

**REPORT OF THE PARLIAMENTARY REFORMS AND MODERNISATION COMMITTEE FOR  
THE FIFTH SESSION OF THE TENTH NATIONAL ASSEMBLY APPOINTED ON 22<sup>ND</sup>  
SEPTEMBER 2010**

*Consisting of:*

Mr. B.Y. Mwila, MP (Chairperson), Hon Dr. S. Musokotwane, MP, Minister of Finance and National Planning, Hon T. S. Chilembo, MP, Deputy Minister of Justice, Hon Dr. Brig. Gen. B. Chituwo, MP, Minister of Local Government and Housing, Hon E. C. Mwansa, MP, Deputy Chairman of Committees of the Whole House, Mrs F. B. Sinyangwe, MP, Mr. E. Kasoko, MP, Mr. Y. D. Mukanga, MP, Mr. S. Katuka, MP

*THE HONOURABLE MR SPEAKER*

*NATIONAL ASSEMBLY*

*PARLIAMENT BUILDINGS*

**LUSAKA**

Your Committee, Mr. Speaker, have the honour to present their Report for the Fifth Session of the Tenth National Assembly.

**2.0 TERMS OF REFERENCE**

Your Committee's terms of reference are provided for under Standing Order 152 as set out below.

1. In addition to any other duties placed upon it by any Standing or other Orders of the Assembly, it shall be the duty of the Parliamentary Reforms and Modernisation Committee to examine and propose reforms to the powers, procedures, practices, organisation and facilities of the National Assembly, provided that in proposing such reforms, the Committee shall bear in mind the balance of power between the respective constitutional responsibilities, roles of the National Assembly and the Government and the duties of other House-Keeping Committees.

2. The Committee shall have power, when considered necessary, to adjourn and travel from place to place inside and outside Zambia to solicit information and seek evidence on the matters under examination, and shall enjoy the powers, rights, privileges and immunities provided to the Committees of the House by the Standing Orders.
3. In its report to the House, the Committee shall include recommendations as to the implementation of any reforms proposed in such reports.

### **3.0 MEETINGS OF THE COMMITTEE**

Your Committee held seven meetings during the session under review.

### **4.0 PROGRESS ON THE CAPACITY BUILDING COMPONENT OF THE PARLIAMENTARY REFORMS PROGRAMME PHASE III**

The House will recall that the National Assembly has been implementing the Capacity Building Component of the Parliamentary Reforms Programme Phase Three (PRPIII) for the last three years. This project is being implemented as a distinct component of PRPIII. Implementation of the component commenced on 1<sup>st</sup> June 2008 and is supported by four Cooperating Partners, namely, the Department for International Development (DFID), the European Commission (EC), Irish Aid and the United Nations Development Programme (UNDP). The goal of the Capacity Building Component of PRPIII is to increase the effectiveness of the National Assembly as a representative agent of oversight and reform through capacity building. This goal is expected to be attained with the achievement of four outputs, namely:

1. improved member-constituent relations;
2. increased autonomy and transparency of Parliament as the Legislature, including its capacities in Bill drafting, budgeting and legislative oversight and foresight;
3. improved Committee System for increased effectiveness of oversight of Parliament; and

4. enhanced efficiency and effectiveness of the National Assembly and support services to Parliament and its Members.

#### **4.1 ACHIEVEMENTS OF THE CAPACITY BUILDING COMPONENT OF PRPIII**

Your Committee is pleased to report that progress has been made also in implementing the Capacity Building Component of PRPIII in the year under review. Sir, your Committee reported in their report for 2010 that implementation of some activities in the first and second years of the Project had been delayed due to protracted tender procedures which in turn led to late release of funds by Cooperating Partners. Due to delayed implementation of activities on the 2009 Work Plan, most of the funds for 2010 activities were only received in November 2010. This necessitated the rolling over of 2010 activities into 2011.

Your Committee is happy to report that some of the challenges that were encountered have been minimised due to efforts by the office of the Clerk to expedite procurement processes. It is hoped that accelerated implementation of activities will trigger timely release of funds by our partners.

Your Committee wishes to report the achievements in the year, according to output, under the Capacity Building Component of PRPIII as set out below:

##### **4.1.1 Output 1: Improved Member-Constituent Relations**

The House will recall that fifty (50) motor cycles were procured in 2009 for use by Constituency staff. This was done with a view to improving the mobility of the staff as they facilitate the parliamentary work of Members of Parliament within their constituencies. The staff in these offices have now overcome the challenges previously faced in reaching constituents in far flung corners of their constituencies. An additional forty nine (49) motor cycles were purchased in 2010. This brings the total number of motorcycles procured to ninety-nine (99). A motor boat was also purchased, in place of a motorcycle, specifically

for the Luapula constituency considering the swampy nature of the terrain in that constituency. The purchase of the remaining fifty motor cycles is planned for this year.

In an effort to improve Member-Constituent relations through good management of constituency offices five (5) workshops were held for staff in Northern, Eastern, Southern, Lusaka and Copperbelt provinces. The workshops were held at central locations within the named provinces and their objective was to enhance the ability of the staff in managing the Constituency Offices.

Due to the rural nature of the vast majority of constituencies in Zambia, many Constituency Offices have no access to electricity because of the absence of supply to their respective areas. To alleviate this problem, an activity to provide solar power equipment to these offices was mooted. Subsequently, solar power equipment has been procured for all Constituency Offices that are not on the National grid. This is intended to improve the effectiveness of these Constituency Offices as the provision of this equipment will enable the offices utilise the computer and other equipment that has been provided to them and enhance their efficiency. Delivery and installation of the solar equipment will be concluded within the course of 2011.

#### **4.1.2 Output 2: Improved Legislative Process**

One activity was planned under this output for the year 2010, namely, Training in Legislative Drafting and Legislative Analysis for staff in the Legal Department. Two members of staff are currently undertaking this training at the Zambia Institute of Advanced Legal Education (ZIALE). This activity is expected to enhance the Department's Bill Drafting unit.

#### **4.1.3 Output 3: Improved Committee System**

A number of activities have been implemented in the year under review with a view to improve the operation of the Committee system. As the House is aware, the critical role of the Committee system is to provide oversight over the Executive and this cannot be

overemphasised. In recognition of this, numerous interventions have been put in place over the years, under the Parliamentary reforms, to enhance the capacity of the National Assembly and its Members to undertake this role more effectively. In addition to furniture for the new Committee Rooms, public address and recording systems have also been procured and installed. This has significantly improved the ease with which Committee meetings are held and record thereof kept. Preparations are underway to commence live broadcasts of Committee proceedings on Parliament Radio. To this end, test broadcasts were done and proceedings of the Committee meeting on Estimates were aired live on Parliament Radio on 4<sup>th</sup> May 2011. It is anticipated that live proceedings of Committee meetings will form part of normal programming for Parliament Radio and thereby further opening Parliament up to the public and afford them an opportunity to keep abreast with matters of national interest that are before Parliament.

Your Committee wishes further to report that budget monitoring tools have been developed for use by Members of Parliament and staff. The tools are in the form of a manual whose objective is to standardise approaches to monitoring implementation of the National Budget after it is approved by the House. Further, Members of Parliament and Clerking staff in the Committee Department were also trained in the Scrutiny of Performance, ICT and Environmental audit reports. An additional twenty (20) members of staff from the Research, Committee, Public Relations, Library and Legal departments, as well as the HIV and AIDS Workplace Committee, attended a workshop whose output was to enhance the support function of staff to Members of Parliament in dealing with HIV and AIDS issues. This is intended to improve the performance of Committee Members in the exercise of their oversight, legislative and representative roles in responding to issues of HIV and AIDS, gender and human rights.

The House will recall that one of the recommendations contained in the Report of the Ad hoc Committee on Reforms that was approved in 2000 provide for interaction between Members of Parliament and Civil Society Organisations (CSOs). One of the activities that was conceived to achieve an increased level of interaction between Members of

Parliament and CSOs was an annual meeting between the two. The first such meeting was held at Kafue Gorge from 5<sup>th</sup> to 7<sup>th</sup> November 2004. This was with funding under the Parliamentary Reform Project Phase Two (PRPII). However, due to a number of reasons, the meeting was not held in subsequent years, even though it was intended to be an annual event. With funds provided under the Capacity Building Component of PRPIII, this tradition was resuscitated with the holding of a consultative workshop between Members of Parliament and CSOs at Kafue Gorge Regional Training Centre from 25<sup>th</sup> to 27<sup>th</sup> March 2011. The workshop was held under the theme “enhancing parliamentary oversight through partnership with civil society organisations. The purpose of the workshop was to provide a platform for Members of Parliament and CSOs to share views on how to improve relations between the two. Further, the workshop was intended to find common ground from which the CSOs can input into the various roles of Parliament. It is anticipated that this was the beginning of more focused and fruitful interaction between Parliament and Civil Society.

#### **4.1.4 Output 4: Effectiveness of National Assembly and Support Services to Parliament and its Members**

Members of Parliament require access to quality information in a timely fashion in order for them to contribute meaningfully to debates on the floor of the House, and to proceedings in Committees. The Parliament Library is in this regard critical. In order for it to effectively service the information needs of Members of Parliament, a number of interventions have been put in place with funding provided under the Capacity Building Component of PRPIII. The document retrieval system in the library has been successfully automated using what is called the In-Magic System. This is a network based software which efficiently enables the lending out and return of library materials. The system has enabled the library to catalogue and retrieve documents in the shortest possible time. This means that Members of Parliament can now access information they are looking for faster. The system also facilitates the development of databases enabling the storage of information.

Further, the process of digitisation of library materials has commenced. This entails creating soft copies of all documents in the library. The materials earmarked for digitization include Debates, Acts, Committee Reports, Acts and Bills, and other related publications. The fundamental objective of the digitisation is to preserve and maintain the original collection of Parliament papers and archives as a unique and rare collection, and at the same time provide access by Members of Parliament and other stakeholders. Digitisation also aims to prolong the lifespan of the documents and archives by preserving them in a media, which can facilitate migration of data with the change of technology in future. Digitisation also increases accessibility of the documents and archives by way of establishing finding guides, catalogues and publishing databases. The database of the digitised materials will be linked to the Parliament website for increased accessibility through the Internet. Further, digitisation will promote research among Members of Parliament, researchers, scholars and the general public. Digitised materials will also become easily searchable through text based systems. The first step of the digitisation, which is procurement of appropriate computer equipment and software, is almost complete. It is anticipated that the whole process of digitisation will be completed by early 2012.

Your Committee wishes to report that as an activity on the Capacity Building Component of PRPIII, a Training Needs Assessment (TNA) of the National Assembly staff was carried out to identify skill gaps that exist at the Institution and propose training that would fill these gaps. The training needs assessment was finalised in December 2010. Numerous training activities have been undertaken in the first half of 2011 following the recommendations of the TNA. These are itemised at appendix 1. The TNA has provided a basis for National Assembly to undertake more focussed training which is appropriately prioritised

## **5.0 CONSTRUCTION OF CONSTITUENCY OFFICES**

Your Committee made a decision in 2008 to construct Constituency Offices in all 150 constituencies in the country. This was intended to reduce the expenditure on office rentals and ensure the long term sustainability of Constituency Offices. Your Committee decided further that an initial nine (9) offices would be constructed, one in each province. Since then, and as reported in your Committee's report for 2010, four (4) offices have been constructed at Chasefu, Masaiti, Mwembeshi and Rufunsa. Currently, works are under way at sites for the Katombora, Lukashya, Pambashe and Zambezi East. Works at the Lukulu West site are expected to commence once flood waters in the area subside.

Your Committee decided also that construction of another six (6) offices should commence within the course of 2011. These six offices are to be constructed at Chifunabuli, Chongwe, Dundumwenzi, Lufwanyama, Nangoma, and Sinda.

## **5.1 OBSERVATIONS**

The House will recall that the criteria used to select the constituencies where offices would be constructed are based on party representation, rural constituencies and gender balance. However, your Committee is of the view that these criteria are inappropriate as they fail to take into consideration the severity of the need for accommodation in different constituencies.

## **5.2 RECOMMENDATION**

Your Committee recommends that the criteria used to select the constituencies where offices should be constructed should be amended in order to accommodate the constituencies with offices that do not have adequate or reasonable office space, or have very dilapidated buildings as is the case for some of the offices.

## **6.0 VISITORS/MEDIA CENTRE**

The House will recall that one of the achievements of the Parliamentary Reform Project Phase Two (PRPII) was the design of a Visitors/Media Centre. This centre was designed in recognition of the need to accommodate the increased flow of members of the public and the media which is a result of numerous interventions that have been implemented, under Parliamentary Reforms, to open Parliament up to the public.

The purpose of this Centre is to provide a facility where visitors and members of the media can be received. This Centre will distribute passes to the galleries, conduct tours of the facilities, control limited public access to the library, distribute informational and educational materials about the National Assembly and serve as an overall information centre for public inquiries. The presence of a Visitors/Media Centre will lead to an increase in public awareness on the proceedings at Parliament.

Your Committee is pleased to report that with support from the Government of the People's Republic of China construction works have commenced on the centre and are expected to be completed within six months. This will enable National Assembly take a significant stride towards becoming truly open to the public and the media.

## **7.0 COMMITTEE'S STUDY TOUR TO THE PARLIAMENTS OF UGANDA AND GHANA**

Your Committee wishes to report that one reform that is critical in ensuring the autonomy of Parliament is the establishment of the Parliamentary Service Commission (PSC). This activity has been held in abeyance pending the conclusion of the Constitution making process. This was because it was felt that the PSC needed to be constitutionally defined considering its importance in the separation of powers. Therefore, as part of preparations for the establishment of the PSC, your Committee undertook study tours to the Parliaments of Uganda and Ghana. The purpose of these visits was to study the setup and operations of the Commissions in these jurisdictions and learn best practices that will inform the process of establishing one in Zambia.

## 7.1 OBSERVATIONS

Your Committee observed that the functions of the Parliamentary Service Commission in Uganda, or the Parliamentary Service Board as it is known in Ghana, are quite similar to the functions of the proposed Parliamentary Service Commission in Zambia. The functions of the Commission or Board focus mainly on the welfare of staff and Members of Parliament and on the efficient running of Parliament. The bodies are autonomous and operate without interference from the other arms of Government. As is also proposed in the Draft Constitution for the proposed Parliamentary Service Commission in Zambia, the two bodies prepare the budgets for their Parliaments. These budgets are not subject to review. This is not the case for Zambia where the draft constitution states that the proposed Commission shall annually prepare and submit its budget estimates to the Minister responsible for finance who, taking into consideration equitable sharing of national resources, shall determine the budget for the National Assembly.

In Uganda the Minister responsible for Finance is a member of the Public Service Commission, this makes verification of the Parliamentary budget easier. On the other hand the Minister of Finance in Ghana is not a member of the Service Board and this makes it difficult to negotiate the budget for Parliament.

The Committee observed further that the composition of the Ugandan Commission was more comparable to the proposed Zambian Commission than to the Ghanaian Board. Both the Ugandan Commission and the proposed Zambian Commission have the Speaker as the Chairperson, with the Leader of Government Business and the Minister of Finance as members. The Clerk serves as the Secretary. The differences are that the Ugandan Commission also has the leader of the Opposition or his nominee as a Member as well as four backbench Commissioners elected to reflect party numerical strength in Parliament. The proposed Zambian Commission does not include the leader of opposition and includes five, and not four, members, as is the case in Uganda. These five members in the proposed Zambian case are to be appointed by the National Assembly from amongst its members, two of opposite gender from the political party or parties forming Government,

two of opposite gender who are not members of the same political party and are nominated by other parties and not that which forms Government, and an independent member of the National Assembly nominated by other independent members. Finally, the last two members of the proposed Zambian Commission will be two of opposite gender appointed by the Speaker and ratified by the National Assembly from among persons who are not members of the National Assembly but are experienced in public affairs.

The Ghanaian Parliamentary Service Board on the other hand also has the Speaker as Chairperson with the other members being four appointed by the Speaker in accordance with the advice of a Committee of Parliament and the Clerk who is an ordinary member of the Board. The Secretary is separately appointed usually from among the two Deputy Clerks.

A key aspect of interest in the Ugandan Parliament is the role of the Parliamentary Budget Office in the preparation and execution of the national budget. The purpose of the Parliamentary Budget office is to provide Parliament and its committees with objective, independent and timely analysis of the national budget.

The Parliamentary Budget Office was established by the Budget Act 2001 which itself was enacted to regulate budget process and related matters. The Act sought to legislate greater independent scrutiny of the national budget by requiring the Executive to provide macro-economic and sectoral plans and an indicative revenue and expenditure framework to Parliament three months before the presentation of the budget. The national budget framework would then be studied by respective Parliamentary Committees with the technical assistance of the Parliamentary Budget Office, leading to comments being provided by Parliament to the Executive before the conclusion of the Budget preparation process. The Budget Act 2001 also prescribes that every Minister shall present for Parliament's scrutiny ministerial policy statement with respect to the preliminary budget estimates indicating specific information on value for money and the extent to which ministerial objective have been met.

The Act also requires the provision of the nation's state of indebtedness including the source and terms and conditions of the loans and grants received, and exemptions from tax that have been made by the Executive. The Act is a major reform that has increased the independence of the Ugandan Parliament in undertaking its oversight role, in addition to the traditional oversight functions pertaining to the scrutiny of public accounts.

## **7.2 RECOMMENDATIONS**

**7.2.1** Your Committee recommends that the House consider adopting the composition of the Parliamentary Service Commission of Uganda, with modifications. In deciding the modifications required, some of the best practices such as autonomy, both financial and otherwise and optimum composition of the Commission and tenure of office of members, should be further studied by a committee of senior staff of the National Assembly, to be constituted by the Clerk, and appropriate recommendations be made to the Standing Order Committee on form that the Parliamentary Service Commission for the Parliament of Zambia will take.

**7.2.2** Your Committee recommends further that the National Assembly of Zambia establishes a budget office under the Office of the Clerk. This will enhance Parliament's ability to undertake its oversight role through the provision of objective, independent and timely analysis of the national budget.

## **8.0 CONCLUSION**

In conclusion, your Committee wishes to record their indebtedness to you, Mr Speaker, for according them the opportunity to serve on your Committee and for the invaluable advice rendered during the Session. Your Committee also expresses their immense gratitude to the Cooperating Partners for their continued generous and invaluable support and contributions to the Parliamentary Reforms Programme.

These, in particular, are the Department for International Development, the European Commission, Irish Aid and the United Nations Development Programme. Finally, Sir, your Committee wish to express their thanks for the services and advice rendered by the Office of the Clerk of the National Assembly throughout their deliberations.

*May 2011*  
**LUSAKA**

*B. Y. Mwila, MP*  
**CHAIRPERSON**

## APPENDIX 1: TRAINING ACTIVITIES UNDERTAKEN

<b>Training</b>	<b>Target staff</b>	<b>No. of participants</b>
Customer care and etiquette	All Secretarial staff	20
Graphic Design and Desktop Publishing	Printing/Editorial staff	15
Broadcasting, preparing statements, preparing stories for website and preparing publications	PR & Research staff	5
Research via the internet, i.e. effective web browsing skills	Research, Committee and Journals/Legal (Assistant Heads)	20
Research methodology and data analysis	Research/Library staff	15
Policy, Bill and Legislative Analysis	Legal and Committee staff	10
Project planning and Monitoring evaluation	PRP staff	15
Introduction to Linux	ICT staff	5
Communication Skills and Public Relations	Constituency staff	35