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**COMPILATION OF SAMPLE BACKGROUND PAPERS PREPARED  
FOR USE DURING THE INTER-PARLIAMENTARY UNION (IPU),  
ASSOCIATION OF SECRETARIES GENERAL  
OF PARLIAMENTS (ASGP) MEETINGS**



**RESEARCH DEPARTMENT  
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**BACKGROUND PAPER ON:**  
**THE RELATIONSHIP BETWEEN PARLIAMENT AND GOVERNMENT**

**PREPARED FOR**  
**THE ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS (ASGP),**  
**GENEVA CONFERENCE,**  
**26<sup>TH</sup> TO 28<sup>TH</sup> MARCH, 2018,**  
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**RESEARCH DEPARTMENT**  
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## INTRODUCTION

For the purposes of this paper, the relationship between Parliament and the Executive is discussed in relation to the doctrine of separation of powers. It is argued that the principle of separation of powers is a fundamental base, without which no system of government can claim to be democratic and hope to attain good governance.

The principle of the separation of powers has a long history whose roots can be traced to numerous writers and philosophers before John Locke. However, John Locke is widely viewed to have been the first to delineate the functions of the legislative power to define the rights of the individual and the executive, to enforce them in his famous *Second Treatise* of 1690. The basis for Locke's argument was simply that people in whom power is vested to legislate (Parliament), govern (Executive) and to interpret laws (Judiciary) are prone to abuse such powers unless they are separated from one another and do not interfere with each other's functions. Further, he argued that, liberty and freedom would be safeguarded or protected only if the three arms of government are independent of each other, for them to provide the necessary checks and balances.

Charles de Montesquieu, on the other hand, is considered to have given the doctrine of separation of powers its modern form. He was the first to categorise governmental functions as legislative, the executive and the judiciary; and the first to analyse the relationship between the separation of powers in terms of checks and balances. He claimed that without following a system of restricting and balancing legislative, executive and judicial powers, there is no freedom and no protection against abuse of power. According to him, the idea of separation of powers was to have a government capable enough to maintain law and order without allowing it grow so strong as to become tyrannical. Montesquieu therefore, advocated for mechanisms to be put in place to ensure that one branch of government does not yield too much power to undermine other branches.

The paper highlights the relationship between Parliament and the Government (Executive). The paper begins by discussing generally, the four themes that will inform the discussion in the meeting, namely: the collaboration between Parliament and Government in the planning and organisation of parliamentary work; the anti-parliamentary sentiments and ethical considerations in the civil service; the role of Parliament in the composition and establishment of Government and scrutiny of Government by Parliament. The paper will end with a discussion of what is obtaining in Zambia.

## **RELATIONSHIP BETWEEN PARLIAMENT AND GOVERNMENT**

The relationship between Parliament and the Executive is demonstrated through the three arms of Government that work in tandem with each other in order to bring a balance in the way the people are governed. The Government are the people that have been elected to run the country.<sup>1</sup> Parliament is there to represent the interests and to make sure the peoples' interests are taken into account by the Government. The Government cannot make new laws without Parliament's agreement.

While the Government and Parliaments hold complementary powers, some legislatures have not been very effective in their oversight function due to a number of reasons, which include lack of adequate resources and dominance of the Executive arm of Government. This explains why some legislatures including Zambia, have undertaken parliamentary reforms in order to improve their oversight capacities and improve the balance of power, in order to make them free from Executive interference. The reforms have worked to achieve the following:

- parliamentary responsibility for its own staffing;
- control over its own budget; and
- organisation of its own business.

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<sup>1</sup> <http://www.parliament.uk/about/how/role/parliament-government/>

An independent legislature is able to debate, pass laws and approve programmes that the legislators judge to be beneficial to the country as a whole. However, when the Legislature lacks independence, its capacity to check and balance the Executive is compromised, and its role in representing the people effectively is diminished.

## **COLLABORATION BETWEEN PARLIAMENT AND GOVERNMENT IN THE PLANNING AND ORGANISATION OF PARLIAMENTARY WORK**

Parliaments have come up with mechanisms for cooperating with the Executive to plan and come up with the business of the House. In most Parliaments, it is the duty of the House Business Committee to come up with the business of the House. The most obvious reason for having a Business Committee is to have a mechanism whereby a body representing Parliament has the responsibility of making key decisions regarding the business of the House rather than Government having this control.

According to Erskine May, the business of the House is drawn up by a Committee comprising the following:

- i. Government Chief Whip (Cabinet member);
- ii. Opposition Chief Whip(s);
- iii. Private Secretary to the Government Chief Whip (civil servant);
- iv. Leader of the House (Cabinet member); and
- v. Opposition Leader(s) of the House.

The presence of both Government and opposition whips demonstrates the collaboration that takes place between Parliament and Government in the planning and organisation of parliamentary work. In addition to the above, collaboration also involves having, regular weekly meetings of the key figures to discuss arrangement of business, and daily contact to deal with ongoing issues. This is the case in the House of Commons in which the business of the House is drawn by the Executive and Parliamentary representatives.

## **ANTI-PARLIAMENTARY SENTIMENT AND ETHICAL CONSIDERATIONS IN THE CIVIL SERVICE**

Civil servants are permanent officers of Government and do not vacate office with the change of Government. They are concerned with the execution of policies which are formulated by the Government. In view of this, civil servants should be impartial as they are an essential feature of the Government, and as such, should possess a non-political character. For the civil service to be considered ethical, the following are cardinal:

- i. officers should be trustworthy advisors;
- ii. officers should be able to formulate and implement the policy initiatives of Government sincerely and honestly;
- iii. officers should have a dedicated application to work and a deep involvement in nation building tasks without identifying themselves with the political philosophy behind it;
- iv. officers should not mislead Parliament by deliberately misinforming it; and
- v. officers should never keep back information or delay Parliament, but should provide relevant and accurate information.

In addition to the above, civil servants help Ministers and their ministries to make policies, draw up plans and formulate legislation as well as handling issues raised in Parliament. They are also a handy source of information and advice as they help the Government reply to questions raised in the House by Members of Parliament. Due to these reasons, Government cannot afford to have a civil service that is unethical.

Further, in dealing with Members of Parliament, civil servants are expected to accord due courtesy and regard to the Members, and to help them discharge their functions effectively.

## **THE ROLE OF PARLIAMENT IN THE COMPOSITION AND ESTABLISHMENT OF THE GOVERNMENT**

Regarding the composition and establishment of Government, Parliament adopts the supreme law which is the constitution which lays the foundation for a democratic Government based on the law. It stipulates the values and mechanisms for governance of the people. The constitution also upholds a democratic state where governance is effected through Parliament, the Executive and the Judiciary.

Furthermore, the role that is played by Parliaments in the composition and establishment of the Government depends on the existing constitutional provisions on political systems such as presidential or parliamentary (Westminster) system.

In the presidential system, the Executive and Legislature are independent of each other. A classical example of a presidential system is that of the United States of America (USA), in which the executive powers are vested in the Federal President, who is the Head of both the State and Government. The President is answerable to the people and not Parliament. The Executive is also constitutionally independent of the Legislature because the President and his Cabinet are not members of the Congress, although the Vice President is the Chairman of the Senate.

Furthermore, with regard to the independence of the Legislature, the federal legislative powers are vested in the Congress, which comprises the Senate and the House of Representatives. The President is not allowed to be a Member of the Legislature and has no authority to dissolve the Congress before the expiry of its fixed tenure. The tenure of the Congress can also not be extended beyond the stipulated period.

Furthermore, the President is elected separately from Members of Parliament, thus making a clear distinction between the President (Executive) and the Legislature. The President appoints Cabinet Secretaries (Ministers), who are not Members of Parliament. The appointments are done under the watchful eye of the Congressional Committee

that oversees the appointment of these persons to ensure their suitability for the positions.

The other system is the parliamentary (Westminster) system. Unlike the presidential system, the central feature of a parliamentary system is a “fusion of powers” between the Executive and Legislative branches. The “fusion” or limited separation is due to members of the Executive maintaining their seats in the legislature.

The British provide a classical example of a parliamentary democracy where the Executive (the Prime Minister and Cabinet) are Members of Parliament and answerable to Parliament for their actions. This is a typical feature of most Commonwealth member countries as each state’s Parliament, Executive and Judiciary arms of government are the guarantors of the rule of law in their respective spheres. They strive to collectively work to promote and protect fundamental human rights and to enhance good governance ideals based on the highest standards of honesty, probity and accountability.

## **SCRUTINY OF THE GOVERNMENT BY PARLIAMENT**

One of Parliament's main roles is to examine and challenge the work of the Executive, through a close examination and investigation of Government’s policies, actions and spending. <sup>2</sup>The procedures vary from country to country. However, the principal methods include the following:

### **Questions**

During question time, Parliament has an opportunity to question Government Ministers either directly on the Floor of the House during the regular oral question time or they may pose questions for written answer. Different Parliaments have different timings for question time.

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<sup>2</sup> <https://www.parliament.uk/about/how/role/scrutiny/>



## **Prime Minister's Questions**

This in other jurisdictions is called Vice President's Question time. This is the time when the Vice President or Prime Minister is asked questions for a limited duration.

## **Debates**

Debates provide an opportunity for Members of Parliament to enact new laws and amend the existing laws as well as raise national and international issues on any subject. During debate, Members of Parliaments are also given an opportunity to raise local or national issues and receive a response from the Executive through the minister responsible.

## **Committees**

Committees are smaller groups of Members of Parliament who look at specific policy issues or legislation in detail.<sup>3</sup>

In carrying out the oversight function, parliamentarians face a number of challenges. The IPU's Global Parliamentary Report 2017 identifies four categories of challenges, which are:

- Relating to hostile political environment, when it comes to holding the Government to account;
- Parliament's power to carry out oversight;
- Resources for carrying out oversight. In the report, challenges relating to resources were by far the most widely cited category, particularly among African parliamentarians; and
- the political will to carry out oversight, even when it may be politically challenging. In some countries outspoken MPs were subject to human rights violations which may include politically motivated legal proceedings.<sup>4</sup>

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<sup>3</sup> <https://www.parliament.uk/about/how/role/scrutiny/>

## THE ZAMBIAN SITUATION

In Zambia, there is a close linkage in the operations of the three arms of Government. The relationship between the Executive and the Legislature is provided for in the Constitution of the Republic of Zambia.

## THE LEGISLATURE

According to Article 62 of the Constitution of Zambia, the legislative power of the Republic of Zambia is vested in Parliament, which consists of the President and the National Assembly. The Parliament of Zambia is a hybrid of the Westminster system and the presidential system. One of the key features similar to the Westminster system is the appointment of Cabinet Ministers from among elected Members of Parliament. The element of the Presidential system is attributed to the fact that the President is both the Head of State and Government. Further, the National Assembly of Zambia is a unicameral Parliament.

Article 63(2) of the Constitution of Zambia states that:

*“The National Assembly shall oversee the performance of executive functions by-*

*(a) ensuring equity in the distribution of national resources amongst the people of Zambia;*

*(b) appropriating funds for expenditure by State organs, State institutions, provincial administration, local authorities and other bodies;*

*(c) scrutinising public expenditure, including defence, constitutional and special expenditure;*

*(d) approving public debt before it is contracted; and*

*(e) approving international agreements and treaties before these are acceded to or ratified.”*

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<sup>4</sup> IPU, “Global Parliamentary Report 2017,” Geneva Switzerland

## **The Executive**

In accordance with the provisions of the Constitution of Zambia, Article 91 (1)(2), the executive power of the Republic of Zambia is vested in the President, who is the Head of State and Government and the Commander in Chief of the Defence Forces. The President exercises these powers either directly or through his subordinates. The President has power to appoint Ministers from the National Assembly who in turn form the Cabinet.

The main duty of Cabinet is to formulate Government policy and advise the President. At the same time, Cabinet is accountable collectively to the National Assembly. The roles of the Executive include:

- a) to ensure good governance and to secure the management of public affairs as well as the exercise of public powers and duties. It is the responsibility of the Executive branch to find and provide the means which will enable it and the other branches to function;
- b) to initiate legislation in form of Bills for passage by Parliament into laws;
- c) to govern its citizens and provide an enabling environment for education, health, employment, housing, food, clothing, water and others in accordance with the laws of the land;
- d) to issue subsidiary legislation in form of delegated legislation which is subject to approval by Parliament;
- e) to defend the country against both internal and external enemies;
- f) to appoint Ministers, High Court and Supreme Court judges and other local and diplomatic appointments; and
- g) to prudently manage the finances of the country as approved by Parliament in the National Budget and collectively be accountable to the National Assembly.

From the above listed roles of Parliament and Government, it can be concluded that there is a relationship between the two organs in that they work in partnership with each other. The relationship is embedded in the principle of checks and balances which is usually supplementary to the doctrine of separation of powers. Its distinguishing feature is the idea of enabling each of the arms of Government to wield a limited degree of control over the other so that none of them become too powerful. More importantly, the principle of separation of powers is fundamental because the functions of each arm of Government determine the extent to which checks and balances can be applied.

With respect to the Legislature, the functions of Parliament determine its relationship with other arms of Government. As already alluded to above, Parliament is in charge of law-making and the Executive is responsible for the administration of these laws. In addition, Parliament approves the national budget, but the Executive is responsible for the expenditure of funds through the implementation of Government projects.

In view of the above relationship that exists between Parliament and the Executive, there are several ways in which the National Assembly can exercise its authority to hold them accountable for their actions. The oversight mechanisms available include: the passage of laws, question time, Motions, parliamentary committees and the review of annual reports.

### **Measures to Enhance the Balance of Power between the Legislature and Executive**

In order to ensure that there is a balance of power between the Legislature and the Executive, the following are in place in the Zambian Parliament:

#### **1. Budgetary Control**

The National Assembly of Zambia drafts and implements its own budget. The internal budget of the National Assembly of Zambia is drawn up under the sole responsibility of

the House, and subsequently presented to the Executive to be incorporated into the national budget.

## **2. Staff Recruitment**

The National Assembly of Zambia's independence from the public Service is also exhibited through Parliament being able to recruit its own staff.

## **3. Sufficient Legal Provisions**

The Zambian Constitution gives power to the National Assembly to come up with its own working procedures. Specifically, Article 77(1) of the Constitution states that:

*“Subject to this Article and Article 78, the National Assembly shall regulate its own procedure and make Standing Orders for the conduct of its business.”*

This is strengthened by the National Assembly (Powers and Privileges) Act, Cap 12 of the Laws of Zambia which provides for privileges and immunities of the House, its Committees and Members.

## **4. Organisation of its Business**

In terms of collaboration between Parliament and Government in the planning and organisation of parliamentary work, the National Assembly Standing Order No.150 establishes the House Business Committee comprising the Speaker, the Deputy Speakers, Leader of Government Business in the House, the Government Chief Whip, Leader of Opposition and four other members appointed by the Standing Orders Committee. The Committee determines the business to be considered by the House.

## **5. Collaboration with the Civil Service**

In carrying out its constitutional mandate, the National Assembly of Zambia collaborates with the Cabinet Office through the Office of the Vice President Parliamentary Business

Division (OVP – PBD). The Parliamentary Business Division oversees the coordination of parliamentary duties by the Executive through the Parliamentary Liaison Officers for the benefit of both the National Assembly and the Executive.

Cabinet Office through the Parliamentary Business Division is essential for the smooth operation of Parliament through its provision of:

- a. Government responses to parliamentary questions;
- b. Consideration and submission (tabling) of Government Bills;
- c. responses to Portfolio Committee queries in the form of Government Action-Taken Reports;
- d. Annual Reports by Government ministries, departments and provinces; and
- e. Preparation of responses to Private Member's Motions and Ministerial Statements.

Government ministries and departments have been responding efficiently to parliamentary requests, however, concern has been expressed with the late submission of Action Taken Reports by the Parliamentary Business Division.

## **CONCLUSION**

The relationship between Parliament and Government should continue to be strengthened, in order to ensure effective and efficient service delivery. Further, the principle of separation of powers should be promoted in order to uphold checks and balances and to avoid the erosion of democracy. In order to live up to its vision of becoming a model legislature for democracy and good governance, the Parliament of Zambia should continue committing itself to uphold the principle of separation of powers.

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**BACKGROUND PAPER ON:  
PARTICIPATION OF SOCIETY IN THE  
INNOVATION PROCESS IN PARLIAMENT**

**PREPARED FOR THE ASSOCIATION OF  
SECRETARIES GENERAL OF PARLIAMENTS  
(ASGP) GENEVA CONFERENCE**

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## **INTRODUCTION**

In the past, people's existence was made subordinate to the rights and arbitrary rule of monarchs, feudal lords and priests, with society being denied fundamental rights and privileges, including that of participating in finding solutions to issues affecting them. The system promoted the rise of rigid structures of governance and economic activity.<sup>1</sup> The system further showed that without democracy, a tiny minority can dictate the social, economic and legal codes, prioritising their own needs to the detriment of society, resulting in chaos and distrust.

On the contrary, today's governance and development challenges have become varied. The authoritarian approaches have proved to be ineffective, hence Parliaments have become drivers of democratic governance through their core function of representation, where they derive their fundamental legitimacy. The Inter-Parliamentary Union (IPU) observes that the world needs Parliaments that are innovative, strong, democratic and responsive, if sustainable development is to be attained for all.<sup>2</sup> Real democracy is, therefore, dependent on a well-defined reciprocal relationship between Parliament and its society. It is for this reason that Parliaments are increasingly working with various actors across society for them to remain relevant and innovative.

Undeniably, to maintain the status of effectiveness and relevance, Parliaments require access to high quality knowledge which must be collected and/ or received from society and then analysed for use, in creating new things or adding value to the existing ones. In this regard, many Parliaments worldwide are profoundly using digital Information and Communication Technologies (ICTs) which allow them to publish data in formats that society can reuse and bring to wider access and scrutiny. ICTs are making it easier for citizens to participate in their political and governance life, thereby strengthening and fostering public pride in matters that concern them. ICTs have become valuable public goods that stimulate citizen

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<sup>1</sup>Moore, Barrington (1966) *The Social origins of Dictatorship and Democracy*. Boston, MA: Beacon Press.

<sup>2</sup> <http://archive.ipu.org/pdf/publications/epar16-en.pdf>. Accessed on 13<sup>th</sup> March, 2018.



participation in parliamentary processes such as signing petitions online or raising issues that are followed up during parliamentary hearings, as well as being able to see what their representatives have said in Parliament and how they have voted.

However, there is a strong correlation between financial resources and functions and the level of technology use in Parliament and society at large, hence the variations in parliamentary innovations and processes. A basic service or strategy in one Parliament, can be a great innovation in another. It should also be noted that whilst most innovation in Parliament is centred on ICTs, there is, to a degree some innovations which are not directly linked to ICTs. These could, for example, be the way a parliamentary committee changes or improves its operations or the introduction of constituency offices, to mention, but a few.

With the foregoing background, the essence of this paper is to discuss the participation of society in the innovation process of Parliaments. The paper begins with key definitions and further discusses some of the innovative processes that Parliaments engage in and how people participate in them, with the main focus on the Zambian Parliament.

## **DEFINITIONS**

- **Innovation.** This refers to the introduction and implementation of a new or significantly improved production or delivery method, system or application. It also refers to improving on an existing concept or idea to create viable products and services.<sup>3</sup>
- **Innovation Process.** This is a structure strategy that ensures that an idea is realised and successfully implemented. The innovation process takes systematic stages that include the generation of ideas; brainstorming and planning;

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<sup>3</sup> <https://www.cleverism.com/innovation-process-definition-models-tips/>. Accessed on 20<sup>th</sup> February, 'c

implementation and the decline stages.<sup>4</sup> The stages are exhilarating and stimulating and require flexibility, collaboration, creativity and knowledge sharing among stakeholders.

- **Society.** The term has been defined as a large group of people who live together in an organised way, making decisions about how to do things and sharing the work that needs to be done. All the people in a country, or in several similar countries, can be referred to as a society.<sup>5</sup> For purposes of this discussion, focus will be on how the general public, civil society organisations (CSOs) and co-operating Partners have been participating in the innovation process of Parliaments.

## **PARTICIPATION OF SOCIETY IN THE INNOVATION PROCESS OF PARLIAMENTS**

Parliaments have engaged in the process of innovation with the help of society and other stakeholders in order to be recognised as vibrant, inclusive, open and outward-looking. As a key institution of democracy, Parliaments do not only hold Government accountable, but are also accountable to citizens. It is also imperative that society not only reaps the benefits of innovation emanating from Parliaments, but participate in the process that leads to innovation. In this case, ICTs are being used in the innovation process, both as operational necessities and enablers of greater openness, accessibility, accountability and key communication channels with citizens.<sup>6</sup>

In some advanced Parliaments like the European Parliament, advanced ICTs are being used to scale up and integrate innovation processes such as e-consultations, e-petitions, e-voting and ultimately e-democracy. Citizens are now able to participate remotely in parliamentary proceedings, they can view and comment on their

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<sup>4</sup> Stanleigh, Michael. From Vision To Reality: The Innovation Process. <https://bia.ca/from-vision-to-reality-the-innovation-process/>. Accessed on 1<sup>st</sup> March, 2018.

<sup>5</sup><https://dictionary.cambridge.org/dictionary/english/society>

<sup>6</sup> <http://www.ipu.org/pdf/publications/eparl16-en.pdf>. Accessed on 5th March, 2017.

representative's submissions, votes and debates. For example, the Brazilian Chamber of Deputies has been running the e-Democracia web portal since 2009, which allows citizens to participate directly in the legislative process, ask questions during live public hearings and discussion forums, track and comment on pending legislation and suggest changes to draft legislation.<sup>7</sup>

The European Parliament adds another perspective by stating that engaging the society through the website, or waiting for them to physically visit Parliament is not enough and is a slower process of getting feedback from society. As such, it is equally important to be on platforms like social media which allow for quick engagement with society, as well as prompt feedback on parliamentary issues. In this regard, the European Parliament has its presence on a number of social media platforms including Newshub, Facebook, Twitter, Google +, LinkedIn, YouTube and Instagram. An overview of a study into the Twitter and Facebook strategies of national Parliaments revealed that in the UK, 80% of Parliament's social media postings are updates on parliamentary activities and responses from the public on how their representatives should represent them in Parliament.<sup>8</sup>

Similarly, the Parliament of Botswana has initiated a social media parliamentary online project aimed at complimenting the traditional participatory and democratic consultations called the Kgotla System.<sup>9</sup> Through the project, information flow is facilitated between the Members and their electorate, giving a sense that law-makers, legislative consultants and citizens, all have equal opportunities to propose solutions to policy problems and decision-making. Therefore, in Botswana, new technologies and traditional ways are working together to enhance citizens' participation and civic culture.

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<sup>7</sup> Inter-Parliamentary Union World e-Parliaments Report (2016). Available at: <http://www.ipu.org/pdf/publications/eparl16-en.pdf>. Accessed on 5th March, 2017.

<sup>8</sup> European Parliament (2017) Parliament on social media. Available at: <http://www.europarl.europa.eu/atyourservice/en/20150201PVL00030/Social-media>. Accessed on 5th March, 2018

<sup>9</sup> <https://wepc2014.org/agenda-and-presentations/#social>. Accessed on 12<sup>th</sup> March, 2018.

## THE ZAMBIAN SITUATION

Since the late 1990s, the National Assembly of Zambia (NAZ) has been undertaking innovative reforms in order to strengthen the performance of its constitutional functions of legislation, oversight, budgetary and representation. It has come to the fore that reforms are a continuous process and, to this effect, the National Assembly endeavours to follow the various stages in the innovation process which include planning, implementing and reviewing of existing innovations to keep abreast with people's aspirations. The following are some of the innovations in the National Assembly through which society participates or has participated in order to assist the institution do things better or in a new way.

1. **Committee Meetings.** As enshrined in Article 89 of the Constitution of Zambia and implemented through NAZ policies such as the NAZ Communication Strategy (2017 – 2021), with the motto of 'Taking Parliament Closer to the People', opening up of parliamentary proceedings to the public has been a deliberate and reformative effort to enable the public participate in the innovation process of NAZ. It is now customary that before parliamentary committees commence, the public is informed through the media about issues that will be considered by the committees. Those interested and with the necessary information, submit their written comments to the respective committees<sup>10</sup>. Public input is important and committees do, as much as possible, promote public awareness and debate on matters such as Government policies and Bills being considered by Parliament. As committees provide a forum for the presentation of the various views of individual citizens and interest groups, they also enhance the effectiveness of the committees' work and recommendations.

2. **Parliament Radio.** Taking into consideration that the innovation process entails collaboration and knowledge sharing, the NAZ decided to elicit feedback from the public and other stakeholders on the performance of Parliament Radio, an

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<sup>10</sup> <http://www.parliament.gov.zm/node/109>. Accessed on 13<sup>th</sup> March, 2018.

innovation the Institution had introduced in 2006. The public shared its knowledge and experience pertaining to Parliament Radio during a study which was conducted in 2014. The study revealed that Parliament Radio had low listenership levels due to lack of awareness about its existence, uninteresting programmes and preference for other stations. The study findings led to a review of NAZ's sensitisation campaigns in order to enhance its effectiveness in raising awareness and increasing listenership levels.

The study, which was highly informed by society, thus helped NAZ to continue working towards outreach and sensitisation campaigns that raise awareness, as well as establishing its own radio frequencies, rather than relying on community radio stations to rebroadcast and relay Parliament programmes. Today, Parliament Radio Broadcasting Services have immensely improved and can be accessed from over ten (10) Zambian towns. In addition, the content and programming schedules of Parliament Radio have also been improved hence widening the listenership. To get the public even more involved, Parliament Radio can also be accessed through the official parliament website. The public is allowed to participate and give feedback on the broadcasted programmes via text messages, on a phone number exclusively reserved for that purpose

3. **Parliament Television.** Another important submission that came from society, as a way of participating in the innovation process, was the need for parliamentary debates to be aired live on national television. The recommendation came from many stakeholders, including CSOs such as CARITAS Zambia, Economics Association of Zambia and the Zambia National Women's Lobby. Currently, Parliament Television is in operation and the Parliament Television Studio was officially launched on 21<sup>st</sup> February, 2018. The channel broadcasts all the live proceedings of House business as well as Committee Meetings. The public can now follow the daily parliamentary debates via Television. This is evidence that when society participates, innovations are implemented. The CSOs, and professional bodies help Parliament to remain innovative and relevant by encouraging Parliament to remain responsive, transparent and accountable to the needs of their electorates.

The NAZ equally consults CSOs on several issues affecting society and collaborates on a number of activities.

4. **Exhibitions and Outreach Programmes.** One of the hallmarks of the innovation process is creativity. This is because improving the way things are done or doing things differently calls for 'thinking outside the box,' as it were. Earlier on in the reforms programme, opening up Parliament focused on encouraging the public to visit Parliament in order to get acquainted with the operations and activities of the institution. However, as the innovation process unfolded under the slogan 'Taking Parliament closer to the people,' Parliament became more creative and embarked on outreach programmes and participation in exhibitions so as to provide platforms for society to participate in parliamentary activities. Implementation of these creative ideas revealed flexibility, a key stage in the innovation process, on the part of management in the Institution.

Therefore, in 2016, for the first time, the NAZ exhibited at the 90<sup>th</sup> Agricultural and Commercial Show, which was a very good platform to engage society on how Parliament could improve the way it communicates its activities. A total number of one thousand, one hundred and seventy seven (1177)<sup>11</sup> people visited the NAZ stand. The exhibition revealed that the public did not know much about NAZ, which was a challenge to the Institution to create more platforms for taking Parliament closer to the people. Questionnaires were used to gather information from show goers about NAZ. From the feedback obtained, the public urged Parliament to ensure that they begin providing literature about Parliament in various languages and this, to a certain extent, has been implemented. The public also urged NAZ to continue participating in future agricultural and commercial shows as it was a good initiative to enable them interact with NAZ staff and to learn more about Parliament.

Other outreach programmes that NAZ conducts to ensure that society is engaged are road shows, which are used to educate people about Parliament and the role of

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<sup>11</sup> Report on the exhibition by the National Assembly of Zambia at the 90<sup>th</sup> Agricultural and Commercial Show, Held from 27<sup>th</sup> July to 1<sup>st</sup> August, 2016.

MPs. Road shows also serve as an opportunity to meet local MPs and parliamentary staff. During exhibitions and outreach programmes, surveys are used as research tools to assess the public's knowledge about Parliament, constituency offices and their functions, as well as solicit ideas about how society can be represented better by their MPs. By educating people about the operations and functions of Parliament, exhibitions and outreach programmes set the tone for society to be motivated to participate directly in what happens at Parliament.

5. **Parliamentary Website and Email.** NAZ has also embarked on online streaming of live and recorded Committee and Plenary meetings. The proceedings of committees are open to the public not only through Parliament Radio and Television, but also via the Website on [www.parliament.gov.zm](http://www.parliament.gov.zm). In return, the public gives feedback on debates on the Floor of House and also requests for information through the Parliament official email address at [info@parliament.gov.zm](mailto:info@parliament.gov.zm). Information that is usually sought for is about the procedure required for the public to attend Committee and Plenary sessions of Parliament. In addition, respective departmental Heads of Department also take time to respond to queries pertaining to their departments, while general queries are responded to by officers in the Public and International Relations Department. However, unlike other Parliaments, the NAZ has not yet provided society with more advanced electronic facilities such as e-petitions and e-consultations for them to participate in parliamentary business and activities.

6. **Constituency Offices.** Previously, people needed to travel to Lusaka and visit Parliament Buildings to learn more about Parliament. However, with the parliamentary reforms, Constituency Offices have been established in all the 156 constituencies to provide several platforms for the public to participate in parliamentary business processes. They are also used as meeting places for the constituents and their MPs, thereby allowing members of the society to directly talk with their MPs and submit their requests, which ultimately influences parliamentary business. Some constituency offices have, at one point or another, received submissions from members of society concerning Bills on the Floor of the House.

Examples of such constituency offices are Mumbwa and Kapiri Mposhi, who received submissions towards the National Security and Health Bills, respectively. Constituency offices are therefore, hubs for advice, engine rooms for discussion and centres where communities can receive literature and information to become informed and empowered to participate in development and governance matters.

7. **Collaborations with the Media.** The NAZ has been collaborating with the media in many activities. Notably among many, is ZNBC's involvement in the establishment of Parliament Television by offering technical and human resource support. The media also provides coverage to areas where Parliament Radio and TV have no signal, as they rebroadcast parliamentary programmes. The media therefore, assists the NAZ to disseminate information, thereby enlightening society about Parliament and contributing to the way society participates in parliamentary processes.

### **Possibilities of innovation in the Zambian Parliament**

Currently, works are underway to launch the Parliamentary Budget Office Portal to increase interactions with society and enhance the budgetary role of Parliament. Parliamentary portals facilitate a two-way communication style and guarantee immediate and faster feedback as citizens engage in providing meaningful input on legislation and parliamentary activities.

The NAZ is also currently working on enhancing the NAZ website to include webcasting and downloadable archived audio files of plenary and committee sessions and to provide access to an online discussion by providing for online public comments on bills before Parliament. It is with no doubt that the quality of the policies and Bills that will be formulated after getting so much input from the public will be of good quality



## **CONCLUSION**

From the foregoing discussion, it is clear that Parliaments cannot engage in the innovation process solely, the society they operate in must participate to achieve one common purpose of promoting national development. The participation of society in the innovation process at Parliament results in the collective action, which leads to the attainment of efficient social, economic and political outcomes. It can also be concluded that a satisfied and informed society, increasingly engaged in the process of Parliament's innovation, is more readily able to hold Government accountable. Therefore, Parliament will continue working with society in providing platforms to enable them participate in the parliamentary innovation process which subsequently helps them to deliver better budgets, better laws and more responsive governments.

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**BACKGROUND PAPER ON:  
MEASURING PARLIAMENTARY ACTIVITY**

**PREPARED FOR**

**THE ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS  
(ASGP), DOHA CONFERENCE, 6<sup>TH</sup> TO 10<sup>TH</sup> APRIL, 2019, DOHA,  
QATAR**

**RESEARCH DEPARTMENT  
MARCH, 2019**

## INTRODUCTION

Development of evaluation or activity monitoring is a growing tool that is used for evidence learning and promoting development effectiveness and sustainable development in Africa. Parliament has a fundamental responsibility of ensuring it is tracking and analysing information to provide evidence on what it is doing. Parliamentary activity is a broad phrase that mainly focuses on the operations, tasks or condition in which things in Parliament are happening. It is cardinal that as Parliament implements activities it takes time to introspect on what exactly is being implemented and hopefully through this strengthen its institutional performance.

In view of the above, this paper discusses the topic, “Measuring Parliamentary Activity.” This paper will examine the purpose, challenges and models of measuring parliamentary activity, examples will be drawn from the Zambian situation.

### Definition of key terminologies

**Parliamentary Activity** are things that Members of Parliament and staff spend their time on and they are in four main lines, these include: parliamentary chamber, committees, party caucuses and constituencies.<sup>1</sup> Therefore, in the context of the topic “Measuring Parliamentary Activity” the activities to be measured are the works that are undertaken in the Parliamentary chamber, the Committees, Party Caucuses and constituencies to enable parliamentarians fulfill their parliamentary mandate which include lawmaking, representation, oversight and budget.

**Monitoring** is the regular checking and recording of activities taking place in a project with an aim of getting to know how things are progressing.

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<sup>1</sup><https://www.bing.com/search?q=parliaments+that+work%3A+a+conceptual+framework+for+measuring+parliamentary+performance&go=Search&qs=ds&form=QBRE> accessed 20<sup>th</sup> March

**Evaluation** is a systematic and objective assessment of the design, implementation and results of projects, policies and programmes. It analyses what the intervention has achieved against expected and unexpected results.<sup>2</sup>

## **PURPOSE OF MEASURING PARLIAMENTARY ACTIVITY**

The method through which parliamentary activity is measured is monitoring or tracking what is done and evaluating the outputs. It is vital that Parliaments support some rigorous, methodical and continuous monitoring or evaluation of parliamentary activities. An effective evaluation enables Parliaments not only to improve the quality of its work, but also to be more accountable for the results.

It should be noted that, most Parliaments conduct more of monitoring than evaluation of their parliamentary work due to limited capacity challenges in the area of funding and skills matrix. However, evaluation is also a useful tool for Parliaments as it can assist them to find out whether goals that were set out for a parliamentary session have been achieved or not. The evaluation findings can be used for decision making and learning to improve a Parliament's effectiveness. Evaluations can therefore serve as integral components of parliamentary strengthening and public oversight of Parliaments. Through tracking parliamentary activities such as questions and hearings, committee meetings, constituency work, legislation as well as voting records and the annual budget cycle, the public benefits from enhanced understanding of political, economic, and social developments. This process facilitates improved understanding of parliamentary work on the part of the public and oversight of the democratic process.<sup>3</sup>

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<sup>2</sup> Global Parliamentarians forum for evaluation: collaborating for good governance and equitable development.

<sup>3</sup>Hon. John,Bosley, A review of Parliamentary Scorecards in Africa, 2007.

## **MEASURING PARLIAMENTARY ACTIVITY CONTEXTUAL CHALLENGES**

Evaluating or measuring the impact of Parliament activity is a complex undertaking. The complexity in parliamentary activity arises due to the difficulty to isolate activities from the political, economic, social and parliamentary issues. Parliamentary work encompasses a very broad range of activities and events with different types of goals, requiring different types of measuring tools and processes. It is a challenge to determine what areas to focus on, for instance the quality of debate in the chamber on a thematic topic sometimes may not reflect the content of a capacity enhancement intervention just before the debate. It is difficult to identify the causality of what a Member of Parliament does in relation to parliamentary staff activity interventions because parliamentary work is faced with political realities inside and outside Parliament making outcomes difficult to relate to interventions. This compromises the outcomes of most tools for measuring parliamentary activity because attribution becomes negligible as other parliamentary activity is at play like the influence of party Caucuses.

## **TYPES OF ACTIVITY MEASUREMENT MODELS IN PARLIAMENT**

There are many types of measuring models that have been used in monitoring or assessing the performance of Parliament. There is no standard way of measuring parliamentary activities as different Parliaments measure different aspects, using different yardsticks and calling it different names. This is why the administrative approach of measuring parliamentary activity varies from one Parliament to another. Some of the measurement models used as monitoring or evaluation prototypes are discussed in the paragraphs that follow.

### **a) Self- Assessments**

Several international organisations are collaborating with Parliaments to make them more democratic and effective. The Inter-Parliamentary Union (IPU), for example,

has developed toolkits (2008 and 2018) to assess the characteristics of Democratic Parliamentary Institutions. The purpose of the IPU self-assessment toolkits is to assist Parliaments analyse their capacity and performance in order to identify strengths and weaknesses, both in terms of discharging their functions and interacting with citizens, and their effectiveness in performing these roles. The identification of strengths and weaknesses underscores the need to formulate recommendations for reform and development. The self-assessment examines many aspects of parliamentary activities.

### **b) Strategic Plan Monitoring and Evaluations**

A Strategic Plan is a document used to communicate the organisation's goals and the actions needed to achieve those goals. Therefore, monitoring and evaluating the Strategic Plan helps to better determine whether a Parliament has managed to implement the activities it had set out to do and whether these have had an impact or not. Consequently, the results of monitoring and evaluation will inform the decisions parliamentary leadership needs to make to ensure the institution is moving in the right direction. Literature indicates that this is a growing feature in Parliaments with Zambia, Uganda and Rwanda to mention but a few having Strategic Plans and measuring frameworks to monitor the execution of these plans. The main actors in strategic plans are Members of Parliament and staff. When assessing the level of achievement, indicators are both quantitative and qualitative and may include legislative proposals tabled, number of amendments of legislation, committee meetings and tours, to mention but a few.

### **c) Parliamentary Scorecard**

A Parliamentary Scorecard is a performance management tool that is used to measure the performance of a Member of Parliament. The focus or unit of measurement is the Member of Parliament. There are two primary audiences for parliamentary scorecards, parliamentary development practitioners and civil society.

Practitioners include a diverse group of parliamentary staff and members, donor agencies, and project implementers. Practitioners, particularly those from donor agencies and project implementing partners, tend to view the development of a parliamentary scorecard as a potentially more cost-effective tool able to measure the quantitative aspects of the House business such as the number of times a Member participates in debates through questioning.

However, critics of this model highlight the fact that it is more statistical oriented when many aspects of Parliament can better be understood from the qualitative viewpoint, for instance: the number of times motions are raised is good information but it would be better to know how the Motion fares or information about number of visits to constituency offices is helpful but it would be more helpful to understand the issues that constituents brought to the office and how the office staff responded to these issues. Hence qualitative data helps to understand not only the “what” but also the “why” which creates to better understanding of parliamentary work among citizens. Literature indicates that a parliamentary scorecard project was piloted in Uganda but failed because it was Civil Society driven. Other civil society organisations like Catholic Commission for Justice and Peace (CCJP) in Malawi coined it as Parliamentary Audit.

#### **d) Parliamentary Legacy Reports**

This is a report that documents an assessment of the Committee work over the term of a Parliament. Performance assessment report mainly highlights what was done against what a Committee had set itself to do. The areas assessed by this model are the Committee work over the life of a Parliament. It will indicate what they looked at during the period under review, the issues that were completed against what they had set out to do. In this respect, it acts as a handover report to the incoming Committee which provides a baseline for the new Members of the Committee. This

assessment report also acts as an evaluation on the work of the outgoing Committee.

#### **e) Sessional Reviews**

The Sessional Review serves as a depository of institutional memory and as precedent for future operations of the House as well as reference material. It mainly documents parliamentary activity that relate to House Business, such as: Questions raised in the House; Bills brought before the House; Ministerial Statements that are rendered; the Rulings and Announcements; Motions raised; Papers laid on the Table; and Administration of Oath made during each session of the House. The Sessional Review, therefore, helps to track what was done over a session but does not analyse the quality and the frequency of implementation.

#### **f) Monitoring and Evaluation (M&E) of Projects**

Parliaments implement various projects that are mostly donor funded. These projects are usually based on a partnership with either civil society organisation or a cooperating partner. These activities have a life span and aim at catalysing the achievement of some objective. In this regard, the monitoring and evaluation of these projects is focused on the interventions, outputs and achievements of that project with very limited concern for other aspects.

However, projects have monitoring frameworks that emphasise the sponsors' objectives. Secondly, they mostly use outside consultants to manage the evaluation process. The benefits of this approach are that from the onset, the technicalities of the monitoring framework are sound and well-funded. However, outside consultants are prone to overlooking nuances of local context and they are bias in the interest of their own professional careers. They are also quite costly and operate based on very limited time and information with a sole goal of providing their findings to the



sponsor. Therefore, the Parliament's work is not really informed by outcomes of these interventions.

## **THE ZAMBIAN SITUATION**

The National Assembly of Zambia has been measuring its activities through Sessional Reviews. This has been a traditional way of tracking the House Business such as: Questions; Bills; Ministerial Statements; Rulings and Announcements; Motions; and Papers laid on the Table, among others. The publication attracts a wide range of readership both internally, within Parliament and externally among stakeholders. For example, activities reflected in the Presidential Speech, are taken from the Sessional Review. In addition Civil Society Organisations, the Academia, Professional bodies and the media get to learn about the activities of the National Assembly of Zambia from the Session Review.

The National Assembly has come up with innovative interventions to measure its activities, so that it can strengthen its institutional performance and its credibility and relevance in the democratic dispensation.

### **Working under Strategic Plans**

The National Assembly of Zambia developed the Strategic Plan 2015 to 2019 which acts as a framework for the institution's decision making and operations. The Plan focuses on eight strategic objectives aimed at improving the procedures and administrative services delivery of the institution to support the legislative, representative, oversight and budget approval functions. The National Assembly of Zambia Strategic Plan is operationalised by the five year annual implementation plan that guides the measuring of activities.

The activities in the Plan are measured by tracking (Monitoring) their implementation and accessing their impact (evaluation). The Monitoring and Evaluation (M&E)

Department is mandated to coordinate the implementation of the Strategic Plan. The department works with the Strategic Plan Implementation Committee that consists of selected staff from all departments called Focal Point Persons. The Focal Point Persons report quarterly on progress made in implementing the Strategic Plan at Departmental level. The M&E Department collects, analyses, and consolidates all departmental reports that are submitted every quarter. The consolidation outcome is shared with the National Assembly of Zambia Management for policy direction and all departments for reprogramming.

a) **Seventh National Development Plan (7NDP)**

The National Assembly of Zambia as part of its monitoring and evaluation framework reports to the Cluster Advisory Group on Governance (CAGG) on Pillar 5 of Zambia's 7NDP. In the National Plan, the National Assembly of Zambia is placed at the apex of accountability. The National Assembly of Zambia, thus, submits quarterly reports to the Secretariat of the CAGG. These reports highlight both qualitative and quantitative data which demonstrates progress being made in implementing parliamentary activities that validates Parliament's contribution to the 7NDP in line with its core functions of legislation, representation and oversight over the Executive.

b) **Self-Assessment Exercise**

In February, 2019, the National Assembly of Zambia conducted a self-assessment exercise. The findings of this assessment are expected to inform the conceptualisation of the new Strategic Plan, the revision of Standing Orders and the reform agenda of the Zambian Parliament. This assessment tackled many parliamentary aspects such as the representativeness of Parliament; parliamentary oversight of the Executive; Parliament's legislative capacity; the transparency and accessibility of Parliament; the accountability of Parliament; administration; effects of Party Caucuses on the work of Members; Member-Constituency relations; and

Parliament's involvement in international policy. Drawing lessons from other Parliaments, the National Assembly of Zambia is exploring ways of further institutionalising the self assessment as a tool for annual performance reviews.

#### **c) Monitoring Constituency Work**

In the quest to bring Parliament closer to the people, the National Assembly of Zambia established Constituency Offices in 2003. The Constituency Offices are spread in all 156 Constituencies of Zambia. Constituency Offices are places where Members of Parliament engage with their constituents. They are also platforms through which outreach programmes are carried out. The National Assembly of Zambia demonstrates the results of its efforts in the Constituency Offices through the quarterly collection data on the following areas: statistical information on number of activities undertaken by the Constituency Offices; annual performance assessment of Constituency Offices; and tracking the performance of Constituency Office annual work plans. To this effect, reports of the findings in this area are analysed and documented to inform the necessary interventions.

#### **d) Monitoring and Evaluation of donor funded Projects**

The National Assembly of Zambia is implementing some projects with support from cooperating partners. These include projects in the areas of bringing Parliament closer to the people, strengthening TV and radio projects, community outreach like public hearings and road shows; strengthening Parliamentary Budget Office and sectoral budget analysis in Committees, and strengthening Information Communication Technologies (ICT) in Parliament, among others. These activities as indicated earlier have a shorter implementation period. Therefore, in most cases they have a monitoring and evaluation framework tailored to their interventions, outputs and expected outcomes as evidenced by reports which are produced either at the end of the project or at both midterm and end of the project.

## CONCLUSION

The motivation of Parliaments to begin measuring their work is varied. Parliaments need to be strengthened in the area of measuring the work that they perform taking into consideration the complex nature of the institution. It is clear that there cannot be universal tools or approaches to measure parliamentary work given that it constitutes different aspects and is influenced by different factors. Capacity development in the area of measuring parliamentary activity through evaluations is long-term hence national governments must own and lead the processes in order to maintain crucial gains. Evaluations are progressive and as such they must be embraced in the public sector at the legislative level to promote a culture of evidence based Parliaments.

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**BACKGROUND PAPER ON:**

**INFORMATION AND DOCUMENT SERVICES IN PARLIAMENTS: A  
COMPARATIVE STUDY**

**PREPARED FOR**

**THE ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS  
(ASGP), 6<sup>TH</sup> – 10<sup>TH</sup> APRIL, 2019, DOHA, QATAR**

**RESEARCH DEPARTMENT**  
**MARCH, 2019**

## **INTRODUCTION**

Efficient and effective organisations require rigorous and systematic Information Management Systems (IMS) that facilitate the provision of information and document services. Parliaments rely on information to execute their legislative, oversight, budgetary and representative functions. Parliament's work, also constantly generates new information, which has to be processed, organised, evaluated and stored for easier retrieval, dissemination and preservation for the future.

For information to be useful, it must be accurate, adequate, relevant and timely. In this regard, Parliaments have adopted various models of information and document services to provide effective and efficient services to Members of Parliament (MPs) and other clients. Information and document services are mostly provided by Library and/ or Research Departments. Other departments may provide information to MPs but mostly limited to their respective departmental functions.

In view of this, the paper discusses information and document services in Parliaments, with a focus on the Zambian parliamentary model.

### **Overview of information and document services for Parliaments**

Information services are systems that are put in place to ensure that users' information needs are met.<sup>1</sup> In a like manner, document services enable the reproduction of materials and make them available to the user. It includes documentation lists, reprography (scanning, photography and others), translation

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<sup>1</sup> <https://drooms.com/en/blog/the-rise-of-information-services-and-their-importance-to-ma> (Accessed on 16th March, 2019)

and reference services.<sup>2</sup> Information and document services are offered through traditional paper-based systems and/or modern digital systems, which include text, audio, video or still images.

The information needs and expectations of MPs are multifarious in nature, with diverse interests in subjects such as law, economics, health, agriculture, technology, commerce and trade. In the quest to search for systems that meet these needs and expectations, Parliaments, through their Libraries and Research units are increasingly taking advantage of the power of digital Information and Communications Technologies (ICTs), for faster and cost-effective mechanisms of providing information and document services.

### **Types of Information Management Systems (IMS)**

Information Management Systems is a general term for software designed to essentially serve the general purpose of facilitating the acquisition; processing; organisation; storage; dissemination and retrieval of information. There are various systems available to Parliaments for manipulating information and documents and they range from basic to advanced options. Parliaments can acquire Information Management Systems for free (open source) or commercially.<sup>3</sup> However, the choice is mostly dependant on each Parliament's requirements and specifications, as well as the cost of the software. Popular examples of Information Management Systems used across jurisdictions include Parliamentary Information Management Services (PIMS); Alfresco; Dspace; and KOHA Integrated Information Management Systems.

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<sup>2</sup> Md. Ashikuzzaman, Documentation Services, source (<http://www.lisbdnet.com/documentation-services/>) 25<sup>th</sup> August, 2016

<sup>3</sup> IPU, World e-Parliament Report, 2018

## **INFORMATION AND DOCUMENT SERVICES IN THE PARLIAMENT OF ZAMBIA**

As a public Institution, the National Assembly of Zambia complies with PART XIII of the Constitution of Zambia which provides for values and principles of public service. Article 173 (1) (h) specifically guides that there is need to *“proactively provide the public with timely, accessible and accurate information,”* which includes the provision of information to MPs.

In safeguarding these values and principles, the Office of the Clerk comprises two separate technical Departments, the Library and Research Departments, which provide MPs with various information products and services. Unlike in other jurisdictions where parliamentary support services, in terms of information provision, are offered distinctively to the ruling party in Government and the opposition, the Zambian model is designed to offer support to all MPs, irrespective of party affiliation as long as they are backbenchers. The following are some of the avenues used by the two Departments:

### **i. Library Department**

Established in 1953, the mission of the Library is to *‘provide high quality and relevant information and services to all Members of Parliament to enable them perform their duties effectively, both in the House and in their respective Constituencies.’*

The Library is the custodian and main source of parliamentary information. It is responsible for the intake, processing and arrangement of the main library collection of books, pamphlets, newspapers and periodicals. Further, the Library has adopted electronic digital formats for preservation and indexing of all



parliamentary papers. In addition, the Library began the process of establishing Constituency Office Information Centres to widen the accessibility of information and document services for MPs.

In as much as libraries are about books and other printed materials, their future is increasingly becoming reliant on the integration of digital methods, tools and resources. In meeting its mission, therefore, the Library is using KOHA and Dspace Information Management Systems to manage its information and document services.

## **KOHA**

KOHA is an Integrated Library System (ILS) that is freely available to the public. It is used to automate library functions from checking books in and out and creating library cards to more administrative tasks such as statistical work and setting up branch libraries. This system consists of a search and indexing engine that can quickly retrieve information data from a database with thousands of records. MPs no longer have to physically visit the Library to request for materials. KOHA facilitates the circulation (lending and borrowing) of materials whilst saving time for MPs. It also allows the main Library database to be linked to Constituency Office databases. In this regard, MPs are able to access the same information stored at the main Library from the Constituency Offices, as well as their rooms at the Members' Motel. KOHA facilitates easier accessibility of information, hence convenient and efficient for use by MPs who usually have little time, due to their busy schedules.

## **Digitisation and Dspace**

With all the information at its disposal, the Library identified the lack of a digital space for sharing information with MPs and other users. In view of this, the

Library, with support from the Inter-Parliamentary Union (IPU), embarked on the Digitisation project in 2011 and the implementation of DSpace infrastructure in 2015, to facilitate the management of digital information. Dspace is an open source digital repository for preservation and easier access to digital content in text, images, videos and other formats. The Library has begun the process of designing its e-Library with over forty thousand (40, 000) digitised pages of parliamentary information such as the Laws of Zambia, Sessional Reviews, Hansards, Ministerial Statements and Committee Reports. Some of the documents date as far back as 1929. Once ready, the repository will be launched to the MPs, who will be able to access and use information wherever they may be.

Whereas KOHA simply facilitates the easier searching of Library catalogues, Dspace facilitates easier searching, retrieval and use of digital content. Dspace has helped the Library to preserve important historical documents and provided an opportunity to have them stored in electronic format thus saving on limited storage space. MPs no longer have to search and use dusty materials as they can access and use documents in electronic formats, using their office computers or personal gadgets like phones and tablets.

In view of the above, the installation of digital ICTs like Dspace and KOHA in the Library, is in line with the Seventh National Development Plan (7NDP), as captioned in Development outcome 8; *'enhanced Information and Communication Technology.'* It should be noted that under this development outcome, ICTs have been identified as catalysts for socio-economic development and good governance.

## ii. Research Department

The Department was established in 1971 with a mission to *'provide readily processed and factual information on different subjects to MPs and the National Assembly Management'*. The Department has not yet adopted digital formats of handling information for MPs. Most of the information and document services are provided in print form. The following are some of the ways in which the Department provides information to MPs.

- i. MP Requests: MPs who wish to request for information services are required to fill in a form on which details of the topic are outlined. The Department researches and provides the required information, accordingly. Information may be sourced within or outside the Institution;
- ii. Preparation of background and presentation papers on various subject matters for MPs and Senior officers;
- iii. Preparation of policy briefs and analytical papers for use by MPs, Senior Parliamentary staff, Parliamentary committees and other approved users;
- iv. Preparation of briefs and papers informed by accurate information on emerging and topical issues (anticipatory research);
- v. Preparation of Public Parliamentary Handbooks in print form. However, the Handbooks will soon be accessed online via a link on the parliamentary website; and
- vi. Preparation of parliamentary abstracts, booklets and books on parliamentary issues in print form.

## **Challenges in providing information and document services**

Parliament is faced with a number of challenges in pursuing the provision of information and document services to MPs. The following are some of identified challenges:

- i. Parliament is not appropriately exploring and harvesting information from available avenues such as Committee sittings, tours and public hearings, and from various reports containing resolutions and recommendations;
- ii. Parliament has limited interactive platforms (website, television and radio) for communicating with the public which can allow it to obtain views from the public on Government programmes;
- iii. Inadequate staff to conduct research and provide information services for MPs and to effectively support parliamentary committees;
- iv. Parliament does not have established partnerships and linkages with information and research institutions to widen its scope of its data sources;
- v. Parliament does not have adequate funding to conduct primary anticipatory research to enrich information provided to MPs; and
- vi. Slow integration of ICTs into parliamentary work.

## **CONCLUSION**

The role of Parliaments in providing information and document services is of great significance in enhancing productivity levels. Often the Importance of

information and document services for productivity is under-recognised and to some extent under-invested. Therefore, Parliaments must build and maintain functional information and document services for them to benefit immensely from them

The utilisation of digital models for managing parliamentary information is important for maximising the potential in the available information. ICTs are also known for improving efficiency and effectiveness in the acquisition, storage, retrieval and distribution of information and documents, thereby saving time for MPs to allow them perform other important parliamentary functions.

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**BACKGROUND PAPER ON:**  
**LAW MAKING: HOW DO WE MAKE BETTER LEGISLATION**

**PREPARED FOR**  
**THE ASSOCIATION OF SECRETARIES GENERAL OF**  
**PARLIAMENTS (ASGP), DOHA CONFERENCE, 6<sup>TH</sup> TO 10<sup>TH</sup> APRIL,**  
**2019, DOHA, QATAR**

**RESEARCH DEPARTMENT**  
**MARCH, 2019**

## **INTRODUCTION**

Parliaments are institutions that are tasked with the responsibility of enacting laws that meet the needs of the citizens. It is also Parliament's role to ensure that the laws that are passed achieve the intended objective, through mechanisms such as Post-Legislative Scrutiny (PLS). However, in the process of legislating, Parliaments encounter numerous challenges such as inadequate time to scrutinise Bills; carry-out widespread public consultation; inadequate or non availability of Pre-Legislative and Post-Legislative Scrutiny mechanisms; and inadequate qualified staff, among others.

This paper discusses the topic, Law making process: How can we make better laws? The paper begins by giving an overview of legislation and its importance to society. Thereafter, the paper looks at how laws can be made better and the challenges faced by Parliaments in producing legislation which meets the needs of the people. Further, the paper gives an outline of the Zambian situation.

## **THE IMPORTANCE OF LEGISLATION**

Legislation determines amongst other things, the rights and responsibilities of individuals and authorities to whom the legislation applies. Given its importance in shaping society, a high degree of responsibility must be exhibited by the legislatures in ensuring that laws which take into account the needs of the society are enacted.

In democratic states, the legislative function is a preserve of Parliaments. Laws are enacted for the benefit of society and therefore, a clear understanding of the needs and aspirations of the people is a prerequisite. The aim of legislation should be to make laws which are clear, simple, transparent and easy to understand by the people. This entails enactment of better laws. However, Parliaments face a number of challenges in enacting laws which speak to the needs of citizens.

## **CHALLENGES FACED IN THE LEGISLATIVE PROCESS**

As stated above, Parliaments encounter several challenges in the process of enacting laws, such as:

### ***a) Inadequate widespread consultation with stakeholders***

Balancing of both efficiency and transparency is of essence for modern legislatures in parliamentary democracies. Laws expressed by Acts and legislative instruments can only be truly effective if they rest on broad societal support. A transparent and inclusive legislative process functions as a kind of democratic check on government action.<sup>1</sup> This can only be achieved if there is widespread consultation with stakeholders. Where there is no consultation, the poor and the vulnerable have suffered systematically because of legislation passed without their participation. Equally frustrating is the fact that even legislation meant for them does not benefit them because they have no knowledge of the Act or its contents.

### ***b) Lack of Capacity to Scrutinise Bills***

Many Parliaments have challenges with law making because some Members of Parliament (MPs) lack the required capacity to scrutinise Bills and contribute effectively to the law making process. This arises from the fact that not all MPs have undergone legal education prior to being legislators. Legislation is quite a complex field which is better undertaken by lawyers. As such, most Members who are not conversant with the law, find it challenging to comprehend and analyse Bills. This is exacerbated by lack of continuous capacity building programmes for MPs in the law making process.

### ***Lack of or inadequate qualified staff***

In addition, the nature of legislation, as earlier alluded to, also requires qualified and competent staff to provide support to MPs for them to carry-out their role

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<sup>1</sup>The Theory and Practice of Legislation: Combining efficiency and transparency in legislative processes. <https://www.tandfonline.com/doi/full/10.1080/20508840.2015.1133398>



effectively. Many Parliaments are grappling with inadequate qualified staff to support MPs in their legislative work, which consequently affects the quality of legislation passed in Parliament.

***c) Inadequate time***

In certain instances, Parliaments may have qualified and competent staff and MPs with technical capacity to understand the legislative process. However, due to the high volume of business to be handled by Parliaments, it becomes difficult to properly scrutinise Bills on account of limited time.

***d) Harmonising different political opinions***

In the process of enacting laws, Parliaments are faced with the question of harmonising divergent political opinions arising from the plurality of politics. Each political party would want to push its position even where the outcome is against public interest. The party whipping system exacerbates this challenge as individual MPs may not be allowed to have their personal view on a particular law.

***e) Inadequate Pre-Legislation and Post-Legislative Scrutiny***

As stated above, Post-Legislation Scrutiny is an important element in the legislative process as it allows for citizen engagement before laws are made. Not all Parliaments conduct Post-Legislation Scrutiny and this results in enactment of laws which do not address the needs and aspirations of the people.

On the other hand, Post-Legislative Scrutiny involves evaluating an enacted law to assess whether its objectives are being achieved. Again, it is not every Parliament that evaluates legislation and this entails that a law will be on paper, but the impact of the law might not be known.

## HOW DO WE MAKE BETTER LEGISLATION?

Better legislation means enacting laws that take into account the needs and aspirations of the people. The following are some of the elements which must be taken into account to enact good laws:

### ***a) Clear, simple and transparent laws***

Legislation must be couched in a clear, simple and transparent language that can easily be understood by the citizens. The law is regarded as intricate and intimidating because of the language. Excessive complexity in the law hinders economic activities, creates burdens for individuals, businesses and communities because a lot of time is spent trying to understand what the law says. Ultimately, this hinders development in the country. In this regard, the need to have laws crafted in a way that is understood by the majority of the citizens is of paramount importance.

### ***b) Reasonable***

By being reasonable, a good law should not be one that is too harsh or rigid such that it is very difficult to obey. Sanctions associated with flouting or disobeying a good law should be reasonable or equal to the gravity of the disobeyer's deeds or actions. This is what is meant by the statement '*a good law should be reasonable.*'

### ***c) Law must not discriminate***

A law must apply to everybody that falls under it in an equal manner. This means that laws that discriminate should not be promulgated. Nobody should be above the law. In the eyes of a good law, everybody is equal. For example, a billionaire should be equal in the eyes of a good law just like a poor person. A good law should not take into account the status or position of a person in society.

#### **d) Pre-Legislative Scrutiny**

Pre-Legislative Scrutiny is a process whereby Parliament analyses draft Bills and reports its observations and recommendations to the Minister who sponsored the draft legislation.<sup>2</sup> It typically involves scrutiny of Bills by a Parliamentary Committee before the final drafting of a Bill has been decided and before the formal legislative process begins. The aim of Pre-Legislative Scrutiny is to enhance the effectiveness of Parliament's role in law-making. This involves engaging the public on Bills before their introduction in Parliament. For example, in the quest to involve citizens in the legislative process, the Parliament of the United Kingdom (UK) created the Joint Committee on Human Rights (JCHR), which conducts public consultations to scrutinise legislation for compliance with the *Human Rights Act 1998* and the UK's international human rights commitments.<sup>3</sup>

In addition, Pre-Legislative Scrutiny enables parliamentarians to consider and suggest amendments to a draft version of a Bill before it is presented on the Floor of the House for first reading. However, not all Parliaments conduct Pre-Legislative Scrutiny.

#### **e) Post-Legislative Scrutiny**

Post-Legislative Scrutiny refers to the process which asks Parliament whether the laws of a country are producing expected results. PLS also looks at the impact of legislation; whether the intended policy objectives of the law have been met and how effective they are. This involves the process of evaluating the law. Where it is found that the law has not achieved its intended goal, it can be amended or repealed.

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<sup>2</sup> Making a Difference? The Effectiveness of Pre-Legislative Scrutiny : J Smookler (2006)

<sup>3</sup> Parliamentary Scrutiny of Rights in the United Kingdom: Assessing the Work of the Joint Committee on Human Rights:  
<https://www.tandfonline.com/doi/abs/10.1080/10361140802656922?src=recsys&journalCode=cajp20>

## THE ZAMBIAN SITUATION

The legislative authority in Zambia is vested in Parliament which consists of the Republican President and the National Assembly. Article 62 (2) of the Constitution of Zambia (Amendment) Act No. 2 of 2016, states that, “***The legislative authority of the Republic is vested in and exercised by Parliament.***” Therefore, the primary role of Parliament is to make laws.

The process of legislation starts with the proposed legislation (Bill) from Government being presented to the National assembly. A Bill introduced in the House must go through the following stages to become law:

### ***a) First Reading***

The Bill is presented and read for the first time by the Minister or private Member. No debate takes place and the Hon Mr Speaker refers the Bill to the relevant Committee. This is done in order to subject the Bill to a detailed scrutiny. For the Committee to come up with a Report on the Bill, consultations are conducted with various stakeholders including the initiators of the Bill. The Committee, thereafter, presents its report on the Floor of the House.

### ***b) Second Reading***

This is an important stage in the legislative process. During this stage, the principle of the Bill is debated in detail.

### ***c) Committee stage***

Once a Bill has passed the Second Reading Stage, the Bill is ordered to be considered by the Committee of the Whole House. The Committee examines the Bill in detail, clause by clause.

### ***d) Report Stage***

The report Stage of a Bill is for the whole House to adopt the report of the Committee of the whole House. If a Bill has not been amended in the Committee of the Whole House, there is no Report Stage.

### **e) *Third Reading***

At this stage, there is no debate. When the question has been agreed to, the Bill is passed and, thereafter, it is presented to the President for assent.

The National Assembly of Zambia has a number of platforms that provide MPs with opportunities to acquire knowledge to enable them make better laws. These include:

#### **a) *Constituency Offices***

With the help from cooperating partners, Parliament established Constituency Offices in all the 156 constituencies. The offices serve as vital linkages between the Zambian people and Parliament. They provide MPs with an opportunity to meet and interact with their constituents. Through these interactions, information is shared on various developmental programs. In the process, the MPs are equipped with necessary information regarding their constituencies which in turn helps them to make better laws.

#### **b) *Parliamentary Caucuses***

Parliamentary caucuses are non partisan voluntary groups comprising of MPs from different political parties. They are formed for specific objectives such as to enhance the welfare of children, women and the disabled, among others. By being members of the caucuses, MPs are exposed to in-depth information on a wide a range of topics shared with different stakeholders, which in turn aids them in their law making function. For instance, the Zambian Parliamentary Conservation Caucus (ZPCC) with help from the International Conservation Caucus Foundation (ICCF) lobbied and influenced the adoption of three important pieces of legislation namely; the new Forest Policy Act; the National Parks Policy and the Wetland Policy.<sup>4</sup>

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<sup>4</sup> Government acts to safeguard wildlife and timber:  
<http://www.zambiaembassy.org/article/government-acts-to-safeguard-wildlife-and-timber>

**c) *Periodic capacity building Workshops for Members and staff of Parliament***

In conjunction with stakeholders, Parliament carries-out capacity building seminars for Members and staff of Parliament to equip them with knowledge which can be used in coming up with good laws. For instance, on 24<sup>th</sup> September, 2018, ActionAid in collaboration with the National Assembly of Zambia held a one day Seminar for Members and staff of Parliament to share knowledge on Constitutional amendment proposals.

**d) *Orientation Seminars for new Members of Parliament***

To equip the new MPs with skills on how to perform their functions, including law making, Parliament conducts orientation seminars for the Members. The current MPs had their orientation seminar from 20<sup>th</sup> to 22<sup>nd</sup> September, 2016.

**e) *Committee System***

Under Article 63 (2) of the Constitution of Zambia (Amendment) Act No 2 of 2016, the National Assembly oversees the performance of the Executive function. In order to carry out this important function, Parliament has established Parliamentary Committees as provided for under Standing Orders 131 to 157 of the 2016 National Assembly Standing Orders. The Committee system oversees Government administration and subjects its activities to detailed scrutiny on behalf of the electorate and conduct surveillance on certain areas of Government administration.

Committee system enables Parliament to probe into any maladministration and make recommendations for improvement. This system brings the legislature face to face with bureaucrats, thus increasing the information available to Parliament on government's challenges.<sup>5</sup> Furthermore, Committees are mandated to invite witnesses and experts to help in scrutinising Bills referred to them by the House. The input from bureaucrats and experts enrich the knowledge of parliamentarians and enable them to pass good laws.

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<sup>5</sup><http://www.parliament.gov.zm/node/10>

## **CONCLUSION**

Parliaments are institutions charged with the responsibility of making laws in most democratic countries and it is their responsibility to ensure that they enact laws which are clear, simple and transparent. This is because laws are important for a society for it serves as a norm of conduct for citizens. They also provide for proper guidelines and order upon the behaviour of all citizens and serve to sustain the equity on the three branches of the Government. Better legislation is also important because it acts as a parameter on what is accepted in society. Without it, there would be conflicts between individuals, social groups and communities.

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