



**REPUBLIC OF ZAMBIA**

**REPORT**

**OF THE**

**COMMITTEE ON LOCAL GOVERNANCE, HOUSING**

**AND CHIEFS' AFFAIRS**

**FOR THE**

**FOURTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY**

*Printed by the National Assembly of Zambia*

**REPORT**

**OF THE**

**COMMITTEE ON LOCAL GOVERNANCE, HOUSING**

**AND CHIEFS' AFFAIRS**

**FOR THE**

**FOURTH SESSION OF THE TWELFTH NATIONAL ASSEMBLY**

## TABLE OF CONTENTS

1.	Membership of the Committee.....	1
2.	Functions of the Committee .....	1
3.	Meetings of the Committee .....	2
4.	Procedure Adopted by the Committee.....	2
5.	Arrangement of the Report .....	2
<b>PART I</b>	.....	<b>2</b>
6.0	Consideration of the Topical Issue .....	2
6.1	Management of Traditional Ceremonies in Zambia .....	2
6.2.0	Summary of Submissions by Stakeholders .....	3
6.2.1	Adequacy of the Policy and Legal Framework Governing Traditional Ceremonies in Zambia.....	3
6.2.2	The Role of Traditional Ceremonies in the Social economic Development of the..... Country.....	4
6.2.3	The Role of Traditional Ceremonies in the Preservation of Indigenous Knowledge Systems and Practices .....	5
6.2.4	The Programmes on the Promotion and Management of Traditional Ceremonies in Zambia .....	6
6.2.5	Role of the Non State Actors in the Management of Traditional Ceremonies .....	7
6.2.6	Challenges Facing the Management of Traditional Ceremonies in the Country including Customs.....	8
7.0	Committee's Observations and Recommendations .....	10
8.0	The Management and Operations of Markets and Bus Stations in Zambia .....	16
<b>PART II</b>	.....	<b>16</b>
	Consideration of the Action Taken Report on the Report of the Committee on Local Governance, Housing and Chiefs' Affairs for the Third Session of the Twelfth National Assembly .....	16
	Consideration of the Action Taken Report on the Report of the Committee on Local Governance, Housing and Chiefs' Affairs for the Second Session of the Twelfth National Assembly .....	28
9.	The Implementation of the National Decentralisation Policy in Zambia.....	28
	Consideration of the Action-Taken Report on the Report of the Committee on Local Governance, Housing and Chiefs' Affairs for the First Session of the Twelfth National Assembly .....	33
10.	The Housing Situation in Zambia.....	33

Consideration of the Action-Taken Report on the Report of the Committee on Local Governance, Housing and Chiefs’ Affairs for the Fourth Session of the Eleventh National Assembly.....	38
11. Management of the House of Chiefs .....	38
12. Conclusion .....	39
Appendix I.....	40
Appendix II.....	44

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

## **1. Membership of the Committee**

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

The Honourable Mr Speaker  
National Assembly  
Parliament Buildings  
**LUSAKA**

Sir

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

## **2. Functions of the Committee**

The functions of the Committee in accordance with Standing Order number 157 (1) are as set out below.

- (i) Study, report and make appropriate recommendations to the Government through the House on the mandate, management and operations of the Government ministries, departments and agencies under its portfolio.
- (ii) Carry out detailed scrutiny of certain activities being undertaken by Government ministries, departments and agencies under its portfolio and make appropriate recommendations to the House for ultimate consideration by the Government.
- (iii) Make, if considered necessary, recommendations to the Government on the need to review certain policies and existing legislation.
- (iv) Examine annual reports of Government ministries and departments under its portfolio in the context of autonomy and efficiency of Government ministries and departments and determine whether the affairs of the said bodies are being managed according to relevant Acts of Parliament, established regulations, rules and general orders.
- (v) Consider any Bills that may be referred to it by the House.
- (vi) Consider international agreements and treaties in accordance with Article 63 of the Constitution.

- (vii) Consider special audit reports referred to it by the Speaker or an Order of the House.
- (viii) Where appropriate, hold public hearings on a matter under its consideration.
- (ix) Consider any matter referred to it by the Speaker or an Order of the House.

### **3. Meetings of the Committee**

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

### **4. Procedure adopted by the Committee**

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

### **5. Arrangement of the Report**

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

## **PART I**

### **6.0 CONSIDERATION OF THE TOPICAL ISSUE**

#### **6.1 Management of Traditional Ceremonies in Zambia**

##### **6.1.1 Background**

Zambia celebrates more than twenty annual traditional ceremonies across its ten provinces manifesting customs, social life, rituals, oral history, material and spiritual culture. Traditional ceremonies also provide a valuable insight in the traditional cultures that have been passed down from generation to generation. Over the years, the decline of traditional customs and culture has been attributed to the proliferation of the West and western ways and the advent of the melting pot of various tribes living in the same areas. This realisation has culminated in the need to value traditions and a conscious effort being made to preserve them.

Article 165 (1) of the Republican Constitution establishes and recognises the institution of chieftaincy upon which traditional ceremonies are anchored. Traditional ceremonies are also central to the socio-economic development of the country through the promotion of tourism. According to the 2018 Tourism Statistical Digest, it is estimated that over 240,000 foreign tourists visit Zambia annually to attend traditional ceremonies and other related activities. The Seventh National Development Plan has identified traditional ceremonies as a key component for sustained economic growth and job creation. This was preceded by the establishment of the Ministry of Chiefs' Affairs in 2013 to further enhance the affairs of chiefs, which included

traditional ceremonies. However, stakeholders have expressed concern on the commercialisation of traditional ceremonies over the years, which has in some cases been blamed for break-away ceremonies by some chiefs in some instances. Further, the absence of standardised guidelines on the management of traditional ceremonies has not helped matters. It has led to the continued fragmentation of traditional ceremonies arising from the expected financial benefits which traditional ceremony organisers tend to receive from corporate bodies, Government and other well wishers.

In light of the foregoing, the Committee resolved to carry out a study on the management of traditional ceremonies in Zambia with the view to appreciating their role in national development.

### **6.1.2 Objectives**

The objectives of the study were to:

- (i) understand the adequacy of the policy and legal framework governing traditional ceremonies in Zambia;
- (ii) appreciate the role of traditional ceremonies in the socio-economic development of the country;
- (iii) appreciate the programmes (if any) on the promotion and management of traditional ceremonies in the country;
- (iv) find out the role of the non state actors in the management of traditional ceremonies;
- (v) learn the challenges facing the management of traditional ceremonies in the country including customs; and
- (vi) recommend the way forward on the effective management of traditional ceremonies in Zambia.

## **6.2.0 SUMMARY OF SUBMISSIONS BY STAKEHOLDERS**

### **6.2.1 Adequacy of the Policy and Legal Framework Governing Traditional Ceremonies in Zambia**

#### **a) Policy Framework**

Stakeholders informed the Committee that Zambia had a National Cultural Policy of 2003. They, however, lamented that the policy did not clearly stipulate how various traditional ceremonies were to be governed. In the absence of guidelines, the organisation and administration of various traditional ceremonies was left with the organising committees of the respective traditional ceremonies.

In light of the above, stakeholders submitted that there was urgent need for an enhanced legal framework to govern this important sector of the Zambian society in line with the Republican Constitution and national values. In the view of stakeholders, there was also need to develop clear guidelines and regulations to guide engagement with traditional authorities. The guidelines should clarify the roles and responsibilities of various government departments mandated to administer traditional affairs in Zambia.

## **b) International and Domestic Legal Framework**

Stakeholders noted that the legal framework governing traditional ceremonies was at two levels, namely; international and traditional levels. At the international level, stakeholders submitted that Zambia was party to several treaties and instruments which related to traditional affairs. Key global conventions that related to culture included the Universal Declaration of Human Rights and other United Nations Educational, Scientific and Cultural Organisation (UNESCO) conventions.

At domestic level, stakeholders noted that the Constitution granted basic rights and prescribed rights and duties of the state and obligations by citizens. Several articles of the Republican Constitution related to traditional affairs but did not explicitly refer to traditional ceremonies. Among them were Article 19 on the freedom of conscience, Article 20 on the freedom of expression, and Article 21 on the freedom of assembly and association. Further, the operations of chiefs were governed or regulated by the *Chiefs Act, Chapter 287 of the Laws of Zambia* and a careful perusal and scrutiny of the said Act revealed that it did not explicitly provide for how traditional ceremonies should be organised and celebrated. This in effect was a direct manifestation of the inadequacy in the policy and legal framework governing traditional ceremonies in Zambia.

Further, stakeholders submitted that the recently enacted Genetic Resources, Traditional Knowledge and Folklore Act of 2018 had done well to regulate the exploitation of some of the cultural expressions and practices of traditional ceremonies. The Act had, for the first time, commodified culture and created the opportunity for it to be packaged.

In addition, the Committee was informed that the policy and legal framework was inadequate as it did not acknowledge the growing role of traditional ceremonies in economic development. It was not enough to preserve the country's culture if it could not generate socio - economic benefits for the current generation. In that regard, there was need for a much clearer policy and legal framework to guide the establishment and management of traditional ceremonies.

### **6.2.2 The Role of Traditional Ceremonies in the Social economic Development of the Country**

Stakeholders informed the Committee that there was no known comprehensive documentation of how traditional ceremonies in Zambia were contributing to the socio economic development of the country. However, stakeholders submitted that traditional ceremonies were still very important in enhancing national unity and harmony among various ethnic groups through inter-tribal interface and cultural exchanges among traditional leaders during ceremonies.



Further, stakeholders acknowledged that even in the absence of any comprehensive documentation of how traditional ceremonies in Zambia were contributing to the socioeconomic development, it was evident that traditional ceremonies undoubtedly promoted tourism as both local and international tourists converged wherever any traditional ceremony was taking place to learn about how that particular society lived. People flocked either out of curiosity or with a purpose to get educated or take part in traditional proceedings. That in its self created high demand for lodging facilities, enhanced the maintenance of access roads, created a market for local farm products and locally produced artefacts. Furthermore, traditional ceremonies helped to retain local knowledge and to create employment through the provision of gainful economic activities for local craftsmen, food sellers and resource managers. Traditional ceremonies also provided for local people to showcase their community based natural resources with scalable commercial potential.

Stakeholders also informed the Committee that traditional ceremonies helped to diffuse tension among political parties and those contesting for various forms of political influence. They did this by providing a non political platform where people met regardless of their background or political affiliation to witness the demonstration of customs, social life, rituals, oral history and other traditional practices. In addition, traditional ceremonies provided a platform for the mutual appreciation of diversity among cultures. That created positive and constructive engagement in that they fostered cultural dialogue for mutual understanding, knowledge, reconciliation, and peace. Moreover, traditional ceremonies were a reconstructive force of culture as they promoted both inter and intra cultural dialogue, which was a bedrock for reconciliation in the event of conflicts and restoration of psychological well-being.

### **6.2.3 The Role of Traditional Ceremonies in the Preservation of Indigenous Knowledge Systems and Practices**

Stakeholders informed the Committee that indigenous knowledge (IK) played a vital role in the development process of many societies. In the emerging global knowledge economy, a country's ability to build and mobilise knowledge capital was as essential for sustainable development as the availability of physical and financial capital. The basic component of any country's knowledge system was its indigenous knowledge. It encompassed the skills, experiences and insights of people, applied to maintain or improve their livelihood. Despite their importance and value, many IK systems were at the risk of extinction because of rapidly changing natural environment and fast pacing economic, political and cultural changes on the global scale. In Africa for instance, the aural nature of the society placed great stress on the transmission of indigenous knowledge.

Stakeholders added that indigenous knowledge systems and practices were passed on by word of mouth and traditional ceremonies helped in perpetuating practices from generation to generation for their preservation. Due to lack of written documentation, traditional ceremonies continued to fill up the gap to avoid extinction of the unwritten traditional practices. Through traditional ceremonies, people were better able to grasp indigenous knowledge systems by watching the reconstruction of traditional practices at the traditional ceremonies.

Further, stakeholders informed the Committee that during tradition ceremonies, historical events were narrated such as how wars were fought and won, how people survived from some feminine

or some dangerous animals or diseases. Historical traditional items or instruments were also exhibited to show the younger generations on how people lived in the past.

The Committee was also informed that indigenous knowledge (IK) encompassed many forms and included cultural heritage in the form of traditional stories, songs, dances, carvings, paintings, performances and ceremonies that reflected beliefs related to spirituality, family, land and social justice. Conversely, global histories of colonialism, exploitation and dispossession continued to undermine and undervalue those aspects. To that effect, traditional knowledge was at the core of indigenous identity, culture, languages, heritage and livelihoods, and its transmission from one generation to the next needed to be protected, preserved and encouraged.

Furthermore, traditional knowledge passed down through generations was a valuable and unique resource to all cultures and societies. Transferring that information across generations was vital, as it harnessed the potential of the young men and women through the accumulated knowledge over thousands of years on medicine, meteorology, agriculture and other areas, which were at risk of forever disappearing, hence, the importance of preserving it.

Furthermore, stakeholders informed the Committee that indigenous knowledge enhanced cultural tourism through preservation of culture, learning community history, and maintenance of the relationship between the community and visitors. In that regard, stakeholders submitted that there was no doubt that indigenous knowledge displayed during traditional ceremonies was a decisive tool for enhancing the operation of cultural tourism.

#### **6.2.4 The Programmes on the Promotion and Management of Traditional Ceremonies in Zambia**

The Committee was informed that they were not aware of any specific programmes at national level on the promotion and management of traditional ceremonies. The Committee was further informed that the Government only attended traditional ceremonies at the invitation of the organising committees. The organising committees were usually composed of volunteers who took pride in identifying with their chiefdoms and culture. Stakeholders in that regard submitted that the Government did not play any role in the management of traditional ceremonies except that the Ministry of Chiefs and Traditional Affairs maintained an annual calendar of registered traditional ceremonies which it used in following up on ceremonies as they fell due.

Further, the Committee was informed that the Zambia Tourism Agency, which was also a Government wing, had no role to play in the management of traditional ceremonies as that role was left to the organising committees of the various traditional ceremonies. However, stakeholders observed that the Zambia Tourism Agency was trying to market traditional ceremonies as part of the National Tourism Circuit in furtherance of its mandate although its efforts were inadequate.

Furthermore, the Committee was informed that the Ministry of Higher Education with funding from the United Nations Educational, Scientific and Cultural Organisation (UNESCO) was implementing a programme called the Intangible Cultural Heritage Programme at the University of Zambia whose aim was to ensure that Zambia's intangible heritage was documented and preserved. The Programme's objective was to provide a critical mass of experts on intangible cultural heritage by improving the level of training for intangible cultural heritage administrators

and experts at university degree level and to provide a niche for critical research and an in-depth understanding in the field of intangible cultural heritage. In addition, a diploma programme was being offered at Evelyn Hone College of Applied Arts and Science which had some content that promoted the transfer of the Zambian traditions and culture to younger generations through traditional songs and dances, traditional art works such as painting, sculpture and making of traditional attires for ceremonies. However, the Committee was informed that programmes exclusively for traditional ceremonies were non-existent. To that extent, there were no specific programmes from the Government that promoted the management of traditional ceremonies in Zambia.

On the international scene, UNESCO had remained committed to supporting the promotion and management of cultures and ceremonies across the globe, including Zambia. In that regard, UNESCO had developed seven conventions to help its member states to better manage their cultural and creative expressions. UNESCO cultural conventions provided a unique global platform for international cooperation and established a holistic cultural governance system based on human rights and shared values. The treaties endeavoured to protect and safeguard the world's cultural and natural heritage, including ancient archaeological sites, intangible and underwater heritage, museum collections, oral traditions and other forms of heritage, and to support creativity, innovation and the emergence of dynamic cultural sectors. The conventions were as set out hereunder.

- i. Protection and Promotion of the Diversity of Cultural Expressions, 2005.
- ii. Safeguarding of the Intangible Cultural Heritage, 2003.
- iii. Protection of the Underwater Cultural Heritage, 2001.
- iv. Protection of the World Cultural and Natural Heritage, 1972.
- v. Fighting against the Illicit Trafficking of Cultural Property, 1970.
- vi. Protection of Cultural Property in the Event of Armed Conflict, 1954.
- vii. Universal Copyright Convention, 1952 and 1971.

The above conventions were intended to safeguard and nurture some aspects of culture and creativity, from tangible and intangible heritage, the diversity of cultural expressions and creative industries and to the fight the illicit trafficking of cultural goods.

#### **6.2.5 Role of the Non State Actors in the Management of Traditional Ceremonies**

The Committee was informed that non-state actors played a vital role in the management of traditional ceremonies. They had been supporting traditional ceremonies financially and in other aspects such as logistics for the successful hosting of traditional ceremonies in Zambia. Using the documentaries produced during traditional ceremonies, some non-state actors had incorporated marketing of traditional ceremonies as part of their corporate social responsibility in their institutional work at local, national and international events and platforms.

Further, some non-state actors were also spearheading the formation of cultural associations to ensure smooth hosting of traditional ceremonies. The non-state actors included corporations, media organisations, lobby groups, religious groups and international organisations such as UNESCO. The roles of non-state actors such as media organisations included advertising, educating and dissemination of vital information related to traditional ceremonies. They were in that regard, instrumental in the production of traditional ceremonies documentaries and

dissemination of information to the public on the importance of preserving culture through traditional ceremonies. Furthermore, non – state actors such as corporations were the major source of funding for most traditional ceremonies due to the inadequate and insignificant financial support from the Government. Non-state actors, especially corporations, had largely been sustaining traditional ceremonies through their corporate social responsibility activities. Corporate entities contributed financially and materially towards the hosting of some of the ceremonies. However, the down side was that over-branding from corporate entities had the potential to distort the true identity of the traditional ceremonies. The other important non-state actors who contributed towards the ceremonies financially and materially were the subjects and other individual well-wishers. While non-state actors helped financially and materially during traditional ceremonies, they did not play any role in the actual management of traditional ceremonies.

#### **6.2.6 Challenges Facing the Management of Traditional Ceremonies in the Country including Customs**

The Committee was informed that while each traditional ceremony had its own specific challenges, there were some common challenges encountered in the management of traditional ceremonies in Zambia as outlined below.

- i. Lack of a policy and legal framework was leading to the continued proliferation of traditional ceremonies as there were no guidelines on what would naturally give rise to the formation of a traditional ceremony in Zambia. This had led to groupings of the same ethnicity having fragmented traditional ceremonies. While that was true, Zambia did not have a clearly documented national cultural agenda for the management of traditional ceremonies. At the same time, there were several cultural centres built around the country promoting foreign cultures, but no known cultural centres or institutes to promote local Zambian cultures.
- ii. Currently, Zambia had a fragmented Cultural Sector. There were four ministries whose respective mandates governed the cultural sector. These were Ministry of Tourism and Arts; Ministry of Chiefs and Traditional Affairs, Ministry of National Guidance and Religious Affairs and Ministry of General Education. As a result, control and coordination of the sector remained weak because resources for the development of the sector were scattered across the different ministries and statutory agencies for culture programmes under them.

Further, given that these ministries had their own primary mandates other than culture, cultural and heritage affairs tended to suffer. For instance, the Ministry of Tourism and Arts prioritised tourism. The Ministry thus only exploited culture for touristic purposes. The Ministry of Chiefs and Traditional Affairs was preoccupied with managing the institutions of chieftaincy. It largely used culture and heritage to legitimise chiefs rather than developing the culture. The Ministry of National Guidance and Religious Affairs was more preoccupied with the christianisation of Zambia often demonised culture, forgetting that issues of national values and principles were rooted in the cultures of the people concerned and that it was culture that gave birth to religion and not vice versa. The Ministries of General and Higher Education were preoccupied with delivering a curriculum that hardly had any place for Zambia's culture and heritage. Thus, while

institutions existed which were mandated to handle issues of culture, Zambian cultures and heritage remained orphaned and, therefore, underdeveloped.

- iii. Most organising committees for traditional ceremonies lacked capacity to raise adequate funds to successfully host traditional ceremonies without presenting begging bowls to corporate entities. Even when fundraising functions were organised by these committees, not much was raised due to lack of interest by the younger working generation who regarded culture as being ancient due to the western cultural influences. Much as stakeholders appreciated the Government grant given through the Ministry of Chiefs and Traditional Affairs, it was too little in comparison to the financing requirements necessary to successfully host a traditional ceremony.
- iv. Inadequate infrastructure at hosting venues which resulted in deforestation and other negative practices on the through the cutting down of trees and grass for the construction of temporary structures at the ceremony venues. Auxiliary infrastructure was also underdeveloped, particularly roads, airports, telecommunications and accommodation facilities for the convenience of both local and foreign tourists and patrons.
- v. There was inadequate marketing of Zambia's traditional ceremonies as tourist destinations, especially to the outside world due to inadequate media coverage in the promotion of traditional ceremonies.
- vi. Traditional ceremonies were not formally patented. Therefore, the ceremonies were open for exploitation by anybody with political power and economic muscle. Further, because they were not branded, it was difficult for them to receive financial and material support without having to rely on individuals and corporate entities which, once such support was rendered, diverted their resources towards their corporate interests away from the sustenance of the values and essence of the traditional ceremony.
- vii. Traditional ceremonies were a reservoir and promoter of specific traditional costume and artworks, including musical instruments and ritual objects. Such traditional costumes and artworks were going into extinction as were the skills required to make them. There were very few known people still alive in the relevant communities that had the skills of making traditional costumes and artworks. That was worsened by the proliferation of European, American and now Asian fabrics and culinary that had completely taken over the everyday lives of Zambians. Further, certain traditional instruments and ritual objects were made out of animal and forest products which were under the protection of the Zambia Wildlife Authority (ZAWA) and Forestry Department.
- viii. The spread of religions and western education had categorised traditional ceremonies as satanic or evil. Traditional ceremonies were regarded by some sectors in society as fertile grounds for promiscuity, perpetuating the negative image about traditional ceremonies. The number of Zambians converting to such religions and attaining such westernised mis-education was increasing every day. Further, opportunistic and populist politicking that bordered on creating a state religion since the 1990s was worsening that problem, while statements demonising cultural practices associated with some of the traditional ceremonies, such as praying for the rains, were increasingly becoming a norm.

- ix. There were no known comprehensive documentation, audiovisual materials and recordings, objects and artefacts that detailed the nature, evolution, significance and value of the traditional ceremonies in Zambia. Due to little or no written documentation, some aspects of culture were being lost.
- x. The curriculum at primary, secondary and tertiary levels had not taken keen interest in traditional ceremonies in terms of exploring the core elements of traditional ceremonies. While the University of Zambia had so far introduced a Bachelor of Education in Zambian Cultures and Ceremonies and a Bachelor of Arts in Intangible Cultural Heritage, the Zambian Cultures and Ceremonies Programme had not been advertised for the past two years and the Programme remained without any full time lecturers. It was feared that the programme could be discontinued. The Intangible Cultural Heritage Programme was equally under threat as evidenced by the negative reception it had on the national platform. The future of that Programme was under threat, particularly when the current sponsorship by UNESCO comes to an end.

## **7.0 Committee's Observations and Recommendations**

After analysing the written and oral submissions from various stakeholders, the Committee notes that the management of traditional ceremonies is not without challenge. The challenges range from lack of adequate policy framework, financial impediments and lack of infrastructure at the venues of the traditional ceremonies, among others. In view of this, the Committee makes the observations and recommendations as set out hereunder.

- a) The Committee notes that whilst the Zambian Constitution as amended by Act No. 2 of 2016 recognises the country's multi cultural heritage, it did not have a specific legal framework on the management of traditional ceremonies in Zambia. The Committee also notes that the National Cultural Policy of 2003 and the National Tourism Policy did not have any provisions on the management of traditional ceremonies in Zambia. This had led to lack of administrative regulations and ultimately to major disparities in the management of traditional ceremonies in Zambia.
  - (i) The Committee, in this regard, strongly recommends that the Zambian Constitution be further amended to provide for a legal framework on the management of traditional ceremonies in Zambia. Further, the National Cultural Policy and National Tourism Policy should be revised and aligned with the new amendments in the Constitution so as to make comprehensive provisions on the management of traditional ceremonies in Zambia.
  - (ii) The Committee recommends that the Ministry of Tourism and Arts and the Ministry of Chiefs and Traditional Affairs should identify and harness their inter-ministerial and inter-sectoral linkages in promoting traditional ceremonies as one of the ways of promoting tourism.
  - (iii) The Committee recommends that the policy framework on the management of traditional

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

- b) The Committee observes that the Genetic Resources, Traditional Knowledge and Folklore Act of 2018 has done well to regulate the exploitation of cultural expressions and practices to ensure that the exploitation of traditional knowledge, genetic resources and expressions of folklore takes place with the prior informed consent of traditional communities, individuals or groups.
  - i. The Committee notes that this Act makes no direct reference to traditional ceremonies. The Committee, therefore, recommends that the Act should provide for patenting of traditional ceremonies.
  - ii. Further, the Committee also recommends that the Ministry of Chiefs and Traditional Affairs should encourage organisers of traditional ceremonies to patent and brand their ceremonies as a way of giving them an enduring identity and effective marketing brand across the globe for the sustainable transformation of the communities involved. This will also ensure that societies where traditional ceremonies are practiced benefit from the use of any traditional practices.
- c) The Committee observes that one of the reasons why it is very difficult for the Government and corporate entities to render adequate support to traditional ceremonies is due to the continued proliferation of traditional ceremonies.
  - i. In view of this, the Committee recommends that the Government issues clear guidelines on what should necessitate a traditional ceremony through the Ministry of Chiefs and Traditional Affairs.
  - ii. Further, the Committee urges the Government to engage traditional leaders so that the groupings with the same ethnicity should only hold one traditional ceremony as opposed to having fragmented ceremonies from groups with the same ethnicity, given that financial support would be easier rendered when there are fewer traditional ceremonies.
- d) The Committee observes that the intangible cultural heritage degree programme being offered at the University of Zambia under the sponsorship of UNESCO which, among many things, is supposed to enhance documentation of traditional ceremonies and practices is under threat of being discontinued. This has arisen due to lack of information and sensitisation on the objectives of the programme as most people in society speculate that the course is intended to introduce a witchcraft degree.

The Committee therefore, recommends that more sensitisation activities be undertaken, especially among the youth, to avoid misinformed speculations which are discouraging would-be students from enrolling for the course. The Committee further recommends that

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

- e). The Committee observes that only one student is being sponsored under the Higher Education Loans and Scholarship Board under the Intangible Cultural Heritage Degree at the University of Zambia in comparison to other faculties where more students are being sponsored. Further, the Committee is cognisant of the fact that the UNESCO sponsorship to the students under the Intangible Cultural Heritage Degree is only going up to the third year of study, meaning that the students currently undertaking the programme would need sponsorship for one additional year for them to graduate.

In view of the lack or inadequate sponsorship from the bursaries committee, the Committee recommends that more students be sponsored by the Higher Education Loans and Scholarship Board to avoid discontinuation of the course which is already facing many challenges including the acceptance of the course by society.

- f). The Committee observes that one of the many reasons why the organising committees for traditional ceremonies are always seeking support from many corporate entities is because they spend a lot of money in constructing temporary structures at the ceremony venues, which costs a lot of money on a yearly basis. In most cases, such committees do not have the capacity to raise such funds on their own.

The Committee further observes that almost all the organising committees and associations for traditional ceremonies lack financial independence. In addition, most of them do not even have bank accounts as they are not registered with the Patents and Companies Registration Agency (PACRA) as associations and therefore cannot open bank accounts.

- i. To avoid the continued expenditure on erection of temporary infrastructure at the traditional ceremony venues, the Committee recommends that the Government comes up with a list of traditional ceremonies that will be supported using a mix of different criteria such as ethnicity and / or magnitude of the ceremony. In addition, the Ministry of Chiefs and Traditional Affairs and the traditional leaders should hold meetings to agree on what traditional ceremonies should be discontinued and which ones should be sustained so as to have fewer recognised traditional ceremonies which will be given support by both the Government and corporate entities.

- ii. The Committee urges the Ministry of Chiefs and Traditional Affairs to undertake a

research with the Ministry of Tourism and Arts to assess the possible increase in revenue of providing permanent infrastructure for traditional ceremonies.

- iii. The Committee recommends and urges the Ministry of Chiefs and Traditional Affairs to ensure that committees and associations which organise and manage traditional ceremonies register with PACRA so as to enable them open bank accounts which will in turn improve financial accountability by the associations and committees through enhanced transparency.



- iv. To enhance financial independence of the organising committees and associations, the Committee further urges the Government, through the Ministry of Chiefs and Traditional Affairs, to come up with a revolving fund which will be dedicated to financing viable projects for the traditional ceremony organising committees or associations in a manner similar to how the youth empowerment projects are funded after reviewing the project proposals and assessing viability of the proposed projects.
- v. In order to ensure financial independence for traditional ceremony organising committees, the Committee recommends that the Ministry of Chiefs and Traditional Affairs and the National Museums Board should, as a matter of urgency, engage the Treasury to consider financing the construction of mini museums at the traditional ceremony venues and to document the activities that take place during the ceremonies, including the intricacies of holding the ceremonies. This will encourage visits to the ceremony sites all year round outside the traditional ceremony dates which in essence will help raise some funds that would be channelled to the organisation of the traditional ceremonies.
- g). The Committee notes that the socio-economic benefits from traditional ceremonies have never been quantified by any Government research institute or ministry in order to assess the contribution of the ceremonies to the Gross Domestic Product (GDP). Further, the Committee is cognisant of the fact that one of the major considerations for tourists wishing to attend traditional ceremonies is the state of sanitation facilities at the venues.
- (i) In view of this, the Committee recommends that a research be done in order to assess
- (ii) scalable economic benefits other than cultural preservation that can be derived from having traditional ceremonies which should include their aggregate contribution to GDP.
- (iii) Arising from the outcome of the research which would inform the Government's decision on the need to build permanent structures at the venues for the identified traditional ceremonies, the Committee recommends that if the outcome is positive, the Government through public –private partnership (PPP) agreements should build permanent structures at the venues for the identified traditional ceremonies to avoid the repeated expenditure on temporary structures on a yearly basis which has proved to be very expensive.
- (iv) The Committee recommends that the Government prioritises the sanitation facilities even before other permanent structures are built at the ceremony sites in order to attract local and foreign tourists.
- h). The Committee notes that corporate entities are very important stakeholders in successfully hosting traditional ceremonies as they are the major contributors of the required funding before, during and after the ceremonies. However, the Committee notes with concern that traditional ceremonies are characterised with all sorts of branded corporate colours which have no relationship to the cultural image of the respective traditional ceremonies, thereby, adulterating the cultural character of the ceremonies. The Committee also notes that political groupings also find the traditional ceremonies very attractive. Therefore, there is a great temptation to use such platforms to promote political agendas.

In view of this, the Committee recommends that the Ministry of Chiefs and Traditional Affairs draws up a programme to engage traditional ceremony organising committee members, corporate entities and political party leaders on the acceptable codes of corporate and political conduct during traditional ceremonies. In particular, the threats posed by political activities and over branding by corporate entities to the continuity of cultural practices during traditional ceremonies should be clearly highlighted and effectively addressed. The Committee also urges the Ministry of Chiefs and Traditional Affairs to take measures to ensure that all the parties involved adhere to the set codes of conduct during traditional ceremonies.

- i). The Committee notes that due to lack of marketing caused by inadequate media coverage in the promotion, of traditional ceremonies in Zambia, the country has not been effective in attracting particularly foreign tourists. The Committee is also cognisant of the fact that some countries like Brazil where the Carnival traditional festival of decadence brings in millions of foreign exchange on a yearly basis has high foreign patronage because it is well marketed worldwide through high media coverage.

The Committee in this regard, urges the Government, through the Zambia Tourism Agency, in collaboration with the Ministry of Chiefs and Traditional Affairs to scale up its marketing strategies of traditional ceremonies as tourists attraction both on the local and international forums by arranging for increased media coverage in order to increase traditional ceremony patronage both locally and internationally.

- j). The Committee is seriously concerned that there are several cultural centres built around the country promoting foreign cultures, but no known cultural centres or institutes to promote local Zambian cultures.

The Committee, in this regard, recommends that the Ministry of Chiefs and Traditional Affairs, with support from the Treasury, establishes cultural centres in all provincial centres across the country starting with the tourist towns like Livingstone with the mandate of promoting the Zambian Indigenous Knowledge and Culture.

- k). The Committee notes that traditional ceremonies are one of the platforms through which traditional practices and norms are preserved for the benefit of future generations. In view of this, the Committee urges the Ministry of Chiefs and Traditional Affairs to undertake a research in collaboration with traditional leaders to document traditional practices that have been passed on through generations which can be regarded as bad ones so that they can do away with them whilst embracing good ones. The Committee further urges the Ministry of Chiefs and Traditional Affairs to ensure that traditional ceremonies are used as platforms to disseminate good practices as well as messages on the need for gender equality and sexual and reproductive health rights whilst attempting to end all bad or retrogressive practices without losing the essence of traditional ceremonies which is the preservation of traditional practices.

- l). The Committee notes that most traditional ceremony organising committees are not sure of what information they need to provide to the Zambia Tourism Agency for possible

declaration of their traditional practices or sites as national heritage practices or sites by UNESCO.

The Committee in this regard urges the Ministry of Chiefs and Traditional Affairs, in collaboration with the Ministry of Justice and Zambia Tourism Agency to come up with comprehensive and streamlined guidelines which traditional leaders are required to follow before any consideration for inscription of a ceremony or site is undertaken. This would help fill the information gap observed whereby some traditional ceremony organising committees who have been trying to have their traditional practices and sites recognised by UNESCO for years.

- m). The Committee observes that the basic component of any country's knowledge system is its indigenous knowledge which encompasses the skills, experiences and insights applied to improve their livelihood. Further, the Committee observes that many indigenous knowledge systems are at risk of extinction because of foreign cultural influences on the global scale, especially those coming from the west.

The Committee in this regard is of the view that if indigenous knowledge which in most cases is also demonstrated during traditional ceremonies such as preparation of traditional medicines for various ailments is reinforced with scientific research, there will be no need to import most medicines as most of them will have been developed from traditional medicines. In this vein, the Committee is at pains to note that African medicines will never see the light of day as long as clinical trials to certify indigenous medicines fit for human consumption is dictated by foreign influences. For example; the Sondashi Fomula also known as SF 2000 has been undergoing clinical trials for more than a decade and very little is being done to ensure that its clinical trials are concluded expeditiously.

Given the above, the Committee recommends that the Government, working together with various state research institutions and medical stores, should create a data base for various traditional medicines that can heal various ailments. After the data base is done, the Government should streamline the process of clinical trials to end the scourge of depending on the western standards before declaring the medicines as good for consumption.

In view of this, the Committee urges the Government to ensure that clinical trial guidelines are made available to all traditional medicine practitioners for everyone to understand the requirements to have the medicines certified fit for administering to the public. Further, the Ministry of Health and the Ministry of Chiefs and Traditional Affairs should, as a matter of urgency, find common ground on which to promote and encourage the scaling up of traditional medicines for commercial purposes so that in the future, these medicines could also be stocked in various pharmaceutical stores across the country.

## **PART II**

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

#### **8.0 The Management and Operations of Markets and Bus Stations in Zambia**

- i. The Committee in the previous Session had found it unacceptable that despite Parliament enacting the *Markets and Bus Stations Act, No. 7 of 2007*, and the issuance of the Markets and Bus Stations Act (Commencement) Order, Statutory Instrument No. 83 of 2007 to operationalise the Act, the Act had not been fully implemented. In that regard, the Committee had strongly recommended that as a matter of extreme urgency, the *Markets and Bus Stations Act, No. 7 of 2007* should be fully implemented without any further delay.

#### **Executive's Response**

In response, the Executive submitted in the Action Taken Report that it had noted the concerns raised by the Committee and that the Markets and Bus Station Fund had been established. Market and Bus Station Board Members' names had already been approved and cleared by Cabinet and the Minister had since appointed the members. Orientation of Board Members would commence once funds were available.

#### **Committee's Observations and Recommendations**

The Committee notes with concern that thirteen years after the enactment of the *Markets and Bus Stations Act, No. 7 of 2007*, the only reason why the Act has not been fully operationalised has been lack of funds. The Committee, in this regard, is seriously concerned that the orientation of market boards whose members' names were approved and cleared by Cabinet is also awaiting availability of funds. The Committee finds it unacceptable that the Executive is using lack of funds as the easy scapegoat for failing to fully operationalise the law after thirteen years. The Committee, therefore, urges the Government to ensure that funds are secured for the Act to be fully operationalised without undue delay. Further, the Committee requests that the market board members' names be published for ease reference of communities living and operation in those markets. The Committee resolves to await progress on the funding status of the Markets and Bus Station Fund and orientation of the board members which will pave way for the full implementation of the *Markets and Bus Stations Act, No. 7 of 2007*.

- i. The Committee in the previous Session had observed that following the revision of the Republican Constitution which provided for decentralisation by devolution, there was need to revise the *Markets and Bus Stations Act* since it was not in harmony with the revised Decentralisation Policy.

The Committee had, therefore, recommended that the Government should take steps to revise the *Markets and Bus Stations Act* in order to synchronise it with the revised Decentralisation Policy.

### **Executive's Response**

In response, the Executive informed the Committee in the Action Taken Report that to ensure harmony between the Act and the Decentralisation Policy, the Ministry had devolved the function of appointing the Markets and Bus Station board members to the local authorities through their respective councils.

### **Committee's Observations and Recommendations**

The Committee observes with concern, the high level of inconsistencies in the response provided by the Executive to the Committee through the Action Taken Report given that in the earlier response to the Committee, they indicated that the Minister had appointed the market board members who were awaiting orientation when funds are available. In the current response, the Executive has indicated that appointment of Markets and Bus Station board members was left to the local authorities through their respective councils. In this respect, the Committee finds the inconsistency in the responses to the recommendations unacceptable.

The Committee, therefore, urges the Government to provide a clear and elaborate roadmap on the revision of the *Markets and Bus Stations Act* in order to synchronise it with the revised Decentralisation Policy and the constitution. The Committee resolves to await a progress report on the matter.

- i. In the previous Session, the Committee had observed with concern the failure by the Government to establish the Markets and Bus Stations Boards in line with section 13 of the *Markets and Bus Stations Act*. That lapse had contributed to the proliferation of associations purporting to represent marketeers and bus operators, thereby contributing to the poor management of markets and bus stations.

In that respect, the Committee had recommended that the Government should, as a matter of extreme urgency, strengthen the organisation and institutional framework for markets and bus stations through issuance of guidelines to regulate the formation of representative groupings or committees at markets and bus stations.

### **Executive's response**

The Executive submitted in response that the guidelines had adequately been provided for in the Act and the Ministry of Local Government would implement them accordingly.

### **Committee's Observations and Recommendations**

The Committee notes the response and is disappointed that the law is not being implemented fully as envisaged by the Executive. The Committee, therefore, reiterates its earlier position that the Executive should ensure that law and order is enforced in line with the provisions of the Act. The Committee in this regard, urges the Executive to depoliticise the operations at markets and

bus stations by ensuring that only the boards set up in line with the law are allowed to run the markets and bus stations.

- i. The Committee had noted that while the management of markets and bus stations was complemented by other pieces of legislation such as the *Public Health Act*, the *Food and Drugs Act* and the *Weights and Measures Act*, those pieces of legislation had not been reviewed for a long time. That had affected the operations of markets and bus stations, especially with regard to the imposition of fines.

The Committee, therefore, recommended that all legislation that complemented *the Markets and Bus Stations Act, No. 7 of 2007* should be revised in order to strengthen the penalties to be imposed on offenders in markets and bus stations under the Act.

### **Executive's Response**

In response, the Executive submitted in the Action Taken Report that the Government, through the Ministry of Local Government, had taken note of the concerns by the Committee and had initiated the process. To that effect, the *Solid Waste Management Act, No 20 of 2018* had been enacted to take care of some of the pieces of legislation. Other pieces of legislation such as the Food Safety Bill were already under review.

### **Committee's Observations and Recommendations**

The Committee notes that the response on the matter is very general and requests for an update on the specific pieces of legislation that have been revised to complement *the Markets and Bus Stations Act, No. 7 of 2007* particularly with a view to strengthening the penalties for offenders in markets and bus stations. The Committee resolves to await a progress report on the matter.

- ii. The Committee had expressed concern over the delay by the Executive to fully operationalise the National Markets and Bus Station Fund in line with section 32 of the *Markets and Bus Stations Act, No. 7 of 2007*. The Committee, in that regard, envisaged that the operationalisation of the Fund would help mobilise resources for the construction, rehabilitation and maintenance of markets and bus stations.

The Committee, had therefore, recommended that the Executive should, as a matter of urgency, operationalise the National Markets and Bus Stations Fund.

### **Executive's Response**

In response, the Executive informed the Committee through the Action Taken Report that the Government through the Ministry of Local Government had taken note of the concerns raised by the Committee and further submitted that the Markets and Bus Stations Development Fund had been established through Statutory Instrument No.77 of 2018. However, the Ministry was working in consultation with the Ministry of Justice to amend the Statutory Instrument with regard to some issues that directly affected the operationalisation of the Fund.

### **Committee's Observations and Recommendations**

In noting the response, the Committee resolves to await a progress report on the amendment of Statutory Instrument No. 77 of 2018 and the operationalisation of the Fund.

- iii. The Committee was displeased that there was currently no specific policy on the management of markets and bus stations. The Committee, had therefore, urged the Executive to initiate the formulation and implementation of a policy on markets and bus stations forthwith.

### **Executive's Response**

In response, the Executive submitted that the Government, through the Ministry of Local Government, would initiate the process of policy formulation.

### **Committee's Observations and Recommendations**

The Committee is disappointed over the inordinate delay in initiating the formulation of the policy and calls for this to be attended to expeditiously. The Committee resolves to await a progress report on the formulation and implementation of a policy on markets and bus stations.

- iv. The Committee in the previous Session was perturbed that the Seventh National Development Plan had no section on markets and bus stations. That showed the lack of attention paid to this important sector as it was also a source of livelihood for millions of Zambians.

The Committee had, therefore, recommended that a section on markets and bus stations be included in the Eighth National Development Plan.

### **Executive's Response**

The Executive responded in the Action Taken Report that the Government took note of the Committee's concern and would endeavour to work closely with the Ministry of National Development Planning so that a section could be included in the Eighth National Development Plan.

### **Committee's Observations and Recommendations**

The Committee notes the submission and urges the Ministry of Local Government to engage the Ministry of National Development Planning as undertaken before the Committee so as to ensure that a section in the Eighth National Development plan is apportioned specifically to address markets and bus stations operations. The Committee will await a progress report on the engagement with the Ministry of National Planning.

- v. The Committee was concerned over the absence of a well defined criterion for allocating

spaces in markets and bus stations by local authorities. This explained the many challenges facing markets and bus stations as well as the apparent corruption existing in the allocation of spaces in markets and bus stations.

In light of the above, the Committee had urged the Executive to ensure that all local authorities had well defined guidelines for allocation of space in markets and bus stations.

### **Executive's Response**

In response, the Executive informed the Committee in the Action Taken Report that the Government through the Ministry of Local Government would urge the appointed Boards to provide guidelines for the allocation of market spaces.

### **Committee's Observations and Recommendations**

In noting the response, the Committee had urges the Ministry of Local Government to provide the general guidelines that will be applicable to all the markets whilst the specific ones that only apply to respective markets can be left to the respective boards in the markets. This should be done without any delay. The Committee resolves to await a progress report on the matter.

- vi. The Committee had noted that the inadequate market trading spaces and operating spaces in bus stations had contributed to the poor management of markets and bus stations by local authorities countywide. In addition, unfavourable and dilapidated infrastructure, poor sanitation, erratic water supply, among other issues, had contributed to the poor state of markets and bus stations.

In that vein, the Committee had recommended that the Executive should formulate a markets and bus stations infrastructure development plan focusing on upgrading, renovation and construction of ultra modern facilities for markets and bus stations countrywide.

### **Executive's Response**

In response, the Executive informed the Committee in the Action Taken Report that the plan had been developed but lacked financing. It was the wish of the Ministry that funds for markets development were raised through the Markets and Bus Station Development Fund or the yellow book allocation be increased.

### **Committee's Observations and Recommendations**

The Committee notes the response and urges the Ministry of Local Government to be proactive and engage the Treasury on this matter. The Committee also recommends that the Ministry take a phased approach in the development of modern markets and bus stations infrastructure. The Committee, in this regard, reiterates the need to fully operationalise the Markets and Bus Stations Fund so as to supplement the Treasury funding for the development of markets and bus stations. The Committee awaits a progress report on the matter.

- vii. The Committee was generally concerned over the poor state of infrastructure in markets



and bus stations countrywide. Of particular interest was the Lusaka Inter-City Bus Terminus which was a central bus station not only for intercity travellers but also travellers from other neighbouring countries.

Given the limited space at the facility in light of the growth in the travelling population, the Committee had urged the Executive, through the local authority, to take immediate measures to establish a new inter-city terminus to facilitate a better travelling experience by both local and international travellers.

### **Executive's Response**

The Executive responded in the Action Taken Report that Government through the Ministry of Local Government had plans in place to establish a new inter-city terminus subject to availability of funds or by Public Private Partner arrangements.

### **Committee's Observations and Recommendations**

The Committee notes the plans to establish a new inter-city terminus subject to availability of funds or by Public Private Partner arrangements. However, the Committee is disappointed that no action is being taken by the Ministry to actualise the plans. In this vein, the Committee calls for urgent action on the matter so as to ameliorate the challenges faced by the travelling public. The Committee will await a progress report on the matter.

#### **vi. Private Sector Participation in the Management of Markets and Bus Stations**

The Committee had expressed concern on the limited role played by the private sector in the management of markets and bus stations. While noting that private institutions should not be directly involved in the provision of public services, the Committee was of the view that there was need to encourage Public Private Partnerships (PPP) in the establishment of the markets and bus stations in line with section 4 (3) of *the Markets and Bus Stations Act*.

In that vein, the Committee had recommended that local authorities should enforce section 4 (3) of the Act by entering into PPPs in the management of markets and bus stations in order to foster infrastructure development.

### **Executive's Response**

In response, the Executive submitted in the Action Taken Report that the Government through the Ministry of Local Government would endeavour to lobby Cabinet to amend the PPP Act to encourage private sector participation in the markets and bus stations sector.

### **Committee's Observations and Recommendations**

The Committee notes the response and urges the Ministry of Local Government to lobby Cabinet to amend the PPP Act within a one year's time frame in its quest to encourage private sector

participation in the management of markets and bus stations. The Committee awaits a progress report on the matter.

**vii. Concessional Period for the PPP Projects on Markets and Bus Stations**

In the previous Session, the Committee had recommended that the concessional period for the PPP projects on markets and bus stations should be revised from the current fourteen years to a much longer period in order to encourage more investors interested in the partnerships.

**Executive's Response**

In response, the Executive informed the Committee that market plans were designed according to the specific needs and trading patterns of each particular market. To that effect, standardised plans would be difficult to implement, as they would not respond to specific needs and trading patterns of each markets. However, the Ministry had taken note of the committee's concern.

**Committee's Observations and Recommendations**

The Committee is highly displeased to note that its concern on the revision of the concessional period for the PPP projects on markets and bus stations from fourteen years to a much longer period has not been responded to at all. The Committee in this regard, requests for an appropriate response clearly and fully addressing the concern raised by the Committee. The Committee awaits a progress report on the matter.

viii. The Committee had expressed concern over the lack of measures to insure goods and services by the traders and operators in markets and bus stations. This posed a threat, especially that a number of markets had experienced fires in the past. Related to this was the absence of social security arrangements covering traders and vendors in markets and bus stations which, in some instances, had resulted in rising destitution following loss of goods through fires and other disasters.

The Committee had, therefore, urged the Executive to make insurance mandatory for all traders and operators in markets and bus stations in order to curb destitution in the event of loss of their property. Further, the Committee urged the Government to ensure that sensitisation programmes on social security for all traders and vendors was done in order to provide safety nets in the event of loss or damage to property.

**Executive's Response**

In response, the Executive informed the Committee in the Action Taken Report that the Government through the Ministry of Local Government would embark on sensitisation programmes to that effect. Further, the Ministry would endeavour to engage insurance companies on the insurance of the traders' and operators' goods.

**Committee's Observations and Recommendations**

The Committee notes the submission and resolves to await a progress report on the engagement with the insurance companies by the Government through the Ministry of Local Government.

- xi. The Committee was concerned by the persistent interference by political party cadres who forcibly assumed control of markets and bus stations with impunity. This had contributed immensely to the confusion that had characterised the operations of markets and bus stations. The practice stifled trade, business and tourism in some cases.

The Committee had, in that regard, urged the Executive to, as a matter of extreme urgency, take measures to de-politicise the management of markets and bus stations by removing all political party cadres and other political entities from markets and bus stations countrywide without any delay.

### **Executive's Response**

The Executive assured the Committee in the Action Taken Report that Government would ensure that the boards applied the guidelines in the *Markets and bus station Act No. 7 of 2007* to curb the vice.

### **Committee's Observations and Recommendations**

The Committee notes the response and further urges the Government to take responsibility over the current politicisation of markets and bus stations. In this vein, the Committee urges that disciplinary action be taken against those boards that would deliberately fail to adhere to the guidelines as stipulated in the *Markets and bus station Act, No. 7 of 2007* in order to avoid complacency in the implementation of the guidelines by the boards. The Committee resolved to await a progress report on the de-politicising of the management of markets and bus stations.

- xii. The Committee had noted that local authorities kept losing revenue from markets and bus stations due to the existing cash mode of collecting levies. It had also been established by the Committee that levies and other fees were not remitted to the local authorities in full, thereby exacerbating the already existing financial challenges facing most local authorities.

While noting that some local authorities had piloted the automation of levy collection, the Committee had urged the Executive to ensure that the collection of all fees from markets and bus stations were automated and rolled out to all local authorities in order to maximise revenue collection for local authorities.

### **Executive's Response**

In response, the Executive informed the Committee in the Action Taken Report that the Ministry through Lusaka City Council was piloting automated revenue collection system at Michael

Chilufya Sata Market. If that proved successful, it would be rolled out to all other markets and bus stations.

### **Committee's Observations and Recommendations**

The Committee takes note of the response and resolves to await a progress report on the piloted automated revenue collection system at Michael Chilufya Sata Market as this will inform the rolling out plans to other markets countrywide. The Committee will also await a progress report on the rolling out of the automation of revenue collection in markets and bus stations.

#### **xiii. Illegal Trading in Markets and Bus Stations**

The Committee was dismayed that a number of bus stations had been transformed into trading places, negating the primary purpose they were established for. This had resulted in limited space for commuters and travellers since there were no waiting bays as traders had taken up the spaces.

In that regard, the Committee had urged the Executive, as a matter of extreme urgency, to remove all the illegal vendors from all bus stations in order to facilitate the comfort and convenience of the travelling public.

### **Executive's Response**

The Executive informed the Committee in the Action Taken Report that the Government had issued the Local Government (Street Vending and Nuisance) (Amendment) (No. 2) Statutory Instrument No 12 of 2018 to address that vice.

### **Committee's Observations and Recommendations**

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

xiii. The Committee had noted the role played by non-state actors such as associations in the operations of markets and bus stations, but was of the view that their operations in markets and bus stations had significantly contributed to the poor management of markets and bus stations.

The Committee had recommended that the Executive should ban all associations from operating in markets and bus stations and allow the smooth running of markets and bus stations by the boards.

### **Executive's Response**

The Executive submitted in the Action Taken Report that Government would endeavour to remove all associations and non-state actors to pave way for the Boards to run the markets.

## **Committee's Observations and Recommendations**

The Committee notes the assurance from the Executive but notes that no action has been taken to realise this commitment. In this vein, the Committee urges the Government to remove all non-state actors, especially the political party cadres, from markets and bus stations in order to pave way for the boards to run the markets. The Committee awaits a progress report on the matter.

- iii. The Committee was concerned over the weak enforcement of immigration laws on access to spaces in markets and bus stations by foreign nationals offering goods and services that were locally produced. This had, in some instances, crowded out Zambian nationals from accessing trading space in markets and bus stations.

The Committee in that regard noted that if not well managed, it had potential to create tension in the management of markets and bus stations. In view of this, the Committee urged the Executive to revise *the Immigration and Deportation Act, No. 19 of 2016*, in order to stiffen the requirements for granting of work permits for foreign nationals to operate in markets and bus stations.

## **Executive's Response**

The Committee was informed in the Action Taken Report by the Executive that the Government would liaise with Ministry of Home Affairs on the matter.

## **Committee's Observations and Recommendations**

The Committee notes the response and is disappointed over the inordinate delay by the Government to address this matter. In this vein, the Committee implores the Government to address the matter without any further delay. The Committee resolves to await a progress report on the matter.

- iv. The Committee had observed that markets in border towns were strategic and could facilitate trade with other countries if well managed. That entailed that deliberate programmes should be put in place by local authorities in border towns to upgrade and renovate markets and bus stations.

The Committee, had therefore, recommended that the Government should ensure that markets and bus stations in border towns were prioritised for possible upgrade and renovation in order to facilitate trade in those areas.

## **Executive's Response**

In response, the Executive submitted in the Action Taken Report that the concern was well noted and the Ministry would work with local authorities in border towns to implement the suggestion.

## **Committee's Observations and Recommendations**

The Committee notes the response but is disappointed over the lack of action on the matter. The Committee, therefore, calls for urgent action in this regard and resolves to await a progress report on the matter.

### **iv. Marketeers in Cities Abandoning Designated Trading Spaces**

The Committee had expressed concern with the emerging trend by marketeers in cities abandoning designated trading spaces in most markets to undesignated spaces, resulting in congestion in the streets as well as reduced revenue by local authorities.

In light of that, the Committee had strongly recommended that the Government should ensure local authorities took drastic measures to ensure that all vendors in undesignated trading spaces were removed without any delay.

### **Executive's Response**

The Executive submitted in the Action Taken Report that the Local Government (Street Vending and Nuisance) (Amendment) (No. 2) Statutory Instrument No 12 of 2018 strictly forbade trading in undesignated places. Local authorities were encouraged to implement the law accordingly.

## **Committee's Observations and Recommendations**

The Committee notes the submission with concern given that the supervisory Ministry only encourages the local authorities in the matter as opposed to instructing the local authorities to strictly adhere to the provisions of the Local Government (Street Vending and Nuisance) (Amendment) (No. 2) Statutory Instrument No 12 of 2018. It is the view of the Committee that the Ministry should in fact provide practical support to the local authorities in order to ensure that this challenge is dealt with effectively and efficiently. The Committee, in this regard, urges the Executive to not only instruct but also support all local authorities to adhere to and enforce the law accordingly. The Committee awaits a progress report on the matter.

### **iv. Associations and Political Groupings Collecting Money from Bus Operators**

The Committee had observed that the practice by some associations and political groupings of collecting money from bus operators with impunity was a serious criminal offence.

The Committee had, therefore, urged the Government to ensure that the criminal activity of abusing marketeers and bus drivers to contribute money against their will was stopped forthwith. Marketers and bus operators should only pay levies to local authorities.

### **Executive's Response**

In response, the Executive submitted in the Action Taken Report that it had taken note of the Committee's concern. Further, the Executive informed the Committee that it was only the Act that prescribed the local authorities to collect levies in markets. All other associations were illegal and it was hoped that with the Boards in place, the vice would be curbed.

## **Committee's Observations and Recommendations**

The Committee notes the submission. However, the Committee urges the Executive to support the local authorities so as to ensure that the market and bus station boards take charge of the running and collection of levies in markets and bus stations. The Committee further urges the Ministry and local authorities to work with law enforcement officers to enforce the law accordingly in order to end the practice of illegal collection of money from bus operators by associations and political groupings. The Committee resolves to await a progress report on the matter.

### **v.High Levels of Intimidation of Operators in the Inter-City Bus Terminus**

The Committee was extremely disturbed to note the high levels of intimidation of operators in the Inter-City Bus Terminus who feared to freely express themselves during the Public Hearing in the facility. This situation pointed to the sweeping powers wielded by various groupings, including political party cadres operating at the facility who even had the audacity to extort money from those operators without any legal sanction.

The Committee had, in that regard, strongly recommended that the Government should, as a matter of extreme urgency, take necessary measures to curb the abuse of operators in the station by removing all political party groupings from the Inter-City Bus Terminus in order to safeguard a conducive business environment.

## **Executive's Response**

In its response, the Executive informed the Committee in the Action Taken Report that the guidelines in the *Markets and bus station Act* would apply to curb that vice.

## **Committee's Observations and Recommendations**

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

### **vi. Establishment of Private Bus Stations**

The Committee had noted that while the establishment of private bus stations could be a recipe for confusion in the transport sector if not well regulated, the Committee contended that the management of Millennium Bus Station was well organised and had ensured discipline among various stakeholders in the station.

The Committee, had in that regard, recommended that gazetted private stations that were being well managed should be allowed to operate under the supervision of the local authority. In

addition, the Government should replicate the management style of Millennium Bus Station in other public bus stations in order to ensure order in public bus stations.

### **Executive's Response**

In responding to the concerns raised by the Committee in the previous Session, the Executive submitted in the Action Taken report that the Act did not allow establishment of private bus stations. Replicating Millennium bus station would be encouraging illegality. It was worth noting at that point that Millennium Bus Station had been up to date operating illegally.

### **Committee's Observations and Recommendations**

In noting the response, the Committee is greatly disappointed that the Executive has allowed the illegal operation of Millennium Bus Station. In this vein, the Committee directs that immediate measures be implemented to ensure that the illegality is stopped forthwith. The Committee further urges the Executive to ensure that all privately owned bus stations partner with local authorities without fail in order to end illegal operation of bus stations. The Committee awaits a progress report on these matters. .

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

### **9. The Implementation of the National Decentralisation Policy in Zambia**

#### ***i. Harmony between the National Decentralisation Policy and other pieces of legislation***

The Committee had noted the response and resolved to await a progress report on the anticipated revision of the Republican Constitution and the subsequent revision of the pieces of legislation which were at variance with the National Decentralisation Policy. In addition, the Committee had recommended that the placement of human resource should be retained with local authorities in line with the National Decentralisation Policy.

### **Executive's Response**

The Executive informed the Committee through the Action Taken Report that the Government was in the process of reviewing the Constitution and the Constitution of Zambia (Amendment) Bill, 2019 was presented to Parliament during the June, 2019 meeting. The Bill had gone through First Reading. Among the proposed amendments in the Bill was the repeal of the Annex which contained the concurrent and exclusive functions of the national, provincial and local government levels. It was envisaged that once the Constitution was amended, it would facilitate full implementation of the decentralisation policy. Notably, Parliament had recently enacted the *Local Government Act, No. 2 of 2019* and the *Rating Act, No. 21 of 2018* to facilitate the harmonisation of National Decentralisation Policy and other pieces of legislation.



## **Committee's Observations and Recommendations**

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

### **ii. Capacity Development Programmes on Decentralisation**

The Committee had noted the response in the Action Taken Report and resolved to await a progress report on the matter, but urged the Executive to ensure that capacity building programmes were conducted on a regular basis.

### **Executive's Response**

In response, the Executive submitted through the Action Taken Report that a Comprehensive Capacity Development Action Plan on Decentralisation (2018-2022) was in place and was approved by the Secretary to Cabinet in December, 2017. Further, some activities had taken place as set out below.

- a) Training for selected councils to assist them appreciate and apply the guidelines for them to embark on local economic development with the support of the Commonwealth Local Government Forum.
- b) Orientation had been undertaken for members of the Capacity Development Technical Working Group.
- c) In the first quarter of 2019 and, with support of the Commonwealth Local Government Forum, all council officers in Northern and Lusaka Provinces were trained with the following target groups: District Education Board Secretaries, Council Principal Officers, District Planners, Directors of Administration and Chief Administration Officers, District Agricultural Coordinators, District Directors of Health, among others. The purpose of the training was to enable them improve their knowledge in decentralisation and enhance their facilitation skills for them to roll out similar training at local level. A total of 245 officers were trained in the two provinces.
- d) In the second quarter of 2019, six provinces, namely: Luapula, Western, Eastern, Central, Copperbelt and Muchinga were covered during the Training of Trainers Workshops in the provincial headquarters. The training was supported by the Government through the Ministry of Local Government – with 725 officers being trained.
- e) Orientation for both Members of Parliament and Cabinet did not take place but the Decentralisation Secretariat and the Ministry of Local Government were still making efforts to ensure that the two activities were undertaken.
- f) Some activities earmarked for the third and fourth quarters 2019 included:
  - orientation for council public relations officers;

- orientation for ward development committees on matters of income generation;
- training for civil society organisations;
- community sensitisation on devolution; and
- orientation for council officers and officers whose functions had been devolved on the human resource reforms.

### **Committee's Observations and Recommendations**

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

#### **iii. Measures to Track Progress of Devolved Functions**

The Committee had noted the response from the Executive in the Action Taken Report but was of the view that the reported in-built monitoring system on decentralisation was not working as described. The Committee had, therefore, urged the Executive to provide an appropriate response on the punitive actions meted out on those deliberately frustrating the implementation of the process. The Committee had resolved to await a progress report on the matter.

### **Executive's Response**

In response, the Executive submitted in the Action Taken Report that the Government through the Ministry of Local Government agreed with the Committee that the in-built monitoring system on decentralisation was not working as described especially at provincial and district levels. The reason was that currently, the implementation of decentralisation was weak at the Provincial and District levels. Therefore, the Government was working at strengthening legislation, which included the Constitution (Amendment) Bill and the Local Government Act, No 2 of 2019 and through monitoring implementation of Cluster groups of the Seventh National Development Plan (SNDP).

### **Committee's Observations and Recommendations**

The Committee notes that implementation of decentralisation at provincial and district levels to some extent remains weak due to the pending Constitution (Amendment) Bill which is supposed to strengthen the in-built monitoring system on decentralisation. However, the Committee is cognisant of the fact that the *Local Government Act, No 2 of 2019* was enacted and should be one of the avenues used to strengthen the monitoring system on decentralisation. The Committee, in this regard, reiterates its earlier position and urges the Executive to ensure that monitoring of decentralisation is strengthened. Further, the Committee urges the Executive to ensure that punitive measures are meted out against officers who would deliberately want to frustrate the decentralisation process. The Committee awaits a progress report on the matter.

#### **iv. Transfer of Human Resources to Local Authorities**

The Committee had noted the response in the Action Take Report and resolved to await a progress report on the completion of the transfer of human resources to local authorities.

## **Executive's response**

The Government through the Ministry of Justice had just approved the Service Commission Regulations. Further, Service Commissions were developing plans on the transfer of human resource from devolving departments to local authorities and were addressing other outstanding staff matters. Therefore, the Local Government Service Commission was yet to receive the staff registers from devolving ministries and relevant Service Commissions to enable them issue transfer letters for staff from devolved departments to the local authorities.

## **Committee's Observations and recommendations**

The Committee notes with disappointment the inordinate delays that have characterised the implementation of the decentralisation programme, in particular the transfer of human resources to local authorities. In this vein, the Committee calls upon the Government to ensure that the transfers are effected without any further delay. The Committee in this regard, urges the Government not only to expedite the transfers but to also instil disciplinary measures on officers who are deliberately delaying the transfer process of officers from devolved ministries to the local authorities. (The Committee resolves to await a progress report on the matter.

## **v.Development of Local Government Service Regulations**

The Committee had noted the response and awaited a progress report on the operationalisation of the Service Commission Regulations.

## **Executive's Response**

The Executive responded through the Action Taken Report that Government through the Ministry of Justice had approved the Service Commission Regulations and Cabinet Office was yet to publish and operationalise the regulations with the respective Commissions that included the Local Government Service Commission.

## **Committee's Observations and Recommendations**

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

## **vi. Operationalisation of the Intergovernmental Fiscal Architecture (IFA)**

The Committee had noted the response and resolved to await a progress report on the operationalisation of Intergovernmental Fiscal Architecture.

## **Executive's Response**

The Executive responded in the Action Taken Report that the Government developed an Inter-Governmental Fiscal Architecture (IFA) through a highly participatory process and reflected the aspirations of stakeholders in their quest in the generation and management of financial resources by local authorities.

### **Committee's Observations and recommendations**

The Committee notes the submission on the developed Inter-Governmental Fiscal Architecture (IFA). However, the Committee is highly concerned on the complacency in the operationalisation of the IFA given that it has taken inordinately long to operationalise it. The Committee also urges the Government to expedite the amendment of the *Public Finance Act, No. 1 of 2018* which would allow for appointment of Chief Executive Officers for the local authorities as Controlling Officers. The Committee awaits progress on the matter.

#### **vii. Procurement of Geographic Information System Equipment for Spatial Planning in Local Authorities**

The Committee had noted the response and resolved to await a progress report on the procurement of Geographic information system (GIS) equipment for all local authorities.

### **Executive's Response**

The Committee was informed by the Executive in the Action Taken Report that procurement of GIS equipment was the responsibility of all councils. The Ministry had no budget line to buy GIS equipment for the 116 councils. Councils had been advised to budget and procure GIS equipment for their use.

Some councils were being supported by cooperating partners to procure GIS equipment. For instance, nine councils in Eastern Province were being supported by the Zambia Integrated Forestry and Landscape Project (ZIFLP) to procure GIS equipment.

### **Committee's Observations and Recommendations**

In noting the submission, the Committee urges the Executive to encourage the local authorities to procure the GIS equipment to enhance their planning. The Committee, in this regard, urges the Government to direct all local councils to procure the GIS equipment and where need be, provide assistance to local authorities to procure the equipment. The Committee awaits a progress report on the matter.

#### **viii. Harmonisation of Salaries**

The Committee had noted the response in the Action Taken Report and resolved to await a progress report on the harmonisation of salary scales.

### **Executive's response**

In response, the Executive informed the Committee in the Action Taken Report that the Government was yet to implement the salary scale conversions of all jobs in local authorities to harmonise them with salary scales for devolved departments. That had not been done due to budget constraints.

### **Committee's Observations and Recommendations**

In noting the response, the Committee is concerned that this important milestone in the implementation of the decentralisation process has not been attained yet. In this regard, the Committee urges the Ministry of Local Government to urgently engage the Treasury on the matter so that the salaries for all jobs in local authorities could be harmonised with those in the devolved departments without further delay. The Committee continues to await a progress report on the matter.

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

### **10. The Housing Situation in Zambia**

#### ***i. Review of Existing Legislation***

The Committee had noted the response in the Action Taken Report and resolved to await a progress report on the finalisation of the Urban and Regional Planning Regulations and the review of the *National Housing Authority Act*.

### **Executive's Response**

In response, the Executive informed the Committee in the Action Taken Report that the Ministry was still waiting for the Ministry of Justice to finalise the remaining set of regulations. The Ministry of Local Government was in regular contact with Ministry of Justice over the matter.

### **Committee's Observations and Recommendations**

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

## **ii. *Review of the National Housing Authority Act***

The Executive responded through the Action Taken Report that the Government through Ministry of Housing and Infrastructure Development had commenced the process of reviewing the *National Housing Authority Act* with the engagement of the Zambia Law Development Commission (ZLDC) as a Consultant to lead the process. The ZLDC had since finalised the desk review and submitted the Preliminary Report to the Ministry for comments.

### **Committee's Observations and Recommendations**

The Committee notes the response and resolves to await a progress report on the review of the *National Housing Authority Act*.

## **iii. *Operationalisation of the National Housing Policy***

The Executive submitted through the Action Taken Report that the operationalisation of the National Housing Policy was expected to take full effect after approval by Cabinet which was expected in due course. The delay in approval of the draft National Housing Policy was necessitated by stakeholder concerns and observations that were made by the Ministry of Lands and Natural Resources and the Ministry of Local Government which needed to be addressed before its approval. The concerns entailed revisiting certain parts of the draft National Housing Policy and incorporating some of the submissions from the said stakeholders. Following consultations, the Ministries cleared the draft National Housing Policy which had since been resubmitted to Cabinet for approval.

### **Committee's Observations and Recommendations**

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

## **Review of Policies on Housing Development**

### **iv. *15 per cent budget allocation to housing financing***

The Committee had requested for an update on the need for the Government to meet the 15 per cent budget allocation to housing.

### **Executive's Response**

The Executive responded in the Action Taken Report that the Government had been making a lot of progress towards the attainment of 15 per cent national budget allocation for housing financing. This could be demonstrated through the allocation of K816.3 million (representing 1.1 per cent) towards the budget for Housing and Community Amenities in 2018 and K2.24 billion (representing 2.6 per cent) in the 2019 budget. Further, additional resources had been allocated towards the facilitation of the housing infrastructure for defense and security wings across the country such as the L85, Lusaka West, Twin Palm and Chelstone Police Camp Housing Project, among others, as well as through the provision to local authorities of not less than 20 per cent of

the funds availed under the Local Government Equalisation Fund (LGEF), to capital projects, which included housing projects as well.

Furthermore, despite the amount growing by over two and half times, the proportion still fell short of the 15 per cent target. This was largely attributed to some non-discretionary expenditure items such as debt service that had been on the rise on account of exchange rate pressures. Nonetheless, the Government remained committed to ensuring that the matter was addressed through future budgets in the medium to long-term in order to bridge the gap in the housing deficit that the country was currently facing. In that regard, to achieve that objective, the Government would also leverage on external resources.

### **Committee's Observations and Recommendations**

The Committee notes the progress being made towards the attainment of the 15 per cent of the national budget allocation to housing financing. However, the Committee urges the Government to progressively increase the housing funding towards 15 per cent target. The Committee awaits a progress report on the matter.

#### ***v. Upgrading of Informal Settlements***

The Committee had noted the response in the Action Taken Report and resolved to wait for an update on the participation of the private sector in the upgrading of informal settlements.

### **Executive's Response**

The Executive responded in the Action Taken Report that preparation of Local Area Plans (LAPs) for upgrading of unplanned settlements was an on-going exercise and the private sector was being engaged as the process continued. So far, a LAP for Kanyama unplanned settlement was being developed and stakeholder engagement was ongoing.

One private developer, Shapoorji Pallonji Company Private Ltd of India, had shown interest to develop high-rise flats in part of Kanyama Ward 10 area as part of upgrading of the unplanned settlement.

### **Committee's Observations and Recommendations**

The Committee notes that upgrading of unplanned settlements is an on-going exercise. However, the Committee is concerned that only one LAP is being developed despite the large number of unplanned settlements countrywide and that only one private sector developer has been identified to date. In this vein, the Committee implores the Ministry to expedite the preparation of LAPs for all other unplanned settlements and rump up the efforts to secure private investors who can help to develop the necessary infrastructure in these areas. Therefore, the Committee resolves to await a progress report on a private developer, Shapoorji Pallonji Company Private Ltd of India, which has shown interest in developing high-rise flats in part of Kanyama and the development of LAPs for all other unplanned areas.

#### **vi. Risk Management Framework in Loan Procurement**

The Committee had noted the response in the Action Taken Report but urged the Executive to ensure that the Risk Management Framework was implemented without any delay.

#### **Executive's Response**

The Executive responded in the Action Taken Report that the full structure or establishment of 180 positions for the Risk Management Department which would coordinate risk management in all Government ministries, provinces, agencies and local authorities was approved. The breakdown of the 180 positions was as follows:

- a. 14 positions for headquarters at Ministry of Finance;
- b. 45 positions for line ministries, provinces and agencies; and
- c. 121 positions for local authorities.

However, due to budgetary constraints, Treasury Authority was granted for three positions only. To that effect, the recruitment process had already commenced for the three positions.

#### **Committee's Observations and Recommendations**

The Committee notes that out of 180 approved positions for the Risk Management Department, Treasury Authority was only granted for three positions due to budgetary constraints. The Committee urges the Ministry to engage the Treasury so that the Department can be fully operationalised. The Committee awaits a progress report on the matter.

#### **vii. Contracting of Works Using Foreign Standards**

The Committee had noted the response in the Action Taken Report and resolved to wait for an update on the formulation and implementation of the Construction Policy.

#### **The Executive's Response**

The Committee heard through the Action Taken Report that the Government through the Ministry of Housing and Infrastructure Development held an inception meeting for the technical working group to prepare the terms of reference and implementation road map. The Ministry was waiting for funds to conduct stakeholders' consultative meetings across the country.

#### **Committee's Observations and Recommendations**

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

#### **viii. Local Contractor Participation**

The Committee had noted the response in the Action Taken Report and resolved to await an update on the tangible outcome of the capacity building initiatives by the National Council for Construction (NCC).



## **Executive's Response**

The Executive informed the Committee in the Action Taken Report that in addition to the 20 per cent policy that NCC was currently enforcing through inspections and engagements with the affected contractors, NCC was also reviewing the *NCC Act*. The review focused on ensuring that it responded to the various requirements and gaps in the existing legislation. Stakeholder engagements had been concluded and key areas under revision were:

- Enhancement of Joint Ventures: with a view to restricting all foreign contractors from participating in national competitive bidding or selection of construction works unless the foreign company undertook the construction works as a joint venture with a Zambian firm.
- International Competitive Bidding: with a view to ensuring that all international competitive bidding was in consultation with NCC to ascertain whether the works could be done locally or not.

Enhanced relations with procurement entities: with a view to ensuring that procurement entities included issues of citizen empowerment (women, persons with disabilities and gender equality). Procurement entities would ensure that bidding documents were in conformity with registration classifications of the NCC categories.

- Enhanced regulation of manufacturers and suppliers of construction materials: NCC would ensure that no one would manufacture, sell or supply construction materials that did not conform to the *Standards Act No 4 vol 2017*.

NCC was also introducing a scheme to capture home builders with the view to formalising this category of contractors and subjecting them to trade tests.

## **Committee's Observations and Recommendations**

The Committee notes that the expeditious review of the *NCC Act* will, among other things, enhance local contractor participation in infrastructure development projects. The Committee in this regard, urges the Government to expedite the review of the *NCC Act*. The Committee resolves to await progress report on the matter.

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

### **11. Management of the House of Chiefs**

#### **i. Review of the House of Chiefs Regulations**

The Committee had noted the response and resolved to await an update on the finalisation of the National Policy on Chieftaincy and Traditional Affairs and the consequential review of the House of Chiefs Regulations.

#### **Executive's response**

The Executive responded through the Action Taken Report that the Government undertook a review of the House of Chiefs Regulations (Statutory Instrument No. 41 of 1998) in 2016. However, the review could not be finalised as it needed to be aligned to the National Policy on Chieftaincy and Traditional Affairs which was being developed at the same time. The process of finalising the review of the House of Chiefs regulations which was halted would now continue following Cabinet's approval of the National Policy on Chieftaincy and Traditional Affairs on 4<sup>th</sup> February, 2019.

#### **Committee's observations and Recommendations**

The Committee notes the response and urges the Government to expedite the process of finalising the review of the House of Chiefs regulations following Cabinet's approval of the National Policy on Chieftaincy and Traditional Affairs. The Committee awaits a progress report on the matter.

#### **ii. Capacity Strengthening of the House of Chiefs**

The Committee had noted the response and resolved to await an update on the completion of the restructuring of the House of Chiefs.

#### **Executive's Response**

It was reported in the ATR that the Government through the Ministry of Chiefs and Traditional Affairs undertook a review to upgrade the job descriptions of Sergeant at Arms and Transcriber in order to align them to the current needs of the House of Chiefs. The positions would be filled once the developed draft job descriptions were approved by Management Development Division and Treasury Authority granted by the Ministry of Finance.

#### **Committee's Observations and Recommendations**

The Committee notes the response and urges the Government to ensure that the developed draft job descriptions are speedily approved by Management Development Division and subsequently

seek Treasury Authority to fill the positions. The Committee awaits progress report on the matter.

## **12. CONCLUSION**

The Committee's study on the Management of traditional ceremonies in Zambia provided insights into the challenges faced in the management of these ceremonies. Major among the challenges was the financial constraints faced by the organisers of traditional ceremonies. The other one was poor infrastructure at the venues for the traditional ceremonies. It was difficult for the organisers to make progressive improvements at the sites of the traditional ceremonies as all the structures were temporary and this meant that the organisers were required to continue spending money on the sites on an annual basis. There could be no cumulative developments at the sites since there were no permanent structures.

The other challenge was the lack of a policy legal framework which was leading to the continued proliferation of traditional ceremonies and as such, there were no guidelines on what conditions should give rise to a traditional ceremony in Zambia. This development tended to overburden the sponsors, both corporate and Government, who were requested to support an ever increasing number of traditional ceremonies which sprung up each year. as there was a risk of losing the true value and meaning of traditional ceremonies in Zambia if nothing is done to stop the continued proliferation of traditional ceremonies.

In this respect, the Committee has made various key recommendations on the management of traditional ceremonies in Zambia and is confident that the Executive will implement most of the recommendations in order to improve the management of these ceremonies in the country. In this regard, the Committee is hopeful that the observations and recommendations contained in this Report will receive necessary attention and action for the benefit of the country.

Lastly, the Committee wishes to pay tribute to all the stakeholders who appeared before it and tendered both oral and written submissions. The Committee is also thankful to you, Mr Speaker and the Clerk of the National Assembly for the guidance and support services rendered to it throughout the Session.

N Samakayi, MP  
**CHAIRPERSON**

June, 2020  
**LUSAKA**

## **APPENDIX I**

### **Mambwe Lungu Cultural Association (MALUCA)**

1. Mr D Fwambo Vice Chairperson- Lusaka Chapter
2. Mr A Simutowe National Chairperson
3. Mr N Siluyele Lusaka Chapter Chairperson
4. Ms M Nanyangwe Gender Secretary
5. Ms E Namunga Publicity Vice Secretary
6. Mr D M F Sikazwe Treasurer –Lusaka Chapter

### **Zamtel**

1. Mr R Kamanga Head Corporate Affairs
2. Mr C Ngoma Corporate Affairs Manager

### **Non Governmental Organisations Co-ordinating Council**

1. Ms C C Siwale Assistant Executive Director
2. Ms F Lufunsa Operations Manager
3. Ms L Siyanga Executive Director (Women for Change)
4. Mr G Muchemwa Programme Manager (ZNTCA)

### **Road Transport and Safety Agency**

1. Mr G Banda Director and CEO
2. Mr C Lesa Assistant Deputy Director Safety
3. Mr J Mumba Acting Deputy Director Transport
4. Mr E W Longwe Acting Head Human Resource Administrator
5. Ms J Mumba Acting Procurement Specialist
6. Ms L M Sakala Principal Education and Publicity Officer
7. Mr D Kalima Acting Legal Counsel
8. Mr M Mangolwa Public Relations Manager
9. Mr C Kanchele Head Statistics and Research

### **Zambia National Broadcasting Services (ZNBC)**

1. Mr M Lusambo Director General
2. Ms R Chumpuka Director Programs
3. Mr M Simi Manager Radio 1

### **Zambia National Commission for UNESCO**

1. Dr C Ndakala Chief Programme Officer
2. Dr Samson Kantini Senior Programme Officer  
Communication and Information
3. Ms H M Sinywibulula Senior Programme Officer for  
Culture

### **Chewa Heritage Foundation**

1. Mr R F M Phiri National Secretary
2. Ms Jennipher S Nyirenda Member
3. Rtd B N Phiri Chairman
4. Mr R Mvula Member

5. Mr L Zulu Legal Secretary

**Lunda Cultural Association of Zambia – LUCAZ**

1. Mr George Mayondi Ex Official
2. Mr H Meseli Vice Secretary NEC
3. Mr A Samuhandu Chairman General
4. Mr I Chipaka Vice Chairman General
5. Mr D Mwanamoyo Vice fundraising

**Nsakwa Yaba Kaonde Cultural Association**

1. Mr M J Tambatamba National Chairman
2. Mr K C Mueyba Cultural & Traditional Affairs

**Mukuni Royal Establishment**

1. Mr M Siloka Co-ordinator
2. Mr C Sitali Secretary

**National Art Council**

1. Mr M A Chipinoi Director
2. Mr M Sakala (Sakala Brothers /Odini Arts Centre) Manager
3. Mr P K Kaluba (ZAMBIA POPULAR Theatre Alliance) Chairperson
4. Ms Mwicke Chilunga Assistant Director
5. Ms T Tembo Administrative Officer
6. Ms F B Kapundu Assistant Director-VAC

**National Heritage Conservation Commission**

1. Mr M Zulu Education Officer
2. Mr Ndiyai Muyumbwa Director – ECR
3. Mr C Chipoye Executive Director
4. Ms C Simataa Assistant Antrodology

**University of Zambia**

1. Mr B Nkata Dean school of Education
2. Mr F M Chipili Lecturer, School of Education
3. Ms N M Malama Lecturer, ISSE, Education
4. Mr M Munyima (UNZA –ENESOR)Research Fellows
5. Ms Yvonne M Kabombwe Lecturer, ISSE, Education
6. Mr D Phiri Lecturer/AEES/Education
7. Ms J L I Ziwa Lecturer/DRS/Education
8. Ms Mary Akayombokwa Public Relations

**National Museums Board**

- |    |                        |                  |
|----|------------------------|------------------|
| 1. | Mr Flexon M Mizinga    | Director General |
| 2. | Mr A Hakoola           | Librarian        |
| 3. | Ms Priscilla K K Banda | Senior Keeper    |

**Zambia Tourism Agency**

- |    |                 |                              |
|----|-----------------|------------------------------|
| 1. | Mr N Mwabashike | Director Marketing           |
| 2. | Mr S Cheelo     | Director Licensing Standards |
| 3. | Ms D Kofi       | Senior Marketing Manager     |
| 4. | Ms B M Chabala  | Manager-Communications       |

**Ministry of Higher Education**

- |    |                  |                                     |
|----|------------------|-------------------------------------|
| 1. | Mr S Mubanga     | Director Planning and Development   |
| 2. | Ms P L Munaile   | AG Director, Planning & Development |
| 3. | Ms K Mutelekesha | Assistant Director Planning & Dev   |
| 4. | Mr R Mwala       | Principal Systems Analyst           |
| 5. | Mr F Mbewe       | Senior Accountant                   |
| 6. | Mr B Mutale      | Senior Planner (PCB)                |

**Ministry of Tourism and Arts**

- |    |                              |                                |
|----|------------------------------|--------------------------------|
| 1. | Dr A B Ponga                 | Permanent Secretary            |
| 2. | Ms Patricia Musopelo Muyamwa | Director                       |
| 3. | Ms B Kaonga                  | Director                       |
| 4. | Mr Thomas Mambo Mubita       | Chief Cultural Affairs Officer |
| 5. | Ms R Hbweele                 | Principal Planner              |

**Ministry of finance**

- |    |                  |                     |
|----|------------------|---------------------|
| 1. | Mr E Pamu        | Permanent Secretary |
| 2. | Mr R Kasezya     | Assistant Director  |
| 3. | Mr Chirwa Mudolo | Senior Planner      |

**House of Chiefs**

- |    |                                 |             |
|----|---------------------------------|-------------|
| 1. | His Royal Highness Chipeco      | Member      |
| 2. | His Royal Highness Kaputa       | Chairperson |
| 3. | His Royal Highness Chibesakunda | Member      |
| 4. | Ms J Mulenga                    | Clerk       |

**Ministry of Chiefs and Traditional Affairs**

- |    |                    |                                      |
|----|--------------------|--------------------------------------|
| 1. | Mr Lubasi Sakwiba  | Director-HRA                         |
| 2. | Mr J Mpishi        | Director CTA                         |
| 3. | Ms Madrine B Mbuta | Director PRI                         |
| 4. | Ms Chileshe Kasoma | Principal Traditional Affairs Office |
| 5. | Ms E Daka          | Head Procurement                     |
| 6. | Owen Phiri         | Director                             |

**Ukusefya Pang'wena**

- |    |                |          |
|----|----------------|----------|
| 1. | Mr G C Musonda | Chairman |
|----|----------------|----------|

- |    |                |           |
|----|----------------|-----------|
| 2. | Ms B Muvunda   | Member    |
| 3. | Mr N C Mulenga | Secretary |
| 4. | Mr E C Sampule | Member    |
| 5. | Ms M K Lungu   | Member    |

**Mutomboko Organising Committee**

- |    |               |           |
|----|---------------|-----------|
| 1. | Mr R Mwaba    | Chairman  |
| 2. | Mr B Kapapula | Member    |
| 3. | Mr M Lumpa    | Secretary |

## **APPENDIX II**

### **List of National Assembly Officials**

Ms C Musonda, Principal Clerk of Committees

Mr F Nabulyato, Deputy Principal Clerk of Committees

Mr S Chiwota , Senior Committee Clerk (SC)

Mr D Kunda, Committee Clerk

Ms M Kalonga, Typist

Mr D Lupiya Committee Assistant