



REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON LEGAL AFFAIRS, HUMAN RIGHTS AND GOVERNANCE

ON THE

**REVIEW OF LEGISLATION GOVERNING EMERGENCY SITUATIONS
IN ZAMBIA**

FOR THE

FOURTH SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

Printed by the National Assembly of Zambia

FOREWORD

Honourable Madam Speaker, the Committee on Legal Affairs, Human Rights and Governance has the honour to present its report for the Fourth Session of the Thirteenth National Assembly. The functions of the Committee are as set out in Standing Orders 206 (f) and 207 of the National Assembly of Zambia Standing Orders, 2024.

In accordance with its approved programme of work, the Committee held twelve meetings to interact with stakeholders on the topical issue. The Committee requested detailed memoranda from various stakeholders, who were also invited to appear before it to clarify any issues arising therefrom. The list of stakeholders who appeared before the Committee is at Appendix II

To augment the findings, the Committee undertook a local tour of Lusaka, Central, Copperbelt and Eastern Provinces for ten days. Further, the Committee undertook a five-day benchmarking visit to Ethiopia to learn and share best practices on the topical issue.

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 and the Committee's observations and recommendations on the topical issue. Part II contains the Action-Taken Report on the Report of the Committee for the Third Session of the Thirteenth National Assembly.

The Committee is grateful to all stakeholders who rendered both written and oral submissions and 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.



Dr Clement Andeleki, MP
CHAIRPERSON

June 2025
LUSAKA

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ACRONYMS AND ABBREVIATIONS

DMMU	Disaster Management and Mitigation Unit
WARMA	Water Resources and Management Act
ZPPA	Zambia Public Procurement Authority
DRM	Disaster Risk Management
HOPR	House of Peoples' Representatives
FDRE	Federal Democratic Republic of Ethiopia

1.0. MEMBERSHIP OF THE COMMITTEE

The Committee consisted of: Dr Clement Andeleki, MP (Chairperson); Mr Sunday Chanda, MP (Vice Chairperson); Mr Chinga Miyutu, MP; Ms Tasila E Lungu, MP; Mr Monty Chinkuli, MP; Mr Joseph Munsanje, MP; Mr Lameck Hamwaata, MP; Mr Mulenga F Fube, MP; and Mr Menyani Zulu, MP.

PART I

2.0. CONSIDERATION OF TOPICAL ISSUE

THE REVIEW OF LEGISLATION GOVERNING EMERGENCY SITUATIONS IN ZAMBIA

2.1. BACKGROUND

A public emergency refers to an exceptional situation where the government invokes special constitutional powers to address threats to national security, public order, health, or economic stability that cannot be managed under normal laws. The concept of public emergencies was multifaceted, encompassing legal, scholarly, and international perspectives. Legally, emergencies were defined by statutory instruments or constitutional provisions that empowered Governments to act decisively in extraordinary circumstances.

In Articles 30 and 31 of the Constitution of Zambia, emergency situations were referred to as events that threatened public security or the lives and well-being of citizens, thereby necessitating special measures to restore normalcy. According to the Collins English Dictionary, a State of Emergency was "a condition, declared by a Government, in which martial law applies, usually because of civil unrest or natural disaster." Similarly, Black's Law Dictionary defined an emergency as "a sudden and unforeseen situation requiring immediate action, typically involving a threat to life, health, property, or the environment."

Emergencies were, therefore, characterised as conditions that disrupted the normal functioning of a society or system, and required coordinated responses to mitigate adverse impacts. They could be said to be unexpected events that overwhelmed the capacity of normal decision-making processes, demanding extraordinary measures to prevent further deterioration.

Public health emergencies, such as the recurring Cholera outbreaks and the COVID-19 Pandemic, underlined systemic vulnerabilities in the health sector and the need for robust preparedness measures.

Emergencies had disproportionate impacts on vulnerable populations. Women and children, in particular, were more likely to suffer from the long-term consequences of emergencies, such as displacement, loss of livelihoods, and reduced access to education and healthcare. The humanitarian dimension of emergencies called for a rights-based approach to crisis management, ensuring that the needs of the most vulnerable were prioritised. To this extent, effective emergency response must be inclusive, must prioritise the protection of vulnerable groups and must ensure equitable access to relief and recovery efforts.

Understanding the extent of emergencies was crucial for an effective response. While some emergencies were extreme, requiring immediate and large-scale intervention, others could

be less severe but still demand timely action to prevent escalation. In all cases, the guiding principle should be to minimise harm and restore normalcy as quickly as possible while upholding human rights and dignity.

Zambia had over the years faced various emergencies that had underscored the importance of a robust legal and policy framework. For example, the COVID-19 Pandemic highlighted gaps in the health sector's capacity to manage widespread health crises. *The Public Health Act, Chapter 295 of the Laws of Zambia* and accompanying regulations played a pivotal role in enabling the Government to implement necessary measures such as travel restrictions, testing protocols, and vaccination campaigns.

Similarly, recurring floods in regions like Western and Southern Provinces had tested the efficacy of *the Disaster Management and Mitigation Act, No. 13 of 2010*, which facilitated the coordination of relief efforts and disaster preparedness plans.

Against this background, the Committee on Legal Affairs, Human Rights and Governance recognised the need to assess the legal and policy structures governing emergency situations in Zambia. Also, the Committee aimed to review the efficacy of institutions mandated to manage various emergencies, to ensure that Zambia's legal framework was robust enough to address future emergencies adequately and efficiently.

2.2 OBJECTIVES OF THE STUDY

The study sought to achieve the following objectives:

- a) ascertain the adequacy of the policy and legal framework governing emergencies in Zambia;
- b) understand the administration and implementation of emergency situations in Zambia;
- c) appreciate the efficacy of institutions involved in the implementation of emergency situations; and
- d) highlight the challenges, if any, faced by these institutions as well as formulate recommendations.

2.3 SUMMARY OF SUBMISSIONS BY STAKEHOLDERS

2.3.1 LEGAL FRAMEWORK GOVERNING EMERGENCY IN ZAMBIA

Stakeholders highlighted that Zambia's emergency response framework consisting of components of disaster management, environmental and health emergencies, and national security was fragmented. The pieces of legislation included:

1. The Constitution, Chapter 1 of the Laws of Zambia;
2. Emergency Powers Act, Chapter 108 of the Laws of Zambia;
3. Public Health Act, Chapter 295 of the Laws of Zambia;
4. The Disaster Management and Mitigation Act, No. 13 Of 2010;
5. The Public Order Act, Chapter 113 of the Laws of Zambia;
6. Food Reserve Act, No. 6 of 2020;
7. The Zambia National Public Health (ZNPFI) Act, No.19 of 2020
8. The Public Procurement Act, No. 8 of 2020; and
9. The Water Resources Management Act, No. 21 of 2011.

2.3.1.1 The Constitution of Zambia

Stakeholders submitted that the Constitution of Zambia provided for the governance of a declaration of a State of Emergency, including the declaration, powers of the Head of State, the role of Parliament and other key institutions. They pointed out that Article 31 of the Constitution allowed the Head of State to declare a State of Emergency if the country faced a crisis such as war, political instability, or significant disturbance to public order.

Stakeholders informed the Committee that the Head of State had to seek approval from Parliament within seven days of declaring a State of Emergency, and Parliament could revoke the declaration by two thirds of a majority vote. Additionally, Article 34 provided for the duration of a State of Emergency, which could last for a maximum of ninety days, but could be extended if a situation warranted it. Equally, the Constitution stated that a State of Emergency could be terminated earlier if a crisis was resolved or deemed unnecessary by Government.

Further, the Constitution empowered key institutions in the frontline of responding to emergencies to adequately respond to threats in the event of environmental, health and public security crises. Among these institutions, the Zambia Police Service had its authority enhanced during an emergency or State of Emergency declaration, thereby enabling it to effectively address threats and maintain order.

2.3.1.2. The Emergency Powers Act, Chapter 108 of the Laws of Zambia.

Stakeholders submitted that the *Emergency Powers Act, Chapter 108 of the Laws of Zambia* was designed to respond to national crises, and granted the President authority to declare a State of Emergency, enact emergency regulations and, make regulations to address threats to public safety, security, and order.

The stakeholders submitted, however, that similar to the *Public Health Act, Chapter 295 of the Laws of Zambia*, the *Emergency Powers Act* was outdated due to its colonial legacy, as it reflected the prioritisations during the colonial rule where authorities in many cases overrode human rights. They submitted that the Act needed amendment to align with the principles of modern democracy and the country's legal frameworks.

2.3.1.3. The Public Health Act, Chapter 295 of the Laws of Zambia

The Stakeholders submitted that the *Public Health Act, Chapter 295 of the Laws of Zambia* provided for the prevention and suppression of diseases and generally regulated all matters connected with public health in Zambia.

Further, the Act granted the Minister responsible for health powers to issue Statutory Instruments (SIs) given the evolving nature of health crises in the health sector which were at times a threat to public health security. This included invocation of key instruments such as SI No. 21 and 22 of 2020 during the COVID-19 Pandemic, SI No.5 of 2024 which was meant to safeguard the people of Zambia and communities and introduced key provisions and regulations to enhance cholera prevention and control measures. These regulations were delegated to various stakeholders, including local authorities, employers, law enforcement institutions and other agencies to enforce law and implement measures to enhance public health security.

Stakeholders submitted that while the *Public Health Act* was an instrumental piece of legislation governing public health matters, the Act was significantly outdated and needed

to be amended to capture the emerging trends in public health and provisions to reflect the growing burden of new health threats to address the future health needs of the population.

2.3.1.4. The Disaster Management Act, No. 13 of 2010

Stakeholders submitted that the Disaster Management and Mitigation Unit (DMMU) was created in 1994, following the 1991 severe drought. In 2005, the National Disaster Management Policy and Operations Manual was developed to enhance the operations of the DMMU and defined the roles and responsibilities of other key stakeholders at all levels before, during and after disasters. To give the DMMU a legal basis for its operations and existence, the *Disaster Management Act, No. 13 of 2010* was enacted to provide for the functions of the unit, which included empowering the unit as the central planning, coordinating and monitoring institution for preparedness, response, mitigation and prevention of all disaster risks in the country.

2.3.1.5. The Zambia Public Procurement Act, No. 8 of 2020

Stakeholders submitted that the Zambia Public Procurement Act, No.8 of 2020 provided for the procurement during a crisis or emergency. The Act recognised that there were instances when the Government needed to act quickly to secure essential supplies or services, particularly under circumstances that threatened public security and safety such as natural disasters, health emergencies (pandemics) and security threats or civil unrest. The Act had provisions that enabled the procurement of goods and/or equipment expeditiously and efficiently, even if it meant bypassing some of the procurement procedures. The Committee was informed that under section 42 of the Act, the law provided an exception for emergency procurement situations. While the Zambia Public Procurement Act had undergone amendment, the lengthy processes to procure equipment in an event of an emergency compromised response by key institutions such as the DMMU to act swiftly to an emergency or disaster.

Stakeholders submitted that the Zambia Procurement Regulations, 2022, complemented the Act and provided additional detailed procedures for the implementation of emergency procurement. By way of example, the regulations provide specific guidelines for the procurement related to public health crisis such as equipment. Specifically, section 72 (1) (a) and (b) states that, ‘An emergency situation shall include circumstances which are urgent, unforeseeable and not caused by the dilatory conduct of the procuring entity where (a) the country is threatened by or confronted with a disaster, catastrophe, pandemic or war; (b) life, or the quality of life or environment may be seriously compromised.

2.3.1.6. The Zambia National Public Health Institute Act, No.19 of 2020

The Committee was informed that the *Zambia National Public Health Institute Act, No.19 of 2020* provided for the establishment and functions of the Zambia National Public Health Institute (ZNPFI), whose mandate was to provide public health security and the establishment and operationalisation of the National Public Health Emergency Operation Centre, National Public Health Reference Laboratory and, the National Public Health Emergency Fund, under section 15. The Fund was supposed to be used for the ‘provision of public health emergency commodities; (b) the operations of the epidemic preparedness, prevention, control and management committees, in the management of public health emergencies in their areas; and(c) any other matter relating to the preparedness, prevention and mitigation of a public health emergency.

While these provisions were provided in the legislation, stakeholders submitted that they were not fully operational. They stated that this could impact the timely response, preparedness and mitigation of public health crises.

2.3.1.7. The Public Order Act, Chapter 113 of the Laws of Zambia

Stakeholders submitted that the *Public Order Act, Chapter 113 of the Laws of Zambia* was enacted in 1955 for the maintenance of public order. Stakeholders stated that this law was a legacy of the colonial era having been adopted from the Public Order Act, 1936, of the United Kingdom. The objects of the Act were to prohibit the wearing of uniforms in connection with political objects and the maintenance by private persons of associations of military or similar character, and to make further provisions for the preservation of public order.

The Committee was informed that whenever an emergency proclamation was in force, the President could make emergency regulations as appeared to him to be necessary or expedient for securing the public safety and for the maintenance of public order. The Public Order Act, which was used to maintain public order and safety, therefore, complemented emergency regulations aimed at securing public safety and maintaining public order. The Act prohibited the organisation, training, or equipping of quasi-military groups; unauthorised gatherings and processions; and possession and/or use of weapons in public gatherings. In addition to this, the Act provided penalties for contravening its provisions and regulations.

More specifically, the *Public Order Act* regulated assemblies, public meetings and processions by providing that every person who intended to assemble or convene a public meeting, procession or demonstration should give the Zambia Police Service at least seven days' notice of that person's intention to assemble or convene such a meeting, procession or demonstration. It demanded that anyone who participated or organised a meeting or procession for which a notification to the police service had not been given or issued could be arrested without warrant and charged with unauthorised assembly.

Stakeholders held a view that implementing the *Public Order Act* resulted in limiting rights in emergencies that were otherwise constitutionally protected. The freedoms of movement and assembly, as indicated by the provisions of the Act mentioned above, were subject to certain limitations. This was because the need to maintain public order during emergencies and ensure safety took precedence over these freedoms.

The stakeholders, submitted on one hand that if the Act was implemented as intended, it was an important tool for ensuring that public order was maintained during emergencies. On the other hand, if misused, it could be a tool to arbitrarily restrict the freedoms of expression and assembly.

2.3.1.8. Water Resources Management Act, No. 21 of 2011

The Committee was informed that the Water Resources Management Act, No. 21 of 2011 established a regulatory and administrative framework for managing water resources in Zambia. In this regard, the Act provided for the management, development, conservation, protection and preservation of the water resources, water rights and the equitable and sustainable use of water resources and related matters in Zambia.

Stakeholders submitted that Part 9 of the *Water Resources Management (WARMA) Act* provided for emergency situations. The WARMA Act defined an emergency as: "a disaster or incident connected with water, resulting suddenly, either from natural causes or from human conduct, and which causes or poses an imminent threat or causes serious harm or damage to a water resource, the people, property or to an area, and includes:

- (a) a flood which is likely to occur or has occurred;
- (b) a drought which is likely to occur or has occurred;

- (c) any water works which might fail or have failed;
- (d) any risk posed by any dam; or
- (e) any hazardous matter or harmful or toxic substance discharged into a water resource or ground water;

Emergencies had a further description under the WARMA Act. The Act referred to a “national disaster”, as an emergency which had been declared by the President under section 145.

In contrast, the Disaster Management Act, had no definition for an emergency. It, however, defined a disaster, as “an event that is associated with the impact of a human-induced or natural hazard, which causes a serious disruption in the functioning of a community or society, causing widespread human, material or environmental losses which exceeds the ability of the affected community or society to cope with the hazard using its own resources.

Stakeholders submitted that it should follow, therefore, that all disasters falling under the definition of “disaster” in the Disaster Management Act should be governed in accordance with the same Act, while disasters falling under the definition of “emergency” in the WARMA Act, should be governed by the WARMA Act.

2.3.1.9. Food Reserve Act, No. 6 of 2020

Stakeholders submitted that the *Food Reserve Act, No. 6 of 2020* established the Food Reserve Agency as a legal entity and outlined the Agency functions to market and trade a designated agricultural commodity. Other functions of the Agency included purchasing, importing, selling, trading or exporting a designated agricultural commodity. Also, the Act established, managed, leased, and maintained a storage facility and equipment to be used in relation to a designated agricultural commodity as well as declaration of national food emergency and vesting of Agency functions.

The Act empowered the President to declare a national food emergency. The President could, on the recommendation of the Minister, by proclamation, declare a national food emergency in the event of a shortfall in the—

- (a) domestic production; or
- (b) availability of a designated agricultural commodity.

The Committee was informed that in contrast to the declaration under the *Disaster Management Act* and the *WARMA Act*, the *Food Reserve Act* did not give further detail, such as the definition of an emergency, measures to be taken by the Government during the period and duration in which the declaration remained in force.

2.4. POLICY FRAMEWORK GOVERNING EMERGENCY SITUATIONS IN ZAMBIA

The policy framework for managing emergencies is outlined below:

2.4.1. National Health Policy of 2012

Stakeholders submitted that the National Health Policy set clear directions for the development of the health sector in Zambia. The policy was anchored on the Vision 2030 and was implemented through successive National Development Plans and National Health Strategic Plans. It set out policy measures that guided on strategies and

programmes in the health sector. The policy provided an overarching National Health Policy Framework that amalgamated existing policies in the health sector.

The Committee was informed that the policy outlined a framework for emergency preparedness and response, but real-life experiences during major outbreaks revealed gaps in this system. The Zambian health system had been consistently underfunded, affecting its capacity to handle large-scale emergencies. For example, Cholera outbreaks that Zambia faced almost yearly, exposed the public to poor sanitation, lack of clean water, and under-equipped health facilities. Responses were marked by challenges in contact tracing, lack of adequate treatment facilities, and poor community outreach.

The Committee heard that while the National Health Policy set out an ambitious framework for improving healthcare services, especially during emergencies, its practical implementation had been significantly impacted by resource constraints, infrastructure gaps, shortages of personnel, and poor coordination. During emergencies such as Cholera outbreaks and the COVID-19 Pandemic, these issues had become more apparent, with rural areas facing the worst consequences.

2.4.2. National Disaster Management Policy

The Committee was informed that Zambia had experienced several disasters and that the frequency of their occurrence and magnitude had been increasing.

Stakeholders submitted that the Disaster Management Policy, whose objectives were to promote sustainable development among vulnerable communities and improve their resilience, was launched in 2005.

The goals were to:

- 1) develop and implement Disaster Risk Management (DRM) plans;
- 2) strengthen horizontal and vertical coordination mechanisms;
- 3) develop an integrated disaster risk management information and communication system in order to enhance timely decision-making;
- 4) establish monitoring and evaluation mechanisms to ensure prudent utilisation of resources;
- 5) coordinate research and activities relevant to DRM in order to advise the disaster management structures at different levels;
- 6) provide administrative, logistical and management support services; and
- 7) put in place appropriate measures to respond to climatic changes such as implementing public educational and information programmes.

The Committee heard that while Zambia's Disaster Management Policy had made strides in improving disaster preparedness and response, the policy faced challenges with regard to implementation, as outlined hereunder:

(a) Insufficient Resources: Limited financial and human resources often hindered the implementation of disaster management strategies. This resulted in delays in response and recovery efforts, and insufficient support for affected communities.

(b) Lack of Coordination: Despite the existence of a national disaster management structure, coordination between Government agencies, local authorities, and non-governmental organisations could be weak. This fragmentation often led to duplicated efforts or gaps in response, thereby slowing down recovery.

(c) Inadequate Early Warning Systems: Early warning systems in Zambia were sometimes underdeveloped or not adequately utilised. This limited the ability to provide timely alerts to communities, reducing their capacity to prepare for impending disasters like floods, droughts, or disease outbreaks.

(d) Weak Infrastructure and Vulnerable Communities: Poor infrastructure in rural areas made it difficult to access affected communities during emergencies. Many regions were particularly vulnerable to disasters like floods and droughts, and the lack of adequate infrastructure limited the effectiveness of relief efforts.

2.5. ADMINISTRATION AND IMPLEMENTATION OF EMERGENCY SITUATIONS IN ZAMBIA

Stakeholders submitted that the administration and implementation of emergency situations in Zambia involved coordinated actions by various institutions and authorities, guided by established frameworks to safeguard public safety, health, and order.

The Committee was informed that disaster management in Zambia was led by the DMMU, which coordinated efforts to prepare for and respond to crises such as floods and droughts. The DMMU's ability to declare disaster-prone areas and mobilise resources ensured a structured and collaborative approach involving multiple stakeholders. Stakeholders, however, submitted that the effectiveness of these efforts could be hindered by insufficient local authority involvement and the absence of strong accountability mechanisms, which were crucial for ensuring transparency and effectiveness in large-scale emergency responses.

The Committee was informed that maintaining public order during emergencies often involved measures to regulate assemblies and gatherings, with the Zambia Police Service playing a central role. Restrictions on public gatherings had been used to prevent potential threats to safety, though enforcement had occasionally been contentious, with accusations of selective application and excessive use of force. The Committee heard that such issues could undermine public trust and complicate the administration of emergency measures.

Other critical areas of emergency management included safeguarding essential services during strikes or labour disputes and addressing acts that endangered public safety. Stakeholders were of the view that the involvement of the military during emergencies required significant logistical and/or operational support to demonstrate the importance of collaboration between various sectors. They stated, however, that overlapping mandates and operational ambiguities complicated coordination, necessitating clear delineation of roles and responsibilities among stakeholders.

2.6 EFFICACY OF INSTITUTIONS INVOLVED IN THE IMPLEMENTATION OF EMERGENCY SITUATIONS

2.6.1 Disaster Management and Mitigation Unit

The Committee was informed that the DMMU had been instrumental in coordinating responses to natural disasters such as floods and droughts. By way of example, during the 2021 floods in the Southern Province, the DMMU coordinated the evacuation of affected families, distributed relief supplies such as food and blankets, and facilitated the reconstruction of key infrastructure like bridges.

Similarly, in response to the prolonged droughts between 2018 and 2019, the DMMU implemented water harvesting initiatives and distributed emergency water supplies to

drought-stricken areas, ensuring continuity in agricultural activities and access to drinking water.

The two examples highlighted the DMMU's capacity for multi-sectoral intervention during emergencies. Its ability to mobilise resources and coordinate across sectors had been demonstrated in several instances. However, the DMMU's effectiveness was often hampered by bureaucratic delays, insufficient funding, and a lack of technical expertise at the local level. Additionally, the absence of a clear accountability mechanism reduced public confidence in its operations.

2.6.2 Ministry of Health

The Ministry of Health played a critical role during public health emergencies, overseeing disease surveillance, prevention, and response strategies. Its efforts during the COVID-19 Pandemic, including mass testing, isolation measures, and vaccination campaigns, showcased its potential. However, logistical challenges such as inadequate supply chains and understaffed facilities exposed vulnerabilities that needed urgent attention.

2.6.3 Zambia Police Service

The Zambia Police Service enforced emergency measures under the *Public Order Act* and related legislation. While the police had maintained order during crises, their approach had often been criticised for heavy-handed tactics and lack of community engagement. For example, during the enforcement of COVID-19 lockdown measures in 2020, there were reports of police using excessive force to disperse gatherings and enforce curfews, leading to public outcry and accusations of human rights violations. Stakeholders submitted that such incidents underscored the need for balanced enforcement strategies that prioritised both public safety and respect for civil liberties.

Stakeholders submitted that building trust between the police and the public, along with training in human rights-based approaches, was vital for improving their role in emergency management.

2.6.4 Local Authorities

Local councils were integral to implementing emergency measures such as waste management, public sensitisation, and enforcement of health directives. Despite their proximity to affected communities, local authorities were often side-lined due to inadequate funding and coordination with central Government agencies. Empowering local councils through financial and legislative support would significantly enhance their contributions to emergency responses.

2.7 CHALLENGES IN THE MANAGEMENT OF EMERGENCY SITUATIONS

Stakeholders submitted that institutions involved in combating emergency situations in the country, suffered from operational and administrative incapacity. This presented challenges in the timely aversion of emergencies. Stakeholders enlisted some notable challenges faced by institutions in resolving emergency situations.

i. Inadequate and Erratic Funding

Stakeholders submitted that for the institutions established under the existing legislation to be fully functional and to be able to execute their mandates in the event of an emergency, adequate financial resources were crucial. Notably, budget allocations had been inadequate towards these institutions to respond to the magnitude of emergencies in the country.

Stakeholders submitted that the 2024 drought emergency led to the Presidential appeal for resources to help address the impacts of the severe drought. The support, however, only came 4 months after the appeal from various cooperating and international agencies. The lack of adequate domestic resources, therefore, made it a challenge to respond to an emergency and contain it in its early stages.

ii. Non-Operationalisation of Certain Provisions in the Zambia National Public Health Institute Act, the Disaster Management Act and the Public Health Act

Stakeholders submitted that the *Zambia National Public Health Institute Act* provided for the establishment of the Zambia National Public Health Institute, whose mandate was to provide public health security, including establishment of the National Public Health Emergency Fund. Similarly, the *Disaster Management Act* provided for the enhancement of the DMMU's emergency preparedness and response, such as establishment of the Trust Fund. The Committee was informed that if the various provisions in the Acts were not implemented, it posed a challenge in enhancing the mandate of public health security from the various emergencies that could threaten the environmental, health and political stability of the country.

iii. Limited Technical Know-how by Key Frontline Institutions to Prepare and Respond to Health Emergencies

Stakeholders submitted that while the *Public Health Act* had key provisions to address public health and emergencies, key institutions responsible for promoting public order and security of the public such as the Zambia Police Service lacked the technical capacity to enforce health measures effectively, especially during pandemics. Further, the inadequate resources under the Operations department responsible for responding to such crises hampered the ability of the police to expand.

iv. Overwhelmed Desk at the Judiciary for Timely Review of Legislation

The Committee was informed that the evolving landscape related to health, environmental and political emergencies, required quick response in the adjustment of legal and regulatory frameworks. Stakeholders submitted, however, that this presented challenges, due to the Judiciary dealing with several pieces of legislation that required review. The process of review tended to take inordinately long and this impacted on quick response and measures required in the event of emergencies. The Committee was informed that establishments and operationalisation of various provisions in the existing legislation was hampered by the overwhelming responsibility of the Judiciary to review and provide feedback on time, which made it difficult for institutions to act quickly and decisively to address a crisis.

2.8 TOURS

2.8.1 LOCAL TOUR

In order to augment its findings on the topical issue, the Committee undertook a local tour of Lusaka, Central, Copperbelt and Eastern Provinces. The Committee interacted with critical stakeholders in the management of emergency situations, including the Zambia Police Service, the Judiciary, the Ministry of Health, local authorities and the Fire Department.

The findings of the Committee are as summarised below:

(i) Inadequate Infrastructure in Hospitals and Fire Departments

When it came to emergency preparedness, all the institutions that were visited did not have adequate infrastructure. This was generally attributed to poor planning and lack of

foresight. While most of the hospitals visited had built oxygen plants post COVID-19, all of them, countrywide, had no isolation or treatment centres for disease outbreaks.

The Committee noted that hospitals, which ought to be safe havens during medical emergencies, were ineffective due to poor infrastructure. Many healthcare facilities, especially in under-funded regions, had inadequate space, outdated equipment, and insufficient staffing, leading to delayed or substandard emergency care.

One major issue was the lack of essential medical equipment, such as ventilators, defibrillators, and trauma kits, which were crucial for life-saving interventions. Further, overcrowded emergency rooms made it difficult for doctors to attend to critical cases promptly. In addition, poor maintenance of facilities coupled with unreliable electricity, water supply and sanitation worsened the patients' situation.

The Committee observed that without proper infrastructure, hospitals struggled to handle emergencies like heart attacks, accidents, or mass casualty events. Investing in better facilities, modern equipment, and trained personnel was essential in ensuring that hospitals provided timely and efficient emergency care, ultimately saving lives.

Further, the Committee observed that a well-equipped Fire Department was crucial for saving lives and protecting property during different emergencies such as fires, accidents, and other disasters. However, many Fire Departments, especially in under-funded areas, had outdated infrastructure, inadequate resources, and staff shortages, thereby severely limiting their ability to respond effectively to emergencies.

One major challenge was the lack of modern firefighting equipment, such as fire trucks, breathing apparatus, and high-pressure hoses. Many fire stations operated with old, malfunctioning vehicles that broke down during critical moments. Additionally, insufficient water supply, poorly maintained hydrants, and narrow, congested roads delayed response times, allowing fires to spread uncontrollably.

Another critical issue was the shortage of trained firefighters. Overworked personnel with limited protective gear faced higher risks, which reduced their efficiency in rescue operations. It was noted that without proper training facilities and emergency communication systems, coordination during large-scale disasters became chaotic.

The Committee observed that to ensure public safety, there was need for the Government to invest in modern firefighting equipment, better training programmes, and improved infrastructure. A strong Fire Department was not just a necessity but a lifeline during emergencies.

(ii) Inadequate Transport and Equipment for Fire Brigades and the Zambia Police

Most institutions involved in the management of emergency situations grappled with inadequate transport. By way of example, the Fire Brigade, which was a section of the local authorities had very few fire trucks. In addition, the section in most towns visited did not have fire hydrants to provide high-pressure water connection.

The Committee observed that the Zambia Police, which was the first responder in emergencies, such as road traffic accidents, had serious transport challenges. In that regard, there was need to equip police stations, especially those situated along major roads, with emergency vehicles such as tow trucks and ambulances.

The Committee made a general observation that having the Fire Brigade as a section under the Council was a serious disservice and a challenge to meeting budgetary needs and effectiveness.

(iii) Limited Access to Technology and Timely Warning System.

The Committee noted that there was limited access to information technology to effectively inform the residents about an emergency in almost all the institutions visited, and where the technology was present, it was outdated.

It was observed that in an age of escalating climate disasters, industrial accidents, and public safety threats, relying on outdated emergency systems was not viable. The integration of advanced technology into emergency surveillance and early warning systems was not just an upgrade but a necessity for saving lives, reducing damage, and ensuring rapid response.

The Committee noted that there was need to invest in resilient, Artificial Intelligence (AI) enhanced surveillance networks and universal alert systems to bridge gaps in emergency preparedness. In that regard, the Government and tech innovators must collaborate to build faster, smarter, and more inclusive systems for emergency surveillance.

(iv) Lack of Air Transport

The Committee was informed that the Zambia Police had instances where air transport was essential in responding to emergencies. Unfortunately, this capability was lacking in the Zambia Service, which was a serious impediment to quick responses.

The Committee noted that during disaster response and emergency management, air support including helicopters, drones, and medical evacuation (medevac) aircraft played a crucial role in saving lives.

Further, the Fire Brigade section in councils had no capacity in terms of air support and the consequences had been severe, leading to delayed rescues, increased fatalities, and prolonged suffering for those affected. It was noted that there was slower medical emergency response by hospitals for trauma and critical care patients without medevac helicopters and the most affected patients were in remote areas, who usually died from treatable injuries due to delayed hospital transfers.

The Committee observed that though the Flying Doctor Service had carried out a number of evacuations, these were not tied to emergency situations. The Government, therefore, needed to consider acquiring air support services for institutions that directly dealt with emergency situations.

2.8.2 FOREIGN TOUR

The Committee undertook a benchmarking tour of the Federal Democratic Republic of Ethiopia. During this visit, the Committee interacted with key stakeholders in the management of emergency situations in Ethiopia and the findings are as outlined.

i. Declaration of State of Emergency

The Parliament of the Federal Democratic Republic of Ethiopia (FDRE) had a Bicameral System, namely; the House of Federation (Upper Chamber), where Members were indirectly elected by state assemblies and served five-year terms, and the House of Peoples' Representatives (Lower Chamber), where Members were directly elected in single-seat

constituencies by simple majority vote. In total, there were 547 seats, with 22 reserved for minorities, and all Members served five-year terms.

The system was established with the adoption of the Ethiopian Constitution of 1995, which replaced the previous legislative body known as the National Shengo. The Parliament played a crucial role in governance, selecting the Prime Minister and holding Federal Legislative Power alongside the Government.

The Committee was informed that in Ethiopia, a State of Emergency was declared and regulated by the Constitution of 1995 and specific laws, primarily the State of Emergency Proclamations.

The laws granted the Council of Ministers the power to declare a State of Emergency when national security, sovereignty, or public safety was threatened by war, external aggression, internal unrest, or natural disasters. In short, the situation should be one that cannot be controlled through ordinary law enforcement measures.

The Council of Ministers, led by the Prime Minister, declared a State of Emergency by decree. The decree must specify the reasons for the declaration, the geographical scope, such as nationwide or specific regions, the duration, the special measures to be taken such as curfews, restrictions on movement, media censorship or military deployment.

Within fifteen days of the declaration, the decree must be submitted to the House of Peoples' Representatives for approval. If approved, the State of Emergency remained in effect for the specified period. If Parliament was not in session at the time of the emergency, an emergency Session was convened. Further, the House of Peoples' Representatives may extend the State of Emergency beyond the initial six months, if necessary. The House of Federation must have been informed but did not vote on the decree.

During a State of Emergency, the Ethiopian Government could impose measures such as suspension of certain constitutional rights such as freedom of assembly, movement, and expression, curfews and restrictions on movement. Other measures included detention without trial, which was subject to judicial review under recent reforms, and military deployment for law enforcement and media censorship, and internet shutdowns.

The Constitution required that measures taken must be necessary and proportionate. Courts could review the legality of detentions (though this was restricted in past emergencies).

The State of Emergency ends when the declared period expired without extension through a vote by the House of Peoples' Representatives to lift it. The Council of Ministers revoked it if the threat was resolved.

Article 93 of the Constitution of Ethiopia laid out the circumstances that justified the declaration of a State of Emergency. Article 93 (1) states as follows:

1. (a) *The Council of Ministers of the Federal Government shall have the power to decree a State of Emergency, should an external invasion, a breakdown of law and order which endangered the Constitutional order, and which could not be controlled by the regular law enforcement agencies and personnel, a natural disaster, or an epidemic occur; and*

(b) State executives can decree a State-wide State of Emergency should a natural disaster or an epidemic occur. Particulars are determined in State Constitutions to be promulgated in conformity with this Constitution.

To deal with this problem, the Constitution provided two objective-oriented criteria to guide decision-making.

The first of which was that the emergency must be an actual event. In other words, eminent and anticipated emergency situations did not warrant a declaration of State of Emergency. The emergency provision of the Constitution thus provided a stricter standard than international Instruments, which allowed a State of Emergency to be declared for imminent dangers.

The second was that the danger should be beyond the capacity of the usual law enforcement mechanisms.

As a result, the mere existence of disorder and instability did not warrant the declaration of a State of Emergency. However, it was a recourse available in, and only in circumstances of constitutional disorder as follows:

- (i) The declaration must be submitted to the House of Peoples' Representatives within 48 hours for approval, when it was in Session;
- (ii) The House of Peoples' Representatives could approve, modify, or reject the State of Emergency by a two-third majority vote; and
- (iii) The emergency clause of the Constitution envisaged time-bound states of emergency. A State of Emergency declaration approved by the legislature could remain in force for a maximum period of six months and automatically lapsed at the expiry of the indicated time limit unless it was renewed by the legislature. The same threshold of a two-third majority vote was needed to renew a State of Emergency for an additional four months.

According to Article 93 (2) (a), a decree that has not met the threshold stands repealed. It states as follows:

- (a) *If declared when the House of Peoples' Representatives is in Session, the decree shall be submitted to the House within forty-eight hours of its declaration. The decree, if not approved by a two-thirds majority vote of members of the House of Peoples' Representatives, shall be repealed forthwith.*

ii. Parliamentary Oversight during Emergencies

If approved, the State of Emergency could last up to six months, but the House of Peoples' Representatives could extend it every four months based on necessity and it maintained oversight by:

- (a) Reviewing Executive actions taken under emergency powers;
- (b) Summoning Government officials for questioning; and
- (c) Requiring regular reports on emergency measures.

Furthermore, Article 93 (4) requires that when a State of Emergency was declared, the Council of Ministers should, in accordance with regulations it issued, have all necessary power to protect the country's peace and sovereignty, and to maintain public security, law and order.

- (b) *The Council of Ministers should have the power to suspend such political and democratic rights contained in the Constitution to the extent necessary to avert the conditions that required the declaration of a state of emergency.*

The House of Peoples' Representatives, while declaring a State of Emergency, is also mandated to simultaneously establish a State of Emergency Inquiry Board, comprising of seven persons to be chosen and assigned by the House from among its members and from legal experts.

The State of Emergency Inquiry Board was responsible for and empowered to:

- (a) make public within one month the names of all individuals arrested on account of the State of Emergency together with the reasons for their arrest;
- (b) inspect and follow-up on measures taken during the State of Emergency and ensure that they were not inhumane;
- (c) recommend to the Prime Minister or to the Council of Ministers corrective measures if it found cases of inhumane treatment;
- (d) ensure the prosecution of perpetrators of inhumane acts; and
- (e) submit its views to the House of Peoples' Representatives on a request to extend the duration of the State of Emergency.

iii. Special Sessions

In Ethiopia, if an emergency arose when Parliament was not in Session, the Speaker could call an emergency Session, subject to the required two-thirds majority vote for approval. The decree declaring a State of Emergency, when the House of Peoples' Representatives was not in Session, shall be submitted to it within fifteen days of its adoption.

iv. Limitations on Emergency Powers

Emergency powers granted by the Ethiopian laws prohibited suspension of fundamental rights such as freedom from torture or fair trial, even during emergencies.

Where such human rights violations occurred under emergency rule, these could be challenged in court.

The exclusive listing of non-derogable rights during a State of Emergency under Article 93 of the Ethiopian Constitution included the following:

- (a) Article 1, which describes the nomenclature of the state as 'the Federal Democratic Republic of Ethiopia;
- (b) Article 18, which prohibits inhumane treatment;
- (c) Article 25, which guarantees equality of everyone before the law and equal protection of the law; and
- (d) Article 39, guarantees rights of Nations, nationality and people's self-determination, including the right to secession.

v. Role of the House of Federation (HOF)

Where the emergency involved regional conflicts, the House of Federation or Upper House was empowered by the Constitution to intervene to resolve disputes by issuing a mandatory Order for Federal intervention if any State, in violation of this Constitution, endangered the constitutional order.

2.9 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

Considering both written and oral submissions from stakeholders as well as on-the-spot tours of institutions that are involved in the management of emergency situations in

Zambia, and having shared best practices from the Federal Democratic Republic of Ethiopia, the Committee now makes the following observations and recommendations:

1. Operationalisation of the DMMU National Disaster Relief Trust Fund

The Committee observes that the Disaster Management and Mitigation Unit Trust Fund, which is designed to facilitate relief efforts is yet to be operationalised. The Committee believes that the activation of the Trust fund is critical, particularly in enhancing the country's ability to effectively and efficiently manage and respond to environmental and health disasters.

The Committee, therefore, recommends the immediate operationalisation of the Trust Fund, to ensure that resources are reserved and readily accessible in the event of an emergency, for quick and timely responses.

2. Establishment of a Disaster Operations Fund under the Zambia Police Service

The Committee recognises the vital role that the Zambia Police Service plays not only in maintaining and enforcing public order, but also in responding to emergencies particularly during health and environmental crises, where they serve as first responders. The Committee acknowledges that crises triggered by health and environmental disasters often require Police intervention in enforcing measures and controlling the spread of diseases or a potential unrest such as a food security crisis.

The Committee, therefore, strongly recommends that the Zambia Police Act undergoes review to provide for the establishment of a Disaster Operations Fund, to ensure that the Police have sufficient resources to enhance coordination response and capacity building through preparatory measures, especially on health-related emergencies, and also to enhance their ability to respond to disasters timeously.

The Committee also recommends that the Zambia Police be provided with emergency support vehicles such as ambulances and toll trucks, and air support especially those along highways.

3. Involvement of the Non-State Actors in the Review and Technical Processes of Emergency Legislation.

The Committee observes that managing State of Emergencies or moments of emergencies often require coordinated efforts between various government agencies, line ministries, the defence forces, local authorities and non-state actors.

The Committee further observes that such coordination is crucial in the pooling of resources and developing contingency plans.

Therefore, the Committee recommends that legislation governing emergencies and States of Emergency undergo review to include non-state actors to harmonise efforts in addressing emergencies for the best interest of the public.

4. Establishing Sufficient Oversight Mechanisms

The Committee has identified significant shortcomings in the legislative framework governing emergencies in Zambia, particularly as outlined in the Constitution of Zambia, the Emergencies Powers Act and other cited Acts. The comparative analysis with Ethiopia reveals that Ethiopia has implemented robust oversight mechanisms through parliamentary consultation or approval and judicial review prior to and during the state of

emergency. Under the current Zambian Constitutional provisions, the President is mandated to only “Consult” cabinet before a threatened or actual state of emergency can be declared. The law in this case grants a very broad and potentially unchecked power to the Executive, particularly the President. Further, in instances when Parliament is dissolved, the Committee notes that the legal framework has ambiguities.

To enhance accountability and safeguard against potential misuse of Executive authority, the Committee recommends that sufficient oversight mechanisms be incorporated in the Constitution and other enabling allied legislations, through review and amendments, to ensure provisions on declaration of state of emergencies so that they are not prone to abuse.

5. Fire Section in the Local Authorities

To enhance operational efficiency and effectiveness, the Committee recommends that the existing fire section be converted into a full-fledged Fire Department. This transition would allow for better resource allocation, specialized training, and improved emergency response coordination. A dedicated Fire Department would have the authority to implement advanced fire prevention programs, modernize equipment, and establish clear command structures, ensuring quicker and more organized responses to emergencies. Additionally, it would enable the recruitment of skilled personnel, foster inter-agency collaboration, and secure independent funding for critical initiatives. By elevating the fire section to a full department, the community would benefit from enhanced safety measures, reduced response times, and a more proactive approach to fire and rescue operations.

6. Improvement and enhancement of early warning systems

To improve and enhance early warning systems during public emergencies, the Committee recommends that authorities invest in advanced technology, such as AI-powered monitoring tools, automated alert systems, and real-time data analysis platforms. Integrating these systems with existing communication networks including mobile alerts, social media, and emergency broadcast channels to ensure rapid and widespread dissemination of critical information. Additionally, community engagement programs should be implemented to educate the public on recognizing warning signs and responding effectively. Strengthening coordination between government agencies, disaster management teams, and local stakeholders would further enhance the accuracy and timeliness of alerts. By adopting a multi-layered approach, early warning systems can become more reliable, reducing risks and saving lives during emergencies.

7. Consolidation of emergency laws

To strengthen emergency preparedness and response, the Committee recommends that the government consolidates existing laws governing emergencies into a unified and coherent legal framework. Currently, fragmented regulations across different agencies can lead to overlaps, gaps, and inefficiencies during crises. A consolidated legal structure would ensure clarity, consistency, and seamless coordination among stakeholders. This framework should define clear roles, responsibilities, and protocols for disaster management, public safety, and emergency response while incorporating provisions for modern threats such as cyber incidents and pandemics. Additionally, it should mandate regular reviews and updates to adapt to evolving risks. By harmonizing emergency laws, authorities can enhance accountability, streamline operations, and improve overall resilience in times of crisis.

8. Amendment of the Emergency Powers Act, Chapter 108

The Committee has identified a limitation in the Emergency Powers Act, particularly in Section 3 which currently pertains exclusively to political emergencies neglecting other substantial forms of emergencies.

A comparative study with Ethiopia revealed a more comprehensive framework that enables broader definitions of emergencies and allowing the President to declare a state of emergency under various circumstances.

Considering this observation, the Committee strongly recommends the following:

(a) **Harmonisation of Emergency Legislation:** All existing legislation related to emergencies should be reviewed and harmonised. This includes integrating provisions from related laws that address natural disasters, public health crises, and other emergencies into a cohesive framework;

(b) **Comprehensive Definition of Emergencies:** The Emergency Powers Act should be amended to encapsulate a wider array of emergencies, including but not limited to political, natural, and public health emergencies; and

(c) **Codification into One Legislative Framework:** The Committee advocates for the consolidation of all related emergency regulations into a single, comprehensive piece of legislation, the amended Emergency Powers Act. This will ensure clarity, consistency, and efficiency in the management of emergencies. By implementing these recommendations, the Act will be better equipped to address the complexities and varied nature of emergencies.

9. Duration of the State of Emergency

The Committee has reviewed the existing provisions regarding the duration of a declared state of emergency and noted significant variability in legal frameworks. For instance, Zambia's legislation stipulates an initial duration of 7 days for a state of emergency, after which the President must seek parliamentary approval for any extensions. In contrast, Ethiopia's framework allows for a state of emergency to last between 14 to 30 days.

Given these observations, the Committee recommends the following:

1. **Safeguards Against Human Rights Derogations:** This extension aims to better safeguard against potential prolonged derogations from human rights and to impose necessary checks on the powers conferred to the State during an emergency;
2. **Parliamentary Oversight:** The Committee emphasises the importance of maintaining robust parliamentary oversight during any declared state of emergency, ensuring that any extensions beyond the initial period are justified and align with democratic principles; and
3. **Consider establishing a State of Emergency Inquiry Board** that will be in charge of checking the emergency powers and their application as established in Ethiopia.

By adopting these recommendations, the legal framework governing states of emergency will be enhanced, promoting a balance between the necessity of swift governmental action and protection of fundamental human rights.

10. Establishment of a National Integrated Emergency Management Framework

The Committee observes significant challenges arising from the overlapping authorities and fragmented approaches in the declaration and management of emergencies across the *Disaster Management Act*, *Water Resources Management Act* and the *Food Reserve Act*, in that while they target different sector-specific risks such as general disasters, water-related crises, and food security, they share a common objective of safeguarding public welfare.

Despite this shared purpose, the lack of a harmonised framework can lead to potential duplication of efforts, inconsistencies in emergency declarations, and challenges in coordinating multi-sectoral responses.

Considering the above, the Committee recommends:

- (i) establishment of a National Integrated Emergency Management Framework to harmonise the emergency declaration processes and durations across the various Acts;
- (ii) strengthening of cross-sectoral coordination among key institutions, including the defence forces, Disaster Management and Mitigation Unit, *Water Resources Management Authority*, and the Food Reserve Agency;
- (iii) clear definition of protocols for joint planning, resource mobilisation, and implementation of responses to emergencies affecting multiple sectors; and
- (iv) promotion of localised response capacities by incorporating decentralised structures for all types of emergencies, ensuring that communities are well-prepared to handle sector-specific crises at the district and provincial levels.

The Committee is confident that the National Integrated Emergency Management Framework will provide a cohesive strategy for managing emergencies effectively, fostering collaboration among various sectors, and ensuring that local communities are empowered and prepared to respond to emergencies timeously.

PART II

3.0 CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE REPORT OF THE COMMITTEE FOR THE THIRD SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

3.1. THE FIGHT AGAINST CORRUPTION IN ZAMBIA

i. Sentences after Conviction

The Committee in the previous Session had observed that the sentences, for those convicted of corrupt practices, were too short compared to individuals who were convicted for misdemeanours. The Committee had further observed that individuals convicted for stealing, fraudulently acquiring or illegally obtaining money or property could be sentenced to as low as three years imprisonment, yet individuals convicted of stealing chickens can be sentenced to as high as 7 years imprisonment with hard labour.

The Committee in the previous session had strongly recommended for a total overhaul and enhancement of sentences provided under the *Anti-Corruption Act*, if the fight against corruption was to serve as deterrent to would-be offenders.

Executive's Response

Government acknowledged the Committee's recommendation and wished to report that the *Anti-Corruption Act, No. 3 of 2012* had two provisions that created penalties. Section 41 created a general penalty for corrupt practices and related offences while section 63 provided for the penalty for general offences.

The proposed amendment to the *Anti-Corruption Act* included stiffening the sentences for corruption offences. The proposal had a minimum mandatory sentence of five (5) years Imprisonment with Hard Labour.

Further, it was proposed that the punishment for general offences should also be enhanced to provide for a minimum mandatory penalty of not less than two (2) years for offences set out under section 63 which provided as follows:

63. a person who – knowingly makes or causes to be made to the Commission false testimony or a false report in any material particular on any offence or matter under investigations; knowingly misleads the Director-General, Deputy-Director General or any officer of the Commission by giving false information or statement or making a false allegation; obstructs, assault, hinders or unlawfully delays an officer of the Commission in the lawful exercise of the powers conferred on the officer under this Act; and refuses or fails without reasonable cause to give to the Director General or an officer of the Commission, on request any document or information required for purposes of this Act; fails to comply with any demand of the Director General, Deputy Director General or an officer of the Commission under this Act; or destroys anything to prevent seizure of any property or document or securing the document or property. Commits an offence and is liable upon conviction to imprisonment for a period not exceeding two (2) years.

An analysis of the offences above showed that the same were likely to be committed by persons or agents of persons under investigation for an offence outlined in part 3 of the Act. These offences had the potential to undermine the integrity of an investigation. Secondly, offences under section 63 were offences of specific intent which could only be committed by persons with a guilty mind intending to dissuade the course of justice and undermine the integrity of an investigation for corrupt practices. If such actions were not severely punished, offenders of corrupt practices may walk scot-free. It was on account of the foregoing that the penalty under section 63 should also be enhanced upwards to two (2) years.

Committee's Observation and Recommendation

In noting the response by the Executive, the Committee resolved to await the proposed amendments to the *Anti-Corruption Act* to be brought to Parliament.

ix. Use and Management of Forfeited Properties

The Committee in the previous Session had observed that the institutions fighting corruption seized a lot of properties, some of which were high profile properties, which properties were forfeited to the State without consideration of the entities that seized the properties. On the other hand, the Committee had also observed that all law enforcement agencies were grappling with infrastructure and transportation.

The Committee had, therefore, recommended that 20 per cent of the forfeited properties should be retained by the forfeiting institution to alleviate their challenges and also to enhance their capabilities and ensure efficient operations.

Executive's Response:

The Executive reported that the ACC supported the recommendations of the Committee. The Commission had proposed the amendment of the *Anti-Corruption Act No. 3 of 2012* to provide for an enabling provision for the Commission to make regulation for retention of a percentage of forfeited properties and use the same for official purposes.

Committee's Observation and Recommendation

In noting the response by the Executive, the Committee resolved to await the amendments to the *Anti-Corruption Act, No. 3 of 2012* to be brought to Parliament.

x. Protection of Whistle-blowers

The Committee in the previous Session had observed that while the *Public Interest Disclosure (Protection of Whistle Blowers) Act, No. 4 of 2010*, was a progressive piece of legislation, it did not provide sufficient safeguards that guaranteed protection of whistle-blowers. The Act instead threatened sanctions for frivolous reports, when the reporter may genuinely report based on the information available to them at the time.

The Committee had, therefore, recommended that safety nets should be created for witnesses. There was need for whistle-blower protection and provision of motivational incentives for all the reports that secured convictions.

Executive's Response:

The Executive reported that the ACC supported the recommendation of the Committee as there was need to amend the *Whistle-blowers Act* to, among other things, strengthen the protection of whistle-blowers and provide for motivational incentives. The Commission planned to hold a retreat for gap analysis to review of the *Whistle-blowers Act*.

Committee's Observation and Recommendation

In noting the response by the Executive, the Committee resolved to await a progress report on the amendment of the Whistle-blowers Act.

1.0. CONCLUSION

In addressing emergency situations, it is clear that a coordinated and proactive approach is essential to ensuring public safety and effective crisis management. This report has examined key emergency response strategies and integrated recommendations from stakeholders, highlighting the importance of preparedness, resource allocation, and clear communication.

Stakeholder input has emphasised the need for strengthened inter-agency collaboration to improve response efficiency, investment in training programs for emergency personnel and community awareness initiatives, enhanced use of technology for real-time monitoring and disaster prediction and to maintain clear and transparent communication channels to keep the public informed.

In that regard, implementing these recommendations will not only improve emergency response capabilities but also build resilience in affected communities. By fostering continuous engagement with stakeholders and adapting to evolving challenges, we can create a robust framework that minimises risks and ensures swift recovery in times of crisis. There is, therefore, urgent need to harmonise legislation that governs emergency situations in the Country as well as operationalise emergency funds.

The Committee wishes to express its gratitude to the Honourable Madam Speaker and the Clerk of the National Assembly for the guidance and support rendered to it throughout its deliberations. The Committee is also indebted to the all the stakeholders who appeared before it for their cooperation in providing the necessary memoranda, and for appearing before it to clarify any matters arising from their written submissions.

A handwritten signature in blue ink, appearing to read 'C. Andeleki', with a stylized circular mark at the beginning.

Dr Clement Andeleki, MP
CHAIRPERSON

June, 2025
LUSAKA

APPENDIX I - List of National Assembly Officials

Mr Barnabas Bwalya, Director (Social Committees)
Mrs Chitalu K Mumba, Deputy Director (SC)
Ms Betty Zulu, Senior Committee Clerk (SC 2)
Mr Sanford Mwiinde, Legal Clerk
Mr Lovemore Cheelo Kabwata, Committee Clerk
Mrs Vivian M Banda, Administrative Assistant
Mr Daniel Lupiya, Acting Senior Committee Assistant
Mr Muyembi Kantumoya, Acting Committee Assistant

APPENDIX II - List of Stakeholders

Chapter One Foundation
House of Peoples' Representatives (Ethiopia)
Human Rights Commission
Law Association of Zambia
Ministry of Health
Ministry of Home Affairs & Internal Security
Ministry of Justice
Ministry of Local Government and Rural Development
National Prosecution Authority
Public Protector
The Judiciary of Zambia
University of Zambia – School of Law
Zambia Law Development Commission
Zambia Police Service
Zambia Public Procurement Agency
Zambia Revenue Authority
Zambia Institute for Policy Analysis and Research