integrated planning includes integrated social, economic, environmental, spatial, infrastructural, institutional and organisational development and the provision of amenities and services aimed at alleviating poverty and improving the quality of life of members of a community which was the primary function of the Government. In view of the foregoing, the

Committee resolved to undertake a detailed study on “*the Review of the Implementation of the Integrated Development Plans in Local Authorities*”

3.0 SPECIFIC OBJECTIVES OF THE STUDY

The study sought to achieve the specific objectives set out below.

- a) Ascertain the adequacy of the legal framework governing the implementation of the IDP guidelines.
- b) Ascertain the capacity of local authorities to develop and implement IDPs;
- c) Appreciate the programmes in place, if any, drawn by Government in ensuring that all councils developed IDPs.
- d) Determine whether or not there was stakeholder engagement by local authorities in the development of IDPs.
- e) Ascertain challenges faced by local authorities in the development and implementation of IDPs.
- f) Make recommendations on the way forward.

4.0 SUMMARY OF SUBMISSIONS BY STAKEHOLDERS

The submissions made by the stakeholders were as summarised below.

4.1 Overview of the Integrated Development Plans

The Committee was informed that an IDP was a super plan for an area that gave an overall framework for development. It aimed to coordinate the work of local and other spheres of government in a coherent plan to improve the quality of life for all the people living in an area. The Committee learnt that an IDP was designed to consider the existing conditions, problems and resources available for development. In addition, the plan aimed to look at economic and social development for an area as a whole. The Committee further learnt that an IDP set a framework for how land should be used; what infrastructure and services were needed, and how the environment should be protected. The stakeholders informed the Committee that all local authorities had to produce an IDP according to the *Urban and Regional Planning Act, 2015*. The local authorities were responsible for the coordination of the IDP and engagement of other stakeholders in the area, who could impact on benefit from the development in the area.

The Committee also learnt that an IDP had a lifespan of ten-year and was reviewed every five years as it was linked directly to the term of office for councillors. After every local government election, a new council had to decide on the future of the IDP. The Committee was further informed that the council had the liberty to adopt the existing IDP or develop a new IDP. The Committee was further informed that IDPs were used as a mechanism to plan for future developments in their various areas of focus. Furthermore, the Committee was informed that integrated development planning was an approach to planning that involved the entire municipality and its citizens in finding the best solutions to achieve good long-term development.

4.2 Benefits of the Integrated Development Plans

The Committee was informed that an IDP aided local authorities to effectively manage and use scarce resources by turning focus to the most important needs of the local communities. Through IDPs, local authorities found the most cost-effective ways of providing services, and money to be spent on the causes of problems in local areas. For example, a local authority might decide to allocate resources to building a canal that would prevent homes from flooding, which in turn would reduce the municipality's expenditure on emergency services.

The Committee was informed that IDPs help to speed up the delivery of services, as the IDP helped to identify the least serviced and most impoverished areas and turns focus to where municipal funds should be spent. The Committee learnt that the implementation of projects was made easier with the existence of an IDP because the relevant stakeholders who were to participate in the effective implementation of the projects were brought on board in the integrated development planning process. The Committee further learnt that IDPs were a good source of financial gain for local authorities because both Government departments and Private investors were willing to invest in local authorities when they had a clear set out plan.

The Committee was further informed that the IDP provided deadlock-breaking mechanisms to ensure that projects and programmes were efficiently implemented. In addition to this the IDP helped to develop realistic project proposals based on the availability of resources and needs of the community. The Committee also learnt that the integrated development planning process was key to promoting democracy, not only in local municipalities but also at national level.

The Committee was informed that an IDP promoted coordination between local, provincial and the national government. The different spheres of government through the existence of the IDP, were encouraged to work in a coordinated manner to tackle the development needs in a local area. For instance, if the department of health planned to build a clinic in an area, it would work with local authorities to ensure that the necessary services like water and sanitation were provided for the effective functioning of the clinic.

4.3 Adequacy of the Legal Framework Governing the Implementation of Integrated Development Plans Guidelines

Most stakeholders submitted that the legal framework that were governing the development and implementation of the IDPs was adequate. The Committee was informed that the local authorities' mandate to manage the affairs of the districts stemmed from the Constitution and was cascaded further down in various statutes. However, the witness noted that there were a number of gaps that were observed in the legal framework such as the duplicity and conflict of laws regarding the issue, as both the *Urban and Regional Planning Act, No.3 of 2015* and the *National Planning and Budgeting Act, No.1 of 2020* appeared to be regulating one and the same issue but giving contradictory instructions. The Committee was informed that both of these Acts provided for parallel planning frameworks. The Committee learnt that the *Urban and Regional Planning Act, No. 3 of 2015* provided for the National Planning Framework, Provincial Development Plans, Regional Development Plans, Integrated Development Plans, Local Area Plans and Sectoral Plans while the *National Planning and Budgeting Act, No.1 of 2020* provided

for the National Development Plan, Provincial and District Implementation Plans and Ward Development Plans. Furthermore, the stakeholders informed the Committee that IDPs lacked a legislation which defined the funding mechanism when compared to the National Development Plans (NDPs) implementation process. As a result, programmes in the IDPs were not linked to specific budgetary allocation both at local and national levels. The Committee learnt that this risk rendered the development of IDPs an academic exercise and a waste of public resources invested in their preparation. The Committee was further informed that while there were guidelines on the preparation of National Development Plans, this was not the case with local authorities' Medium-Term Expenditure Frameworks (MTEF).

Stakeholders highlighted the pieces of legislation are as set out below as the ones that governed the development and implementation of IDPs.

a) The Constitution of Zambia (Amendment) Act, No. 2 of 2016

The Committee was informed that integrated development planning was recognised in the Articles 151 (d) and 152 of the Constitution through the system of governance which established the local government system and recognised the need to:

- i) enhance the capacity of local authorities to initiate, plan, manage and execute policies in respect of matters that affect the people within their respective districts and;
- ii) develop, prioritise and promote social, spatial, financial and economic planning, at the district level.

The Committee was informed that the Constitution further recognised district and local spatial planning as some of the exclusive functions of the local authority, functions which directly fell under the integrated development planning framework.

b) The Urban and Regional Planning Act, No. 3 of 2015

The Committee was informed that the *Urban and Regional Planning Act, No. 3 of 2015* which repealed the *Town and Country Planning Act, Chapter 283 of the Laws of Zambia* was the principal Act which promulgated and operationalised the Integrated Development Planning processes in Zambia. The Act provided for a framework for the administering and managing of urban and regional planning and a national planning framework, guidelines, systems and processes for urban and regional planning for the Republic. The Committee learnt that the Act sought to ensure functional efficiency and socio-economic integration by providing for integration of activities, uses and facilities; establish procedures for integrated urban and regional planning in a devolved system of governance.

The Committee was further informed that the Act sought to ensure multi-sector cooperation, coordination and involvement of different levels of ministries, provincial administration, local authorities, traditional leaders and other stakeholders. The Stakeholders informed the Committee that the Act further sought to ensure sustainable urban and rural development by promoting environmental, social and economic sustainability in the development of initiatives and controls at all levels of urban and regional planning.

c) The National Planning and Budgeting Act, No. 1 of 2020

The Committee was informed that *The National Planning and Budgeting Act, No. 1 of 2020* provided for an integrated national planning and budgeting process. The Act prescribed principles and modalities for the formulation, approval, implementation, monitoring and evaluation of long and medium term national, provincial and district development plans and budgets. The Committee was further informed that the Act provided for coordination of national development plans with the national planning framework as well as espoused for a participatory and decentralised national planning and budgeting process which promoted the participation of state and non-state actors in the planning and budgeting process.

d) The 8th National Development Plan

The Committee was informed that the 8th National Development Plan (8NDP) whose theme was “Socio – economic Transformation for Improved Livelihood” had set its thrust on ensuring national development went beyond growing the economy, by ensuring that the Zambian people were at the centre of everything in order to transform their livelihoods. The Committee learnt that the Plan was hinged on four strategic pillars namely; economic transformation and job creation; human and social development; environmental sustainability; and good governance environment. The Committee further learnt that the human and social development pillar addressed the vicious cycles of poverty, inequality and vulnerability by providing equal opportunities for every citizen to develop to their full potential and effectively contribute to the development of the country. To this end, the 8NDP recognised integrated development planning as one of the key programmes that could be used to contribute to reducing developmental inequalities and bring about meaningful human development. Furthermore, the Committee learnt that the industries and jobs that would be created in different locations would need support services that could only efficiently function if the planning process was integrated so that every voice was heard.

e) Guidelines for Integrated Development Planning

The Committee was informed that the guidelines for integrated development planning were launched in 2019 by the Ministry of Local Government and Rural Development to provide guidance on the processes of developing IDPs for the councils and other stakeholders involved in the process. The Committee learnt that the guidelines operationalised provisions of the *Urban and Regional Planning Act, No. 3 of 2015* by interpreting provisions of the Act into processes and expected outputs.

4.4 Capacity of Local Authorities to Develop and Implement Integrated Development Plans

The Committee was informed that the capacity of the local authorities to develop and implement IDPs was dependant on different factors which included individual, institutional and organisational factors. At the individual level, the Committee was informed that local capacity was affected by the skills, training and attitude of local politicians and administrative staff. At the institutional level, capacity depended on structures, operating procedures, working tools

which framed and governed the activities of the personnel. At the organisational level, capacity was affected by the policy and legal environment, and by the rules and practices that governed the relations with other actors. The stakeholders informed the Committee that much as it was appreciated that the preparation of IDPs was not rocket science, requisite personnel with skills had been deployed in all local authorities, however, capacity gaps still existed at both individual and institutional levels in the councils. The Committee learnt that at individual level, gaps largely related to inadequate soft and technical skills in some cases, the geographic information system skills, proficient writing skills, analytic rigor and lack of necessary equipment. Furthermore, working tools such as the global positioning systems machine , computers and motor vehicles were factors that weighed heavily at institutional level.

The stakeholders informed the Committee that while skills in community mobilisation and stakeholder engagement were present at individual level, the financial resources required to do so remained a daunting challenge at institutional level. For example, the Committee learnt that the planning survey and issues report phase required robust stakeholder engagement and data collection by literally traversing every part of the district. In practice, however, this phase had not been as comprehensive and robust as was required because of the lack of resources to undertake field visits. As a result, collection of both socioeconomic and spatial data collection had been a challenge. In addition , low staffing levels in planning departments particularly in smaller councils was also compounding the problem. Furthermore, the Committee learnt that the inadequate financial resources for community mobilisation and data collection and a lack of requisite tools such as GPS machines and motor vehicles largely accounted for the failure to prepare IDPs by most councils in the country.

Stakeholders, however, submitted that there was adequate technical competence to implement them at district level because the Local Government Service Commission had employed and deployed personnel with multidisciplinary skills. The stakeholders informed the Committee that the officers deployed by the civil service to the districts had adequate capacity to support the preparation and implementation of sector plans which were a component of the IDPs. However, there was inadequate fiscal capacity to drive effective implementation of the IDPs mainly due to low municipal revenues. Stakeholders submitted that although there was the Constituency Development Fund (CDF) in each district, the law governing the CDF did not specifically link identification of projects for funding to the development priorities contained in the IDP document. The Committee was further informed that a lack of this linkage in the provisions between the *Constituency Development Fund Act, No. 11 of 2018* and the projects in the IDPs posed the risk of impeding the coherent and comprehensive implementation of priority programmes in the IDP and further leads to the misapplication or duplication of resources. Left in this way, the stakeholders informed the Committee that the IDP would suffer from lack of credibility in that the resources available at district level were going to be applied to other programmes other than those enshrined in the IDP document.

Furthermore, the Committee was informed that many local authorities had not yet been appointed as local planning authorities. This was because many did not have the capacity to constitute fully fledged Planning Departments. Therefore, legally, these local authorities could not perform the function of implementing and developing an IDP, a matter that constricted these local authorities from performing in relation to the implementation of the IDPs.

4.5 Government Programmes implemented to ensure that all Councils Developed Integrated Development Plans

The Committee was informed that Government through the Decentralisation Policy had devolved power to its lower organs, thereby providing opportunities for local authorities to make independent decisions that answered to the respective local needs. The Committee learnt that this had led to various districts being able to develop and implement their IDPs and largely with support from donors. In its quest to actualise decentralisation, Government had demonstrated commitment to ensure districts had functional IDPs which could be used to effectively take development to the grassroots through decentralised planning approaches.

The stakeholders informed the Committee that the Ministry had brought on board cooperating partners who were giving technical and financial support to the preparation of IDPs. A total of nine IDPs, from Eastern Province, had been approved.

The following were some of the additional programmes that have been put in place:

- a) development of the guidelines had ensured that local authorities develop functional IDPs. The lack of IDP development guidelines was previously identified as a serious impediment as there was no clarity in the process;
- b) provision of technical support and oversight to districts by the Ministry of Local Government and Rural Development had been intensified and was likely to yield positive results as more districts were likely to achieve approved IDPs;
- c) the inclusion of IDPs in the performance appraisals for Permanent Secretaries was a key milestone which demonstrated governments' commitment of having the IDPs in place. This particular key performance indicator demonstrated commitment and political will that would ensure a number of districts to develop IDPs;
- d) the Ministry had conducted capacity building by backstopping the IDP preparation processes in the individual councils;
- e) the Ministry allowed for cooperating partners to offer technical and financial support to local authorities. For example, the Gesellschaft fur International Zusammenarbeit (GIZ) was working with local authorities in Northwestern Province and some in Luapula Province. The Committee was informed that the Japan International Cooperation Agency (JICA) had also been working with Lusaka City Council while the Common Wealth was working with local authorities in the Copperbelt Province, Northern Province and Muchinga Province the World Bank supported all districts in the Eastern Province.

4.6 Level of Stakeholder Engagement

The Committee was informed that the development of IDPs was a collective responsibility which involved a number of stakeholders ranging from residents, Non-Governmental Organisations

(NGOs), Community -Based Organisations (CBOs), Faith- Based Organisations (FBOs), learning and training institutions, business houses, utilities companies, government departments and ministries. The stakeholders informed the Committee that stakeholder engagement was one of the core activities in the process of developing an inclusive, participatory and people driven local socio-economic development agenda. It entailed employing effective participatory approaches of engagement which were gender responsive, socially inclusive and culturally sensitive to ensure the plan captured the needs and aspirations of the people as much as possible without leaving anyone behind.

The stakeholders further informed the Committee that with so many actors involved, effective collaboration in the IDP process was paramount and that while stakeholder engagement was very significant in the development and implementation of the IDP, it was also a source of implementation challenges. For instance, power issues as to who should lead the process often came up and in addition to this, the IDP process was viewed more as a local authority responsibility resulting in many actors standing on the side line during the process. The Committee learnt that this situation resulted in various challenges during the collection of input data, such as spatial, finance and infrastructural. This was especially challenging with the short-term frame that was stipulated in the Planning Guidelines to collect data through public consultations. In addition, the Committee was informed that the devolved departments had a dual allegiance to line ministries and councils which affected feedback on requests for information and ultimately affecting the IDP development and implementation process.

The Committee was further informed that there had been little sensitisation as the majority of the key stakeholders were not aware of the IDPs and their importance in district development when compared to similar programmes such as the formulation of national development plans or annual budgets which received a wider sensitisation coverage. The stakeholders informed the Committee that IDPs continued to be seen as documents for the local authorities and this continued to undermine their effective development.

4.7 Challenges Faced by Local Authorities

Stakeholders submitted that there were challenges faced by local authorities in developing IDPs. Stakeholders identified the challenges set out below.

- i) One of the challenges that existed was fragmented provisions of the *Urban and Regional Planning Act, No.3 of 2015*, that instructed local authorities to prepare IDPs for the district and the *National Planning and Budgeting Act, No.1 of 2020* that diverted the centre of authority from the local authority to the District Administration to prepare District Development Plans. In addition to this, there were inconsistencies in the *Constituency Development Act, No. 11 of 2018* and the *Urban and Regional Planning Act, No.3 of 2015*, which were not harmonised with the IDPs legal framework regarding project identification and approval.
- ii) A perception had long been created that implementation of IDPs was a council matter and hence resulting in low stakeholder participation in the development and implementation process, which hampered effective implementation.

- iii) Financial challenges were one of the major challenges faced by local authorities. This contributed to the poor implementation of IDPs. For example, local authorities were not adequately funded and that there seemed to be no budget dedicated specifically for the implementation of the IDPs. Furthermore, most local authorities seemed to have limited resources to adequately support the programme. The Committee was informed that the financing of programmes for integrated development planning was separated from the Constituency Development Fund despite the fact that it was key in financing of local programmes.
- iv) The Committee learnt that there was a lack of a national spatial data framework which meant that information did not exist in a central location despite districts preparing integrated development plans for their areas. The stakeholders informed the Committee that the National Spatial Data Infrastructure (NSDI) did not contain social, cultural, environmental data that could enable the country to collect vital statistics about where poverty existed or where women faced the harshest blunt of climate change or low participation in decision making. In addition, NSDI was good for revenue projections and land management but not inclusive development.
- v) High staff turnover due to frequent transfers affected knowledge management, consistency and continuity. Newly employed personnel lacked adequate induction and training on the basics of the IDP process.
- vi) Ward Development Committees and Constituency Development Fund (CDF) Committees, appeared not to be conversant with the importance of IDPs hence the approved project lists for CDF and Ward Development Committees were not in accordance with IDPs.
- vii) The lack of comprehensive planning standards due to the unavailability of the national planning framework made the formulation of IDPs challenging.

5.0 TOURS

5.1 LOCAL TOUR

In order to consolidate its findings from the long meetings on the “Implementation of the Integrated Development Plans in Local Authorities”, the Committee undertook a local tour of Eastern and Southern Provinces.

In Eastern Province, the Committee interacted with a number of local authorities, namely; Nyimba Town Council, Chipata City Council, Mambwe Town Council and Petauke Town Council. In Southern Province, the Committee interacted with Mazabuka Municipal Council, Monze Town Council, Gwembe Town Council, Choma Town Council, Livingstone City Council and Kazungula District Council.

Arising from the tour and subsequent stakeholder meetings, the general findings of the Committee are set out below.

1. Benefits of the IDP

The local authorities in Eastern and Southern Provinces appreciated the IDPs and stated that IDPs were a key tool in addressing many issues such as challenges that were faced by communities and the lack of guidance on projects that needed to be prioritised.

2. Delayed Approval of IDPs

Most local authorities had not had their IDPs approved despite having developed them. For instance, out of the fifteen local authorities found in Southern Province, thirteen had prepared and submitted their IDPs but were yet to be approved by the Ministry of Local Government and Rural Development at the time of the Committee's tour. The local authorities stated that this was as a result of a lengthy approval process. However, while most local authorities had completed the development of their IDPs, some such as the Kazungula Town Council were at the provincial stage of the IDP development process.

3. Capacity to Develop the IDP

Local Authorities stated that they had the adequate human capacity to develop and implement IDPs. However, local authorities stressed that there was need for graduates who were recruited to work within the councils, to gain more experience before being appointed to take on leadership roles in the councils. They stated that an experienced human resource was very essential in the development and implementation of the IDPs. Local authorities also bemoaned the shortage of equipment needed to carry out their work due to inadequate financial resources.

4. Inadequate Financial Resources

Financial Resources were a major challenge that impeded the development and implementation of the IDPs in local authorities. The local authorities stated that inadequate financial resources delayed, among other things, the implementation of projects outlined in the IDPs and the procuring of equipment such the GPS which was very expensive. Despite the availability of the CDF, the funds were not adequate for the projects that were in the IDP document.

5. Stakeholder Engagements

Local authorities highlighted the importance of stakeholder engagements in the development and implementation of the IDPs and stated that in order to develop effective and inclusive IDPs, they had engaged in a number of consultation meetings with members of the community, traditional leaders, WDCs and diverse firms. Despite stating the significance of the stakeholder engagements, local authorities bemoaned the lack of coordination between them and some stakeholders such as the lodges that operated in their areas, and the WDCs. Local Authorities further bemoaned the lack of cooperation from the line ministries in providing the additional resources needed to implement the projects.

6. Unavailability of Land

Local Authorities highlighted that they did not have access to land needed to carry out developmental projects and that they had differences with some headmen who claimed the land they requested to use for projects, notwithstanding the legal authority they had to do so through the *Urban and Regional Planning Act, No.3 of 2015*. The headmen were in many instances against releasing land to local authorities for identified developmental projects.

7. Inadequate Capacity of the WDCs

Stakeholders stated that the WDCs did not have the technical capacity that was required to develop an IDP effectively and they lacked capacity in terms of finances and the means of transportation for them to engage in field work. This resulted in poor coordination between them and the councils. Furthermore, the WDCs did not have the appropriate infrastructure and this affected their work.

8 High Staff Turnover

Local authorities stated that the high staff turnover at the local authorities and at the line Government ministries affected the development and implementation of the IDPs

5.2 FOREIGN TOUR TO UGANDA

In order to learn best practices on the performance of the Integrated Development Plans in local authorities with regard to the legal framework, challenges, and stakeholder participation among others, the Committee undertook a benchmarking tour to Uganda.

While in Uganda, the Committee visited a number of Government ministries, namely; the Ministry of Local Government; the Ministry of Finance, Planning and Economic Development and the Ministry of Lands, Housing and Urban Development. The Committee also interacted with the Parliamentary Committees on Public Accounts, Infrastructure and Local Governance. The findings of the Committee are summarised below.

1. Legal Framework

The Committee learnt that as was in the Zambian context, there were laws that governed the development and the implementation of the IDPs and the ultimate authority in this regard was the Constitution of the Republic of Uganda. It was stated that Article 190 of the Constitution stipulated that councils should prepare comprehensive IDPs, which in turn were to be submitted to the National Planning Authority of Uganda. It was highlighted that sections 96 and 97 of the *Local Government Act, Chapter 234 of the Laws of Uganda* mandated and obliged line ministries to offer policy and technical guidance as well as active support supervision and advice on projects that involved direct relations with the local governments. The Act further stipulated that line ministries should establish minimum national standards of service delivery in the sectors under their jurisdiction. The Committee learnt that this provision enabled local authorities to engage fully in the preparation of the IDPs.

2. Local Government Structure

The Committee was informed that the local government in Uganda consisted of the higher local government and the lower local government. The higher local government comprised the districts and cities, while the lower local government comprised municipalities, city divisions, sub-counties in the urban areas and parishes in the rural areas. The Committee learnt that “parish” was the name given to the lowest level in the local government structure, which comprised two or more villages. The Committee further learnt that a parish was synonymous to a ward in the Zambian context.

3. Developing Capacity of the Parishes

The Committee was informed that despite parishes being the lowest level in the local government structure, they were a very significant level in the development and accomplishment of the IDP projects. The Minister of Finance and Economic Planning informed the Committee that in order to keep the parishes effective, the Parish Development Committees were well-motivated, by remunerating the Chairperson of the Committees. The Parish Chairperson was also given a motor cycle, to use when gathering information from the communities.

4. Financing of the IDPs

The Committee was informed that local governments in Uganda, had the mandate to plan, budget and generate local revenue to be used to implement identified projects. However, local authorities in Uganda did not generate enough local revenue because their sources of revenue were few. The Minister of Finance and Economic Planning informed the Committee that in order to effectively plan and complement the revenue base of the local authorities and in turn implement the identified projects, the Central Government came up with a planning mechanism called the Indicative Planning Figures (IPFs). The mechanism was established as an indicator that the Central Government used to outline to the local authorities the resources that would be provided for them to implement their projects and subsequently attain capital development.

The Government was also looking into the implementation of programmes that would empower local authorities to generate more revenue. The Ministry of Finance and Economic Development was further digitising and atomising systems in each area through a system called the Integrated Financial Management System (IFMS). Through this system, local authorities were required to procure equipment that they needed to implement their IDP projects.

5. Management of Scarce Resources

The Committee learnt that local authorities in Uganda had inadequate resources to effectively implement and develop the IDPs. In light of this, the Ugandan Government as was the case in the Zambian context, allocated resources using the allocation system. This system considered the population, location and poverty levels of each district. The Minister informed the Committee that this system aided the Central Government to know what was needed by the various communities and how much resources were needed to achieve their set goals. The allocation of

resources was done in relation to the peculiar needs of each specific area so that prioritisation of projects may be highly emphasised.

6. Difficulties in Acquiring Land

The Committee learnt that the people in Uganda were not willing to be open to the use of land for developmental projects, which made it especially difficult for the local authorities to acquire land from the traditional leaders. However, what helped was the Law which stipulated that all customary land that was identified by local authorities to be used for developmental projects was regarded as a “Planning Area”. This helped local authorities to implement projects on any land, including customary land.

7. Lack of Technology

The Committee was informed that a lack of technology and knowledge prevented people from appreciating the IDPs. The Minister of Lands informed the Committee that the lack of technology made it difficult for community members to be exposed to what was highlighted in the IDP document and to get acquainted with the entire document.

6.0 COMMITTEE’S OBSERVATIONS AND RECOMMENDATIONS

Having carefully reviewed the submissions from the various stakeholders and taking into consideration its findings from both the local and foreign tour, the Committee makes the observations and recommendations set out below.

- i) The Committee notes with concern that the definition of a planner in the *National Planning and Budgeting Act, No.1 of 2020* defines a planner as “*an officer tasked with the responsibility of making or carrying out development plans by setting up of goals , policies and procedures for social or economic development including project management and appraisal and budgeting and monitoring and evaluation but excluded determining and drawing up of plans for the physical arrangements such as the designs of towns, cities and communities*”. The Committee in agreeing with the stakeholders’ concern feels this definition dilutes the voice of the professional planners, something which is not in the public interest because it weakens the separation of technical terms, an aspect which is needed to achieve the creation and establishment of towns. The Committee is further concerned that the definition of the planner in this Act does not encompass the desired skills sets of expertise with different knowledge and experience needed to view implementation of the IDPs in one lens.

In light of this, the Committee recommends that the *National Planning and Budgeting Act, No.1 of 2020* be amended to revert to the definition of a planner as stipulated and provided for in the *Urban and Regional Planners Act, No. 4 of 2011*.

- ii) The Committee in agreeing with the stakeholders observes that in order to improve capacity of planners in local authorities, there is need to have a unitary voice of diverse skills and capacities. The Committee observes that poor performance on the part of the

planners is attributed to the absence of a stern and clear law that can regulate the planners with regard to performance delivery. In addition to this, the Committee further observes that despite the Zambia Institute of Planners being the professional body in place for planners, the Institute does not have the mandate to charge a penalty on the spot to any planner breaking the law, but rather have to go through a lengthy disciplinary action process.

In view of the forgoing, the Committee recommends that a clear and stern law to be referred to as the Zambia Institute of Planners be established. This law should stipulate that all types of planners should have a mandatory membership to the Zambia Institute of Planners and are to adhere to all codes of ethics provided for by the Institute. The Committee further recommends that the law should provide the Institute the mandate to charge a penalty on the spot for any planner who violates the code of ethics. This will help the Institute have a strong voice to mobilise, regulate and control the conduct of its members and will minimise the misuse of public funds due to poor planning that normally occurs.

- iii) The Committee observes with concern that it is not clear as to which law takes precedence over the other between the *National Planning and Budgeting Act, 2020* and the *Urban and Regional Planning Act, 2015* in terms of development planning. The Committee further observes that the *National Planning and Budgeting Act, 2020* stipulates that the National Development Plan should be the main document from which projects should be drawn, while the *Urban and Regional Planning Act, 2015* states that the IDP should be the main document to guide planning in local areas. The Committee notes that this conflict results in local authorities' failure to identify which document to follow when selecting projects.

In this vein, the Committee recommends that the Executive should harmonise the two Acts so that the local authorities should be clear on which planning document is to take first recognition.

- iv) The Committee in agreeing with the stakeholders observes that the law governing CDF, which is the *Constituency Development Fund No.11 of 2018*, is not directly linked to the identification of projects for funding to the development priorities contained in the IDP. The Committee further observes that this poses the risk of impeding the coherent and comprehensive implementation of the priority programmes in the IDP, which may lead to the misuse of funds.

In this regard, the Committee strongly recommends that the CDF Act be urgently amended to directly link the IDP projects to the CDF so that the developmental aspirations in the IDP may turn into a reality.

- v) The Committee notes that there are many cases of officers in the local authorities being transferred frequently. This results in loss of institutional memory and the new officers restarting the integrated development planning process. The Committee observes that this situation greatly affects the implementation of the IDPs because the new officers

find it challenging to adapt to the environment and the traditional authorities present in the areas.

The Committee recommends that the transferring of personnel should be done in a systematic manner so as to preserve institutional memory but at the same time deal with the challenge of inertia that was mentioned as one of the reasons officers turn to be transferred. The Committee further recommends that officers should be allowed to complete or see to completion the plans before they are moved. The Committee notes that this will be achieved by developing a policy which attaches the term of officers at the local authorities to the time frame within which an IDP is to be developed and implemented.

- vi) The Committee observes with great concern that most local authorities did not have their IDPs approved. The Committee learnt through its interactions with the stakeholders that only eleven districts from the total 116 districts had their IDPs approved. The Committee observed that this was affecting the implementation of the projects outlined in the IDP documents, as councils did not have a legal backing to implement these projects without the IDPs being approved.

In light of this, the Committee recommends that the Government through the Ministry of Local Government and Rural Development must urgently work on the lengthy IDP approval process, which is hindering the implementation of the IDP projects.

- vii) The Committee observes that the IDP is not appreciated by the members of the community. The Committee observes that this is as a result of the IDP not being a popular phenomenon in most districts.

In this vein, the Committee recommends that the IDPs be pronounced more, especially by the districts that had already prepared their own IDPs. The Committee further recommends that programmes and platforms such as media advertising should be put in place and used for local authorities to inform the communities and the public at large about the importance of the IDPs and how their unitary efforts help enhance development in their respective communities and the nation as a whole. The Committee further recommends that councils should enhance their responsibility of interpreting the technical information related to the IDP to the members of the community, so as to aid them in understanding the IDP document at their level of comprehension. This step would help the community to better appreciate the IDP document and enhance community engagement in the IDP development process.

- viii) The Committee observes with concern that stakeholders from various line ministry departments and quasi-government institutions do not fully engage themselves and give their full support in the formulation of IDPs. The Committee in agreeing with the stakeholders observes that stakeholders were not cooperative enough to assist the local authorities with the information they needed during the data collection surveys that they undertook. The Committee is of the view that this poses a challenge to local authorities when developing the Plans Survey and Issues Report which is an important document

in the implementation of an IDP. The Committee further observes that the lack of cooperation in this process on the part of the stakeholders, leads to a misalignment in the projects that are carried out by various ministries because they are uncoordinated with those contained in the IDPs.

In view of the foregoing, the Committee urges the Government to ensure that departments from all line ministries are brought together by the heads of the ministries to work together and play their roles in aiding local authorities with developing the IDPs. The Committee further recommends that the Executive should implement programmes that will be used to sensitise stakeholders on the importance of their participation in the development of IDPs. The Committee further recommends that a provision should be included in the *Urban, Regional and Planning Act, No. 3 of 2015* to give the local authorities power to call on all the stakeholders that would prove essential in the development of the IDPs. This will give local authorities complete authority in the management of stakeholder engagements in the IDP process.

- (ix) The Committee further observes that there is a negative attitude on the part of some traditional leaders who do not cooperate with local authorities when allocating land and also when expected to give consent to local authorities to use customary land for implementation of projects once identified.

In this regard, the Committee recommends that deliberate programmes by the Government, should be put in place to sensitise traditional leaders on the importance to extend a level of participation to local authorities when allocating land. This will aid the traditional leaders to allocate land in a more systematic and geographic conscious manner. The Committee adds that this should be achieved through a consultative process with the traditional leaders on the importance of the IDPs in developing their respective areas and the country as whole. The Committee further recommends that the Executive in collaboration with the local authorities should make conscious efforts to emphasise to the traditional leaders the significance of involving planners when identifying areas where buildings should be developed to avoid disasters. Finally, the Committee recommends that capacity should be developed in traditional leaders with regards to their participation in the development and implementation of the IDPs.

- x) The Committee in agreeing with the stakeholders, observes that local authorities have adequate technical capacity that is needed to implement IDPs. The Committee however, observes that despite the technical capacity that local authorities have, the challenge is that local authorities do not have adequate essential equipment which include appropriate software like modern computers, utility vehicles to be used for field work in data collection and the Global Position System (GPS). The Committee is of the view that the limited existence of this equipment impedes the IDP process because it affects the capacity of the local authorities to acquire spatial data analysis, information that is very vital in the development of an effective IDP. The Committee further observes that the local authorities lack the full knowledge on how to operate this equipment when in place, a situation that also impedes the IDP process.

In this vein, the Committee recommends that the Executive should provide a dedicated financing project towards the local authorities that will be enough to implement the IDPs. The Committee further recommends that the local authorities should complement financing by allocating a specific amount of funds from their annual revenues to cater for the needs of the IDP process.

The Committee also recommends that local authorities should frequently conduct an equipment inventory, to ascertain the equipment gaps and needs of the councils. This will aid in ensuring that adequate funding is made available to the local authorities to effectively develop IDPs.

- xi) The Committee in agreeing with the stakeholders, observes that the WDCs lack adequate financial, technical and infrastructure capacity needed to contribute effectively to the development and implementation of the IDPs.

In this regard, the Committee recommends that there is a need to increase and develop the capacity of the WDCs because they are very significant in the entire IDP process. The Committee further recommends that motivation of the WDCs be increased by enumerating them with a considerable allowance for them to fully participate in not only identifying the core issues in the communities but also in the implementation process of the identified projects. The Committee is of the view that motivating the WDCs would encourage them to willingly support the directions given to them by the councils in relation to the development of the IDP and subsequently the implementation of the projects contained in the document.

- xii) The Committee observes that most local authorities have inexperienced human resource in some leadership positions within the council and the entire IDP process. The Committee notes that this is as a result of appointing inexperienced officers to take up such roles because experienced individuals are rarely interested to work in the councils as a result of low salaries attached to the jobs.

In this regard, the Committee recommends that the Executive through the Local Government Service Commission should provide attractive enumeration so as to encourage people to take up these positions.

- xiii) The Committee observes that most local authorities lack qualified man power to operate on equipment. The Committee further observes that most equipment is never repaired when they have faults because of the insufficient and qualified manpower needed to repair or work on these machines.

In this vein, the Committee recommends that the Executive through the Ministry of Local Government and Rural Development and the Local Service Commission should establish permanent positions and not positions on temporal basis for operators to operate heavy equipment. This would help the councils in having a fixed number of operators who would always be available to operate the machines and further address the challenge of a lack of operators in the council. The Committee adds that the

Ministry of Local Government and Rural Development should further establish district servicing centres to help service the equipment in the councils that break down. This step would help to maintain and manage the equipment and in turn preserve and effectively operate the equipment in local authorities.

PART II

7.0 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 THIRTEENTH NATIONAL ASSEMBLY

7.1 MAINTENANCE OF TOWNSHIP ROADS IN ZAMBIA

7.1.1 Overlap of Laws in the Maintenance of Township Roads

The previous Committee had recommended that the *Public Roads Act, No. 12 of 2002*, *National Road Fund Agency Act, No. 13 of 2002* and the *Constitution of Zambia (Amendment) Act, No. 2 of 2016* should be amended and harmonised to exclusively mandate local authorities to be responsible for toll fee collections and to subsequently undertake the maintenance of township roads, avenues, lanes, sanitary lanes and foot walks within their jurisdictions.

Executive's Response

The Executive responded through the Action-Taken Report that it was committed to aligning the *Public Roads Act, No. 12 of 2002* and *National Road Fund Agency Act, No. 13 of 2002* to the *Constitution of Zambia (Amendment) Act, No. 2 of 2016* through amendments.

Committee's Observations and Recommendations

The Committee notes the submission and urges the Executive to undertake those amendments within a reasonable timeframe. The Committee resolves to await a progress report on the matter.

7.1.2 Discretionary Release of Finances Towards Township Roads Maintenance

The previous Committee had recommended that funding towards township roads maintenance be consistent for all local authorities to enhance planning for road maintenance by local authorities.

Executive's Response

In its response, the Executive submitted through the Action-Taken Report that it would ensure that going forward, consistency in funding township roads was actualised. Further, the Executive reported that dedicated financing to local authorities was apportioned fairly based on the quantum of road infrastructure requiring maintenance. In addition to funds earmarked for township roads maintenance, Government had continued to annually make budgetary allocations for CDF which had been increased from K1.6 million to K25.7 million per constituency, and the

Local Government Equalisation Fund (LGEF). The CDF and the LGEF had 60 percent and 20 percent earmarked for community projects and capital expenditure components respectively. Those allocations were meant to be used, among other things, for the maintenance of road infrastructure in various local authorities. In line with the principle of autonomy, local authorities were given the mandate to decide on how they wanted to allocate those funding sources according to their own local priorities and needs of the communities.

Furthermore, regarding the recommendation by the Committee to prescribe as a percentage of the total national road tolls' collections, which should be ring-fenced for township roads, it was reported in the Action-Taken Report that Government was working on modalities on revenue sharing mechanism including how best the toll fees could be shared with local 'authorities in a predictable and consistent manner as provided for in the *Constitution of Zambia (Amendment) Act, No. 2 of 2016*.

Committee's Observations and Recommendations

The Committee notes the response and resolves to await a progress report on the revenue sharing modalities and how best the toll fees could be shared with local authorities in a predictable and consistent manner as provided for in the *Constitution of Zambia (Amendment) Act, No. 2 of 2016*.

7.1.3 Apportioned Funding from Road Development Agency to Local Authorities for Road Maintenance

The previous Committee had recommended that funding received through Road Development Agency (RDA) should also be prescribed as a percentage of the total national road tolls' collections which should be ring-fenced for township roads and receiving such funds should not be based on the bargaining power of any particular council.

Executive's Response

In response, the Executive submitted that the Ministry of Local Government and Rural Development was fully engaged during the preparation of the Road Sector Annual work plans and an allocation of about 14 per cent of the total budget was allocated to Ministry of Local Government and Rural Development for implementation of various urban and feeder roads projects in collaboration with the local authorities. The impact of the resources allocated could be insignificant due to the huge backlog of the required works in the respective local authorities. Government through the RDA would endeavour to increase the allocation to the local authorities' subject to availability of funds.

Committee's Observations and Recommendations

The Committee notes the response and urges the Executive to equally increase funding to the road sector through RDA with a specified percentage of 20 percent.

7.1.4 Uncoordinated Road Development Planning in Local Authority Areas

The previous Committee had recommended that the planning and execution of township road maintenance works should be coordinated between the RDA and local authorities to avoid haphazard road works and planning which was done in silos.

Executive's Response

The Executive responded that Government took note of the recommendation and committed to developing guidelines that would enhance coordination between the local authorities and the RDA when undertaking roads works within a council jurisdiction.

Committee's Observations and Recommendations

The Committee notes the response and resolves to await a progress report on the development of guidelines to enhance coordination between local authorities and RDA to avoid uncoordinated road works within council jurisdictions.

7.1.5 Toll Fees Sharing Mechanisms

The previous Committee noted that the *Constitution of Zambia (Amendment) Act, No.2 of 2016* mandated local authorities to also undertake tolling of roads, which was being done by the National Road Fund Agency (NRFA).

The Committee in that regard, recommended that 50 percent of those collections be ring-fenced and dedicated towards township roads maintenance to avoid disbursement of funds based on unspecified percentages and the current discretionary approach in funding township roads maintenance works by RDA.

Executive's Response

The Executive submitted through the Action-Taken Report that under section 4 of the *Tolls Act, No. 14 of 2011*, RDA was mandated to:

- (a) regulate the operation and maintenance of toll roads;
- (b) monitor compliance of concessionaires with the terms and conditions of concession agreements;
- (c) advise the Minister on the design, construction, safety, regulation, operations and maintenance of toll roads; and
- (d) perform such other functions as may be conferred by or under the Act or any other law

In addition, it was reported by the Executive that section 11 of the *Tolls Act, No. 14 of 2011* provided that the tolls fees or other charges imposed for the use of a tolls roads should be collected by the Agency which subsequently formed part of the Road Fund and was to be used exclusively for the construction, maintenance and rehabilitation of roads.

Further, RDA was required to use the toll fees that were collected exclusively for the construction, maintenance and rehabilitation of roads. The roads in question were inter-territorial, main roads, territorial main roads and district roads as provided for in section 9 of the *Public Roads Act, No. 12 of 2002*.

Following the introduction of arrangements such as Public Private Partnerships, it would be necessary to transfer risks to the private sector and introduce efficiencies associated with the private Sector. The PPP route would be under the charge of a concessionaire for prescribed periods of time.

With that approach, the Road Development Agency would play the role of regulator and partner on behalf of the Government. Ring-fencing 50 per cent of tolls collected for maintenance and construction of urban roads would prevent the ability of Road Development Agency to seek investment in the Road Sector through long-term concessions arrangements because of the highlighted conflict. Once that occurred, the Road Development Agency would not have the statutory power to engage in PPPs as contained in the Act, particularly, section 4 (b) and Part IV of the *Tolls Act, No. 14 of 2011* which dealt with Concession Agreements. It was further reported that funds from tolls alone were not adequate to undertake the required construction, care and maintenance of all public roads. In order to adequately deal with the construction, care and maintenance of all public roads, including urban and township roads, there was need to mobilise adequate resources.

Furthermore, it was reported that the *Constitution of Zambia (Amendment) Act, No. 2 of 2016* mandated local authorities to undertake tolling of roads, which was being done by the National Road Fund Agency (NRFA) currently. In addition, the recommendation by the Committee that 50 per cent of road toll collections be ring-fenced and dedicated towards township roads maintenance was appreciated and would be considered in the near future as it would bring predictability and certainty regarding the allocation of funds for town roads maintenance for the local authorities.

It was also reported that the Government was in the process of undertaking a schedule of activities that would build-up and culminate into the determination of the appropriate revenue sharing mechanism for toll fees including other functions earmarked for devolution. The process was planned to be done in a manner that would ensure engagement with all necessary stakeholders so as to guarantee consensus on the best possible ways and modalities to implement this Constitution.

Committee's Observations and Recommendation

The Committee in noting the response observes a resistance from the Executive to implement their recommendation, in this vein, the Committee resolves that the provisions outlined in the Constitution prevail because the Constitution is the ultimate law of the land.

7.1.6 Recurrent Breakdowns of Earth Moving Machines for Local Authorities

The previous Committee had noted that one of the major reasons the local authorities' earth moving equipment had recurrent breakdowns was because local authorities lacked specialised personnel to service the equipment. In view of that, the Committee urged the Government to ensure that councils employed qualified personnel that should assist in the maintenance of heavy-duty machinery, for sustainability.

Executive's Response

It was reported in the Action-Taken Report that the Local Government Service Commission had always endeavoured to recruit qualified personnel for local authorities. However, people with specialised skills might not always be easy to find, and when they were available, their remuneration requirements would be above councils' capacity to pay. The Ministry nevertheless took note of the Committee's observations and recommendations, and would encourage councils to attach some of their personnel to companies with experience and skills in heavy road maintenance equipment.

Committee's Observations and Recommendations

The Committee notes the response and recommends that there is need for an establishment to be reviewed and to accommodate the skills required, an activity that was to be extensively carried out by the Local Government Service Commission. The Committee resolves to await a progress report on the matter.

7.1.7 Town Specific Observations and Recommendations

7.1.8 Lusaka

The previous Committee in supporting the sentiments of Lusaka City Council on waste management and vending in the Central Business District (CBD) of Lusaka, urged the Government through the Ministry of Local Government and Rural Development to ensure that funding for clearing of vendors from CBD was made available to Lusaka City Council to enable it fund the remaining works at Simon Mwewa Lane Market and Tokyo Market so that vendors were relocated to those markets.

Executive's Response

It was reported in the Action-Taken Report that the Ministry of Local Government and Rural Development was working on a strategy to help address the problem of littering and solid waste management in the country to be ready by December, 2022.

Committee's Observations and Recommendations

The Committee notes the response and awaits an update from the Ministry on the matter and the specific deadline as to when the report concerning this matter will be availed to them.

7.1.9 Value for Money Council Service Levies

To enhance cleanliness of township roads and business premises, the previous Committee urged the Executive through the Ministry of Local Government and Rural Development to ensure that it became mandatory for every store owner to put up a waste bin in front of each shop so that the council collected the litter to reduce the levels of waste including the central business district especially for Lusaka which had the highest levels of litter.

The previous Committee in that regard urged the Ministry of Local Government and Rural Development to come up with guidelines which would provide a roadmap for implementation of either Statutory Instruments or Bylaws so that defiant actions by shop owners and members of the public were prosecutable.

Executive's Response

It was reported in the Action-Taken Report that the Ministry of Local Government and Rural Development was working on a strategy to help address the problem of littering and solid waste management in the country to be ready by December, 2022.

Committee's Observations and Recommendations

The Committee resolves to continue to await a progress report on the matter.

7.1.10 Value for Money Council Service Levies

The previous Committee recommended that where charges were made by the councils for service delivery, councils were required to ensure that value for money services were provided in line with their mandate, unlike a situation where fees were paid but directed to payment of salaries for council workers and no noticeable service provided to the paying public.

Executive's Response

It was reported in the Action-Taken Report that the observations and recommendations of the Committee were noted with regard to the need to match service delivery with fees being charged.

Committee's Observations and Recommendations

The Committee notes that the response has not provided any action taken to address the matters raised by the Committee. The Committee in this regard, expresses concern on the laxity shown in the response and urges the Executive to provide an appropriate action taken Response. The Committee awaits a progress report on the matter.

7.1.11 Kabwe

The previous Committee recommended that the Executive through the relevant ministries should find a lasting solution to the lead contamination in Kabwe in addition to paving the walk ways.

Executive's Response

It was reported in the Action-Taken Report that the issue of decontaminating the environment in Kabwe was big and needed significant resources which the local authority alone was not in a position to generate. A solution to the environmental degradation in Kabwe needed attention from all stakeholders, particularly the Ministry of Green Economy and Environment to take a lead. With regard to paving of walk ways, that too would depend on resources being available.

Committee's Observations and Recommendations

The Committee resolves to await a progress report on the matter because it has not seen any progress on the matter due to a lack of resources as has been highlighted.

7.1.12 Kalulushi

i. Faulty Grader

The previous Committee was highly concerned with the supply transaction of a faulty grader at the sum of K2.6 million, which broke down within the warranty period and no commitment had been shown by the supplier to refund the Council or rectify the transaction by re-supplying the correct grader.

In view of that, the previous Committee urged the Ministry of Local Government and Rural Development to urgently help Kalulushi Council resolve the matter. The Committee waits for the action taken on the matter.

Executive's Response

It was reported in the Action-Taken Report that the Ministry had taken note of the Committee's observations.

Committee's Observations and Recommendations

The Committee notes the response and resolves to await an appropriate response and a well thought through progress report on the matter.

7.1.13 Need for Ring Road

The previous Committee had noted that there was need for ring roads in almost all the towns visited especially the mining towns and Kabwe to protect township roads from rapid dilapidation due to heavy duty vehicles that carried copper and other heavy goods and to decongest the respective central business districts. For roads like Chibuluma in Kitwe which was just about 6.5 kilometres and the T3 main road in Ndola, the Committee recommended concrete roads which should be done by RDA as those roads were beyond the capacities of local authorities.

Executive's Response

It was reported in the Action-Taken Report that Government through RDA in its future undertakings planned to construct bypass roads in all major towns to ease the movement of through traffic. Bypasses in Kabwe, Kapiri-Mposhi Towns had been planned for construction under the Lusaka Ndola Dual Carriage way project which was earmarked for execution using the Public Private Partnership (PPP) mode of financing. Government had since commenced negotiations for the PPP project with the preferred bidder and it was envisaged that the Concession Agreement would be signed by the end of the 3rd quarter of 2022. Further, Government through RDA had prioritised the works for the construction of the 6.5km Chibuluma Road in Kitwe District. To that effect the project had been included on the 2022 supplementary road sector budget and procurement of the works contractor was expected to commence before the end of August, 2022. The construction works would commence once the contractor had been engaged. Other bypass roads would be considered in future plans as funds permit.

Committee's Observations and Recommendation

The Committee notes the submission and awaits a progress report on the supplementary road sector budget and procurement of the works contractor for Chibuluma Road seeing that the road in question was not worked on and the actual works towards it were not yet in progress.

7.1.14 Direct Funding to Local Authorities for Road Maintenance

The previous Committee had recommended that the funding mode by RDA to local authorities should be directly to local authorities starting with city councils in a phased manner as they continued building capacities in road maintenance and construction.

Executive's Response

It was reported in the Action-Taken Report that the Ministry took note of the Committee's observations and recommendations and would endeavour to proceed as guided.

Committee's Observations and Recommendations

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

7.1.15 Bottlenecks in the Road Works Procurement

The previous Committee had recommended that the Executive relook at the current procurement system in order to quicken the procurement systems so that services could be delivered to the public expeditiously.

Executive's Response

It was reported in the Action-Taken Report that the *Zambia Public Procurement Act, No. 8 of 2020* was relatively new and came into effect on April 16, 2021. The new Act addressed among

other issues, enhanced participation of citizens in public procurement, price benchmarking through publication of quarterly market prices, requirement to conduct price reasonableness analysis by procuring entities, mandatory usage of the electronic government procurement system and capping of contract variations to a maximum of 25 per cent of the original contract price.

In addressing some of the above issues, the new Act had introduced additional clearances such as the ZPPA Price reasonableness clearance and the Ministry of Finance and National Planning's confirmation of availability of funds. Government through the RDA would continue to engage the relevant stake holders with relevant feedback for use in the future reviews of the Public Procurement Act, 2020 to ensure its effectiveness and efficiency so as not to delay execution of works.

Committee's Observations and Recommendations

The Committee notes the response and resolves to await a progress report until the bottle necks are fully resolved.

7.1.16 Use of Waste Rock in Mufulira for Road Construction

The previous Committee recommended that since the waste rock in Mufulira was plenty and more than adequate for use in construction of roads on the Copperbelt Province township roads, the Executive needed to engage Mopani Mine in Mufulira to see how that rock could be made available to various councils that might need to work on their township roads.

Executive's Response

It was reported in the Action-Taken Report that the Government through RDA would consider engaging Mopani Copper Mine in Mufulira with the view to possibly using the available rock for road construction as and when new projects were embarked on. The usage of the said rock would be possible subject to the suitability of the same for usage, which could only be determined once necessary tests had been undertaken on the rock.

Committee's Observations and Recommendations

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

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

7.2 THE ROLE OF TRADITIONAL LEADERS IN THE LOCAL GOVERNANCE SYSTEM

7.2.1 Need to Review, Update and Harmonise Subsidiary Laws Relating to the Participation of Traditional Leadership in Local Governance

The previous Committee had urged the Executive to expeditiously present the Bill to repeal the *Chiefs Act, Chapter 287 of the Laws of Zambia and the Registration and Development of Villages Act, Chapter 289 of the Laws of Zambia* to Parliament for enactment in order to provide for the participation of traditional leaders in the local governance system in Zambia and spell out their role. The Committee resolved to await a progress report on the matter.

Executive's Response

The Executive responded in the Action-Taken Report that the draft Bill was submitted to the Ministry of Justice and a consultative meeting was held with stakeholders for the purpose of finalising the drafting process. Following the consultative meeting, the Ministry of Justice submitted the draft Bill to the Ministry of Local Government and Rural Development.

The Ministry of Justice was awaiting further instructions from the Ministry of Local Government and Rural Development.

Committee's Observations and Recommendations

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

7.2.3 Legal Framework Providing for the Membership of a Maximum of Three Chiefs in Local Councils

The previous Committee had urged the Executive to use other available means within the Executive wings to effect the amendments to Article 153 which would provide for a chief's representative in council meetings in an event that traditional considerations would not allow any particular chief to attend council meetings.

Executive's Response

It was reported in the Action-Taken Report that providing for this proposal through constitutional amendment may not be the best option considering that amending the constitution was not as easy as amending subsidiary legislation. The Committee was well aware that in order for a constitutional amendment to be effected, it required at least two thirds of the Members of the National Assembly. That was a threshold that was not easy to reach when the political environment was polarised. However, consideration was given to other administrative options of

ensuring participation of all chiefs such as the sharing of minutes of council meetings to all the chiefs in the jurisdiction of a local authority.

Committee's Observations and Recommendations

The Committee notes the submission and resolves to leave the matter open until the Constitution is amended.

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

7.3 MANAGEMENT OF TRADITIONAL CEREMONIES IN ZAMBIA

7.3.1 Legal Framework Governing the Management of Traditional Ceremonies in Zambia

The previous Committee had urged the Government to ensure that the Chieftaincy and Traditional Leadership Bill was presented to the National Assembly for enactment without delay. The Committee resolved to await a progress report on the matter.

Executive's Response

It was reported in the Action-Taken Report that the Bill is still work in progress. After getting the necessary approvals the bill would then be shared with stakeholders for comments.

Committee's Observations and Recommendations

The Committee notes the submission and resolves to await a progress report.

7.3.2 Mini Museums at Traditional Ceremonies Venues

The previous Committee had resolved to await a progress report on the collaboration of the relevant ministries on the establishment of mini museums in chiefdoms where traditional ceremonies took place in order to attract tourism all year round.

Executive's Response

It was reported in the Action-Taken Report that the Ministry had plans to establish mini museums in chiefdoms where traditional ceremonies took place. Immediate plans were to establish these mini museums at the following traditional ceremony venues:

- i. Kulamba arena;
- ii. Mutenguleni arena; and
- iii. Mwansabombwe arena.

Those activity had been budgeted for in the Ministry’s 2023 budget.

Committee’s Observations and Recommendations

The Committee notes the submission and resolves to await a progress report.

7.3.3 Quantification of Scalable Economic Benefits from Traditional Ceremonies

The previous Committee had urged the Executive to provide answers to the Committee on what steps it was taking to ensure that a research was undertaken in order to assess scalable economic benefits of traditional ceremonies other than the preservation of culture. The Committee had resolved to await a progress report on the matter.

Executive’s Response

It was reported in the Action-Taken Report that a job creation and economic survey was undertaken at the Ncwala and Kuomboka traditional ceremonies respectively in the first quarter of 2022. The purpose of the survey was to assess the economic benefits of the traditional ceremonies. There were plans to conduct the survey at other ceremonies and the data collected would be compiled, analysed and shared with stakeholders.

Committee’s Observations and Recommendation

The Committee notes the submission and urges the Executive to source for funds to conduct the surveys at other traditional ceremonies. The Committee awaits a progress report on the matter.

7.3.4 Over Branding and Political Interference at Traditional Ceremony Venues

The previous Committee in that regard had urged the Executive to come up with legislation through the issuance of a statutory instrument that would inhibit defiant conduct during traditional ceremonies. The Committee had resolved to await a progress report on matter.

Executive’s Response

In response, the Executive submitted that the Chieftaincy and Traditional Leadership Bill provided that “the management of traditional ceremonies in Zambia be as prescribed”. Once enacted, the Ministry would come up with legislation through the issuance of a statutory instrument that would inhibit defiant conduct during traditional ceremonies.

Committee’s Observations and Recommendations

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

7.3.5 Establishment of Cultural Centers in all Provincial Centers Across the Country

The previous Committee had resolved to await a progress report on the outcome from further consultations that would be carried out on the establishment of cultural centres in all provincial centres across the country by the Executive.

Executive's Response

It was reported in the Action-Taken Report that the Ministry had plans to establish cultural centres in all provincial centres in order to develop more tourism products to attract tourists to different parts of the country; and to preserve and promote Zambia's cultural heritage.

Committee's Observations and Recommendations

The Committee notes the response and resolves to await a progress report on the establishment of provincial cultural centres.

7.3.6 Documenting Traditional Practices

The previous Committee had urged the Executive to expedite the engagement with UNESCO write UNESCO in full so that funds could be sourced for the research. The Committee resolved to await a progress report on the documentation of traditional practices.

Executive's Response

It was reported in the Action-Taken Report that the Ministry was still engaging with UNESCO to source for funds to undertake research on documentation of traditions practices.

Committee's Observations and Recommendations

The Committee notes the submission and resolves to await a progress report.

7.3.7 Guidelines for Inscription of Sites or Ceremonies as National Heritage

The previous Committee had urged the Executive to expedite the actualisation of the partnership between the National Institute for Scientific and Industrial Research (NISIR) and the University of Zambia, which would pave way for the creation of the data base for traditional plant natural medicines. The Committee resolved to await a progress report on the matter.

Executive's Response

It was reported in the Action-Taken Report that engagements had taken place between NISIR and UNZA Department of Chemistry. During those engagements, a previously signed broader Memorandum of Understanding in research had been reviewed and found to still be valid and sufficient for collaborations between the two institutions, including the creation of the database.

Accordingly, in 2021, NISIR and UNZA School of Natural Sciences Department of Chemistry, jointly developed a broader proposal for the establishment of Plant Natural Products Research Centre of Excellence at a cost estimate of ZMW 3,284,500.00 over a period of 3-years. One of the key planned activities for this Centre was the establishment of the database at a cost-estimate of ZMW 708,300. The NISIR-UNZA Chemistry Department partnership continued to seek funding for the proposal.

While sources of funding continued to be explored, in its 2022 Budget, NISIR provisioned ZMW 95 000 from its already constrained budget, to commission a pilot database called “*Indigenous Knowledge System Traditional and Plant Natural Products Database*”. To date, 200 traditional and/or plant natural medicines entries had been captured onto the database.

Once resources were secured, NISIR intended to actualise the relationship with UNZA as well as upgrade the pilot database to a cloud-based system.

Committee’s Observations and Recommendations

The Committee notes the comprehensive response and the steps taken in the creation of the database and the existing collaboration with the named institutions. The Committee resolves to leave the matter open so as to monitor the works being done.

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

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

7.4.1 Automated Revenue Collection System Project

The previous Committee had noted the submission and resolved to await a progress report on the Automated Revenue Collection System Project.

Executive’s Response

It was reported in the Action-Taken Report that the e-levy had been rolled out to twelve councils. Financial constraints had made it difficult to spread to the councils that had earlier been planned.

Committee’s Observations and Recommendations

The Committee urges the Executive to source for finances to roll out the system to all the councils that were planned for. 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 SECOND SESSION OF THE TWELFTH NATIONAL ASSEMBLY

7.5 THE IMPLEMENTATION OF THE NATIONAL DECENTRALISATION POLICY IN ZAMBIA

7.5.1 Harmony Between the National Decentralisation Policy and other Pieces of Legislation

The previous Committee had urged the Executive to urgently draft Bills that would resolve the issue of conflicting functions observed under the National Decentralisation Policy without referring to the *Constitution of Zambia Amendment Bill No. 10* whose enactment was not certain. The Committee had resolved to await progress report on the matter.

Executive's Response

It was reported in the Action-Taken Report that the Executive was resolved to addressing challenges and bottlenecks to the implementation of the decentralisation reform in Zambia. The Executive also submitted that the implementation challenges of the National Decentralisation Policy of 2013 that bordered on Constitutional provisions could only be addressed through Constitutional reforms. The Executive would, however, continue to review other pieces of legislation to support and enhance the implementation of the National Decentralisation Policy. To that effect, pieces of legislation that were reviewed in recent years that were supportive of the implementation of decentralisation were the *Local Government Act, No. 2 of 2019* and the *National Planning and Budgeting Act, No. 1 of 2020*.

Committee's Observations and Recommendations

The Committee notes that no significant progress has been made from the time the first National Decentralisation Policy was formulated in 2003 and reviewed in 2013. The Committee urges the Executive to expeditiously address the challenges that have caused the delays in the implementation and operationisation of the National Decentralisation Policy. The Committee awaits a progress report on the matter.

7.5.2 Measures to Track Progress of Devolved Functions

The previous Committee had resolved to await a progress report on the earmarked devolution of functions from the Central Government to local authorities in a phased manner using Selective Sector and Local Authority-Wide Approach beginning in 2022.

Executive's Response

It was reported in the Action-Taken Report that the Government had deconcentrated financial resources up to the district level for the Ministries of Health, Education, Agriculture and Livestock and Fisheries. That was in preparation of fully actualising devolution of these

functions together with other selected Central Government functions to the local authorities with matching resources.

Committee's Observations and Recommendations

The Committee notes that the action of deconcentrating referred to in the response was just the transfer of Central Government functions to district levels without the engagement of local authorities. The Committee awaits a progress report on the devolution of functions to local authorities.

7.5.3 Transfer of Human Resources to Local Authorities

The previous Committee noted the progress made on the publication of regulations and non-legislative documents which were aimed at accelerating the devolution of functions. The Committee resolved to await a progress report on the matter.

Executive's Response

It was reported in the Action-Taken report that Government had deconcentrated financial resources up to the district level for Ministries of Health, Education, Agriculture, Livestock and Fisheries. This was in preparation to fully devolve some of these functions and other central government functions.

Committee's Observations and Recommendations

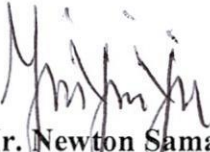
The Committee notes that the action of deconcentrating referred to in the response was just the transfer of Central Government functions to Central Government district levels without transferring any decision-making powers to local authorities. The Committee awaits a progress report on the devolution of functions to local authorities.

8.0 CONCLUSION

Integrated development Planning remains a key factor in achieving national development in the country. The Committee has established that the legal framework governing the implementation of IDPs in local authorities is adequate as there are a number of statutes in place that support the implementation of the IDPs. However, in agreeing with the views of the stakeholders, the Committee notes that there exists a number of conflicts in the legal frameworks.

Worth noting, though, is the fact that the success of an IDP is in its legal framework and for this reason, it is essential that the identified discrepancies are resolved and urgently aligned so that a clear road map maybe provided to the local authorities as the IDPs are implemented and subsequently developed. The Committee further notes that stakeholder involvement is paramount in this crucial exercise as it provides a forum for people from all walks of life to make their contribution to the success of the IDP an aspect that is very essential in this exercise.

In a nutshell, it is noted that integrated development planning co-ordinates the work of local and other spheres of government in a coherent plan and manner and in turn improves the quality of life for the entire citizenry of the country. For these and many other reasons, it is imperative that the Government enhances efforts that would improve integrated development planning in local authorities.



Mr. Newton Samakayi, MP
CHAIRPERSON

June, 2023
LUSAKA

APPENDIX I - List of National Assembly Officials

Mr Francis Nabulyato, Principal Clerk of Committees (SC)
Mrs Chitalu K Mumba, Deputy Principal Clerk of Committees (SC)
Mrs Angela M Banda, Senior Committee Clerk (SC1)
Ms Racheal Mumba, Committee Clerk
Mrs Charity Muyunda, Typist
Mr Danny Lupiya, Committee Assistant
Mr Muyembi Kantumoya, Parliamentary Messenger

APPENDIX II - List of Witnesses

Chongwe Municipal Council
Kabwe Municipal Council
Mansa Municipal Council
Ministry of Education
Engineering Institution of Zambia
Mkushi District Council
Ministry of Lands and Natural Resources
Kafue Town Council
Disaster Management and Mitigation Unit
Zambia Institute of Planners
Zambia Statistics Agency
The Copperbelt University (School of Built Environment)
Ndola City Council
Ministry of Infrastructure, Housing and Urban Development
ZESCO Limited
Solwezi Municipal Council
Local Government Commission
National Institute of Public Administration
Nyimba Town Council
Ministry of Lands and Natural Resources
Ministry of Health
Lusaka City Council
Ministry of Finance and National Planning
Road Development Agency
Ministry of Local Government and Rural Development