

(THIS DOCUMENT IS THE PROPERTY OF THE GOVERNMENT OF THE REPUBLIC OF ZAMBIA)



REPUBLIC OF ZAMBIA

MINISTRY OF LOCAL GOVERNMENT

**MINISTERIAL STATEMENT BY THE MINISTER OF
LOCAL GOVERNMENT, HON. VINCENT MWALE, MP.
ON TERMS OF REFERENCE FOR ELECTED MAYORS
AND COUNCIL CHAIRPERSONS IN COUNCILS IN THE
NATION**

MR. SPEAKER

I WISH TO SUBMIT A STATEMENT ON THE FLOOR OF THE HOUSE ON THE ISSUE OF TERMS OF REFERENCE FOR MAYORS AND COUNCIL CHAIRPERSONS IN COUNCIL IN THE NATION.

MR. SPEAKER

(i) TERMS OF REFERENCE FOR ELECTED MAYORS AND COUNCIL CHAIRPERSONS IN COUNCILS IN THE NATIONAL

MR. SPEAKER, PRIOR TO THE ENACTMENT OF THE AMENDED CONSTITUTION, MAYORS /COUNCIL CHAIRPERSONS WERE ELECTED BY THE COUNCIL AMONG PERSONS WHO WERE COUNCILLORS IN ACCORDANCE WITH SECTION **16 (1) (A)** AND **(B)** OF THE LOCAL GOVERNMENT ACT **CAP 281** OF THE LAWS OF ZAMBIA. THESE PROVISIONS STIPULATE THAT “THERE SHALL BE: **(A)** FOR EVERY CITY OR MUNICIPAL COUNCIL, A MAYOR AND DEPUTY MAYOR; **(B)** FOR EVERY TOWNSHIP OR DISTRICT COUNCIL, A CHAIRMAN AND VICE CHAIRMAN; WHO SHALL BE ELECTED BY THE COUNCIL FROM AMONG PERSONS WHO ARE COUNCILLORS”.

ARTICLE **154 (1)** OF THE AMENDED CONSTITUTION STIPULATES THAT “THERE SHALL BE A MAYOR AND DEPUTY MAYOR OR COUNCIL CHAIRPERSON AND DEPUTY COUNCIL CHAIRPERSON FOR EVERY COUNCIL, AS PRESCRIBED; **(2)** A MAYOR AND COUNCIL CHAIRPERSON SHALL BE ELECTED DIRECTLY, IN ACCORDANCE WITH ARTICLE **47 (3)** DURING ELECTIONS FOR COUNCILLORS, AS PRESCRIBED”. THE AMENDMENT WAS MEANT TO DEAL WITH THE SITUATION WHERE MAYORS OR COUNCIL CHAIRPERSONS OWED THEIR INCUMBENCY TO FELLOW COUNCILLORS. BY AMENDING THE MODE UPON WHICH MAYORS AND COUNCIL CHAIRPERSONS ARE USHERED INTO OFFICE OTHER TERMS OF REFERENCE HAVE NOT BEEN CHANGED.

MR. SPEAKER, IN THE AMENDED CONSTITUTION OF ZAMBIA, MAYORS/COUNCIL CHAIRPERSONS ARE NOW ELECTED DIRECTLY BY THE ELECTORATE IN EVERY DISTRICT. AS A CONSEQUENCE OF THIS DEVELOPMENT, THERE HAVE BEEN DIFFERENT PERCEPTIONS ON WHETHER SUCH AN ELECTED MAYOR/COUNCIL CHAIRPERSON SHOULD HOLD EXECUTIVE OFFICE OR NOT. THESE PERCEPTIONS HAVE ALSO EXTENDED TO HOW THE ELECTED OFFICIALS SHOULD BE REMUNERATED. YOU MAY WISH TO NOTE THE AMENDED CONSTITUTION DOES NOT PROVIDE FOR AN EXECUTIVE MAYOR/COUNCIL CHAIRPERSON BUT FOR A MAYOR/COUNCIL CHAIRPERSON WHO IS DIRECTLY ELECTED BY THE ELECTORATE IN THE DISTRICT RATHER THAN BY FELLOW COUNCILLORS AS THE CASE WAS PREVIOUSLY. IN ADDITION THIS AMENDMENT WAS INTENDED TO AMONG OTHERS, ENSURE THAT THE ALLEGIANCE OF THE MAYOR/COUNCIL CHAIRPERSON IS TO ALL THE ELECTORATE IN THE ENTIRE DISTRICT RATHER THAN TO DRAW THEIR ALLEGIANCE TO FELLOW COUNCILLORS AND/ OR A SPECIFIC WARD.

MR. SPEAKER, FOLLOWING THIS AMENDMENT THE POSITIONS FOR MAYOR AND COUNCIL CHAIRPERSON HAVE BEEN MADE **FULL-TIME**.

MR SPEAKER

ARTICLES **154 (3)** STIPULATES THAT “A DEPUTY MAYOR AND A DEPUTY COUNCIL CHAIRPERSON SHALL BE ELECTED BY THE COUNCILLORS FROM AMONGST THEMSELVES.”

MR SPEAKER, THUS THE EFFECT OF **ARTICLE 154 (3)** ABOVE HAS NOT CHANGED THE MODE OF ELECTION BEFORE A DEPUTY MAYOR OR COUNCIL CHAIRPERSON CAN ASSUME OFFICE. A DEPUTY MAYOR OR COUNCIL CHAIRPERSON SHALL BE ELECTED BY THE COUNCIL FROM PERSONS WHO ARE COUNCILLORS REGULATED BY THE CONSTITUTION

AND THE LOCAL GOVERNMENT ACT, **CAP 281** OF THE LAWS OF ZAMBIA RESPECTIVELY.

MR SPEAKER

THE IMPLICATION OF ARTICLE **154 (3)** IS THAT THE POSITIONS FOR DEPUTY MAYOR AND DEPUTY COUNCIL CHAIRPERSON REMAIN **PART-TIME** AS WAS THE CASE.

MR. SPEAKER

(A) FUNCTIONS AND ROLES OF MAYORS/COUNCIL CHAIRPERSONS

MR. SPEAKER MAYORS/COUNCIL CHAIRPERSONS HAVE VARYING DEGREES OF RESPONSIBILITIES ACROSS THE COUNTRY DEPENDING ON THE SIZE AND TYPE OF LOCAL AUTHORITIES (CITY, MUNICIPAL AND TOWN).

THE OFFICE OF MAYOR/COUNCIL CHAIRPERSON IS ESTABLISHED UNDER ARTICLE **154 (1)** OF THE CONSTITUTION OF ZAMBIA WHICH STIPULATES THAT “THERE SHALL BE A MAYOR AND DEPUTY MAYOR OR COUNCIL CHAIRPERSON AND DEPUTY COUNCIL CHAIRPERSON FOR EVERY COUNCIL AS PRESCRIBED”.

MR. SPEAKER THE MAYOR/COUNCIL CHAIRPERSON IS THE POLITICAL HEAD OF THE COUNCIL AND THE FOLLOWING ARE HIS/HER FUNCTIONS:-

- (i) SUPERINTENDS OVER POLICY MAKING;
- (ii) ENSURES THE PREPARATION OF THE ANNUAL BUDGET AND IMPLEMENTATION PLAN;

- (iii) ENSURES THE PREPARATION AND IMPLEMENTATION OF THE STRATEGIC PLAN; AND COMMUNITY AND DISTRICT DEVELOPMENT PLANS;
- (iv) ENSURES THE DEVELOPMENT AND DESIGN OF ECONOMIC DEVELOPMENT PROGRAMMES;
- (v) ENSURES THE DEVELOPMENTS AND IMPLEMENTATION OF ROBUST PERFORMANCE MANAGEMENT SYSTEM;
- (vi) PROMOTES CITIZEN ENGAGEMENT AND PARTICIPATION; AND
- (vii) PRESIDES OVER COUNCIL MEETINGS AND CEREMONIAL FUNCTIONS.

MR. SPEAKER

(B) FUNCTIONS AND ROLES OF TOWN CLERKS/COUNCIL SECRETARIES

THE OFFICE OF TOWN CLERK/COUNCIL SECRETARY IS ESTABLISHED UNDER ARTICLE **152 (4)** OF THE CONSTITUTION OF ZAMBIA WHICH STIPULATES THAT “THERE SHALL BE A TOWN CLERK OR COUNCIL SECRETARY FOR EACH LOCAL AUTHORITY AND OTHER STAFF OF THE LOCAL AUTHORITY, AS PRESCRIBED”.

MR. SPEAKER THE TOWN CLERK/COUNCIL SECRETARY IS THE PRINCIPAL OFFICER AND CHIEF EXECUTIVE OFFICER OF THE COUNCIL AND THE FOLLOWING ARE HIS/HER FUNCTIONS:

- (i) MANAGES INSTITUTIONALISATION OF STRATEGIC AND PERFORMANCE MANAGEMENT IN THE LOCAL AUTHORITY;
- (ii) OVERSEES THE INITIATION AND IMPLEMENTATION OF HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT POLICIES, FUNCTIONS AND PROGRAMMES;

- (iii) OVERSEES PROVISION OF ADMINISTRATIVE AND LOGISTICAL SUPPORT SERVICES;
- (iv) PROVIDES ADVICE, TECHNICAL ASSISTANCE AND SECRETARIAL SERVICES TO THE COUNCIL AND ITS COMMITTEES;
- (v) OVERSEES PUBLIC RELATIONS FUNCTIONS;
- (vi) OVERSEES THE INITIATION AND PROVISION OF PUBLIC SERVICES;
- (vii) OVERSEES THE IMPLEMENTATION OF FINANCIAL MANAGEMENT AND RESOURCE MOBILIZATION SYSTEMS AND STRATEGIES;
- (viii) OVERSEES THE ELECTION OF DEPUTY MAYORS AND CHIEFS TO THE COUNCIL; AND
- (ix) CONDUCTS STATUTORY FUNCTIONS DELEGATED TO THE OFFICE UNDER THE VARIOUS PIECES OF LEGISLATION.

MR. SPEAKER AS STATED EARLIER, DESPITE THE AMENDMENTS TO THE CONSTITUTION, THERE HAS BEEN NO CHANGE IN THE FUNCTIONS AND ROLES OF MAYORS/COUNCIL CHAIRPERSONS VIS-À-VIS TOWN CLERKS/COUNCIL SECRETARIES OTHER THAN THE MANNER IN WHICH THE MAYORS/COUNCIL CHAIRPERSONS ARE ELECTED INTO OFFICE.

MR. SPEAKER

**C) REPORTING RELATIONSHIPS/INTERFACE OF THE
MAYOR/COUNCIL CHAIRPERSON WITH OTHER PUBLIC
FUNCTIONARIES**

(i) MINISTER OF LOCAL GOVERNMENT

ACCORDING TO ARTICLE **116 (2)** OF THE CONSTITUTION OF ZAMBIA, “A MINISTER SHALL BE RESPONSIBLE, UNDER THE DIRECTION OF THE PRESIDENT, FOR THE POLICY AND STRATEGIC DIRECTION OF A MINISTRY, DEPARTMENT OR OTHER STATE INSTITUTION AS ASSIGNED BY THE PRESIDENT”.

THE IMPLICATION OF THIS PROVISION IS THAT IN SUPERINTENDING OVER POLICY MATTERS, THE PREPARATION OF THE ANNUAL BUDGET AND IMPLEMENTATION PLAN, THE PREPARATION AND IMPLEMENTATION OF THE STRATEGIC PLAN AND COMMUNITY AND DISTRICT DEVELOPMENT PLANS, THE DEVELOPMENT AND DESIGN OF ECONOMIC DEVELOPMENT PROGRAMMES, THE MAYOR/COUNCIL CHAIRPERSON WILL HAVE TO WORK CLOSELY WITH THE MINISTER OF LOCAL GOVERNMENT TO ENSURE THAT THE POLICY AND STRATEGIC DIRECTION OF THE LOCAL AUTHORITY IS CONSISTENT WITH GOVERNMENT POLICY.

(ii) PROVINCIAL MINISTER

ARTICLE **117 3 (C)** OF THE CONSTITUTION STIPULATES THAT “THE PROVINCIAL MINISTER SHALL ENSURE THAT THE CONCURRENT FUNCTIONS OF THE PROVINCE AND THE EXCLUSIVE FUNCTIONS OF THE LOCAL AUTHORITIES ARE PERFORMED IN ACCORDANCE WITH THIS CONSTITUTION AND OTHER LAWS”. THE IMPLICATION OF THIS PROVISION IS THAT IN SUPERINTENDING OVER POLICY MATTERS, THE MAYOR/COUNCIL CHAIRPERSON WILL HAVE TO WORK CLOSELY WITH THE PROVINCIAL MINISTER TO ENSURE THAT THE EXCLUSIVE FUNCTIONS OF THE LOCAL AUTHORITIES ARE PERFORMED.

(iii) TOWN CLERK/COUNCIL SECRETARY

THE OFFICE OF THE MAYOR/COUNCIL CHAIRPERSON WILL LIAISE WITH THE OFFICE OF THE TOWN CLERK/COUNCIL SECRETARY ON THE IMPLEMENTATION OF DEVELOPMENT PROGRAMMES AND ACTIVITIES IN THE DISTRICT.

(iv) DISTRICT COMMISSIONER

MR. SPEAKER THE OFFICE OF THE MAYOR/COUNCIL CHAIRPERSON WILL LIAISE WITH THE OFFICE OF THE DISTRICT COMMISSIONER IN THE RESPECTIVE DISTRICT ON THE IMPLEMENTATION OF DEVELOPMENT PROGRAMMES AND ACTIVITIES THROUGH DISTRICT DEVELOPMENT COORDINATING COMMITTEES **(DDCC)** REPORTS SUBMITTED TO THE COUNCIL.

(v) HON. MEMBERS OF PARLIAMENT

MR. SPEAKER THE OFFICE OF THE MAYOR/COUNCIL CHAIRPERSON WILL LIAISE WITH THE HON. MEMBERS OF PARLIAMENT ON THE IMPLEMENTATION OF DEVELOPMENT PROGRAMMES AND ACTIVITIES IN THE DISTRICT.

MR. SPEAKER

(D) GUIDING PRINCIPLES IN DETERMINING THE TERMS AND CONDITIONS OF SERVICE

MR. SPEAKER IN CONSIDERING THE TERMS AND CONDITIONS OF SERVICE FOR THE MAYOR/COUNCIL CHAIRPERSON, THE FOLLOWING WERE THE GUIDING PRINCIPLES:

- THE PROVISIONS OF THE AMENDED CONSTITUTION SHOULD BE SUPREME;
- THE PROVISIONS OF SUBSIDIARY LEGISLATION IN THIS CASE THE LOCAL GOVERNMENT ACT CAP **281** OF THE LAWS OF ZAMBIA SHALL BE IN FORCE UNTIL THE ACT IS AMENDED;
- THE POSITION OF MAYOR/COUNCIL CHAIRPERSON SHALL BE FULL TIME; AND
- DUTY FACILITATING AND SITTING ALLOWANCES WILL BE PAID AS AND WHEN APPLICABLE IN LINE WITH CIRCULARS AND GUIDELINES ISSUED BY THE RELEVANT AUTHORITIES.

MR. SPEAKER, THE EMOLUMENTS FOR MAYORS AND COUNCIL CHAIRPERSONS HAVE SINCE BEEN DETERMINED.

MR. SPEAKER

THE PATRIOTIC FRONT GOVERNMENT, UNDER HIS EXCELLENCY THE PRESIDENT, MR. EDGAR CHAGWA LUNGU HAS PLACED A LOT OF IMPORTANCE IN THE ROLE TO BE PLAYED BY THE LOCAL GOVERNMENT SECTOR. WE BELIEVE THAT WITHOUT A STRONG LOCAL GOVERNMENT, ALL OUR EFFORTS AT THE NATIONAL LEVEL WOULD BE IN VEIN. THIS IS THE MORE REASON THAT, SINCE INDEPENDENCE, IT IS ONLY NOW THAT A GOVERNMENT HAS EMBRACED DECENTRALIZATION AS THE ULTIMATE TO SERVICE DELIVERY. THIS POLICY SHALL ENSURE OPTIMUM UTILISATION OF OUR RESOURCES.

IT IS IN THE LIGHT OF THE ABOVE THAT I URGE ALL LOCAL AUTHORITIES TO SAFEGUARD THE PUBLIC RESOURCES THAT HAVE BEEN PLACED UNDER THEIR CHARGE. THE PF GOVERNMENT WILL NOT TOLERATE CORRUPTION OF ANY FORM AND SHALL NOT RELENT IN TAKING PUNITIVE MEASURES TO ARREST THE SCOURGE. WE SHALL, AS GOVERNMENT,

REQUIRE LEADERS THAT WILL BRING ABOUT POSITIVE CHANGE IN ORGANISATIONS AND SOCIETIES TO ALLEVIATE POVERTY AND IMPROVE THE SOCIO – ECONOMIC STATUS OF THE POOR PEOPLE AT THE LOCAL LEVEL.

MR. SPEAKER

IT IS IN VIEW OF THIS THAT I WISH TO CALL UPON ALL THE MAYORS, COUNCIL CHAIRPERSONS AND COUNCILLORS TO PUT BEHIND THEIR PARTISAN POLITICS AND FOCUS ON THEIR CIVIC RESPONSIBILITY OF ENSURING THAT QUALITY SERVICES AND DEVELOPMENT ARE PROVIDED TO THE RESIDENTS IN THEIR RESPECTIVE DISTRICTS REGARDLESS OF THEIR PARTY AFFILIATIONS. THIS APPROACH WILL ENABLE THEM PROVIDE EFFICIENT AND EFFECTIVE SERVICES TO THEIR RESIDENTS.

MR. SPEAKER

IN CONCLUSION HAVING CLARIFIED ON THE TERMS OF MAYORS AND COUNCIL CHAIRPERSONS, I WISH TO STATE THAT THE GOVERNMENT EXPECT THE MAYORS, COUNCIL CHAIRPERSONS, TOWN CLERKS AND COUNCIL SECRETARIES INCLUDING ALL OTHER PUBLIC FUNCTIONARIES, TO OBSERVE THE LIMITS OF THEIR ROLES, RESPONSIBILITIES AND FUNCTIONS IN ORDER FOR THEM TO WORK IN HARMONY AND AVOID DISRUPTION OF OPERATIONS IN THE DISTRICTS SO THAT THE GOVERNMENT CAN PROVIDE EFFICIENT AND EFFECTIVE SERVICE DELIVERY AT THE LOCAL LEVEL TO THE BETTERMENT OF THE COMMUNITIES IN OUR NATION.

MR. SPEAKER, I THEREFORE CALL UPON ALL PUBLIC FUNCTIONARIES TO APPLY THE PRINCIPAL OF SUBORDINATION OF THEIR INDIVIDUAL INTERESTS TO THE BROADER INTERESTS OF THEIR COMMUNITIES AS A WHOLE.

MR. SPEAKER, I THANK YOU.