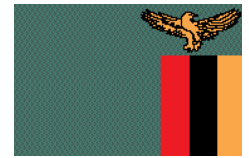


THE LOCAL GOVERNMENT SYSTEM IN

ZAMBIA



1 INTRODUCTION

The Republic of Zambia is a unitary state in southern Africa. It is landlocked and shares boundaries with eight other countries – Tanzania, Malawi, Mozambique, Zimbabwe, Botswana, Namibia, Angola and the Democratic Republic of Congo.

It has a land area of 740,724 sq km¹ and a population of 11,477,447.²

The president, who is both head of state and head of government, is directly elected for a term of five years, and not more than two terms. The president appoints the vice-president and cabinet from amongst the members of the National Assembly. No more than five members of cabinet can be appointed from the nominated members.

The parliament, known as the National Assembly, is unicameral and has 150 elected members and not more than 10 (usually only 8) nominated members. Elections are by the first-past-the-post system to single-member

constituencies. Members sit for a term of five years.

There is also the House of Chiefs which acts as an advisory body and is constitutionally empowered to comment 'on traditional, customary and any other matters referred to it by the President'. It comprises 27 chiefs, three from each of the nine provinces.

The provinces are: Central, Copperbelt, Eastern, Luapula, Lusaka, Northern, North-Western, Southern and Western. Each province is governed by a deputy minister appointed by the president.

Local government comprises 72 local district councils.

Local government expenditure contributed 0.7% to GDP in 2002.

2 POLITICAL AND ORGANISATIONAL STRUCTURE OF ZAMBIA

2.1 Position of local government in the state

A new decentralisation policy was introduced in Zambia in November 2002 following two

previous failed attempts in 1968 and 1980.³

'The policy covers the crucial aspects of decentralisation such as setting up of sub-district structures and clearly defined roles for the local authorities, the province and central government. Additionally it clearly states that the government is aspiring for devolution although the process will start with de-concentration of services while capacity is being developed in the local authorities. The policy also clearly states that the objective of the policy is primarily governance, ie giving citizens more voice in decision-making and general improvement in democratic governance where citizens will elect the mayor as opposed to the current system where this is done by councillors, and councils will have more powers and resources. This is in keeping with the fact that the government wants to introduce devolution.'⁴ A decentralisation secretariat was established to spearhead the implementation and coordination of the policy.

The last presidential election was held in September 2006. President Levy Mwanawasa was re-elected.

The last general election was held in September 2006 and the results were: Movement for Multi-Party Democracy (MMD) – 73 seats; Patriotic Front (PF) – 43; United Democratic Alliance (UDA) – 26; National Democratic Focus (NDF) – 1; United Liberal Party (ULP) – 3; Independents – 3. The next elections are due no later than September 2011.

Under Section 88 of the 1991 Act, the Minister for Local Government and Housing has the power to suspend councils, replacing them with local government administrators. S/he can refuse to confirm and can amend or revoke local authority by-laws.⁵ S/he approves budgets and issues directives, and councils cannot increase rates without the minister's approval.⁶

The minister has the power to intervene in councils and suspend elected members. In 2002, two councils were suspended. One was Siavonga District Council, suspended for 'failure to discharge its operations in accordance with the law'.⁷

The political leader in each of the provinces is the deputy minister, appointed by the president, and the permanent secretary is the administrative head.

3 LEGAL BASIS FOR LOCAL GOVERNMENT

3.1 Constitutional provisions

Article 109 of the constitution enshrines local government and local democracy, stating:

'(1) There shall be such system of local government in Zambia as may be prescribed by an Act of Parliament.

(2) The system of local government shall be based on democratically elected councils on the basis of universal adult suffrage.'

3.2 Main legislative texts

The relevant legislative texts are:

- Local Government Act 1991
- Local Government Elections Act 1992.

The 1991 Act has been amended frequently including:

- Act No. 19 of 1992
- Act No. 30 of 1993
- Act No. 13 of 1994
- Act No. 30 of 1995
- Act No. 22 of 1995.

The Elections Act has been amended once since 1991.

Responsibility for administering the Acts lies with the minister:

'The Minister is responsible for laying down broad policy guidelines for the permanent secretary and his team to implement. He is accountable to parliament for all acts of omission or commission of his officials.'⁸ District commissioners provide a government presence at the district level to coordinate development.⁹

4 LOCAL GOVERNMENT ORGANISATIONAL STRUCTURE

4.1 Main divisions

There are four city councils, 14 municipal (urban) councils and 54 district (rural) councils; the local government structure is single-tier and councils are only differentiated by their rural or urban nature. Under the Local Government Act the responsibilities of all the categories of councils are the same.

Every council is a corporate body with perpetual succession and powers subject to the provisions of the Act. The larger councils are designated city councils, urban councils are called municipal councils and the smaller ones, rural-based, are called district councils.

City authorities have an average population of 511,000, while the average for municipal authorities is 168,640 and that of districts is 112,199. At city level, Livingstone City Council has the smallest population with 158,149 while Kalulushi has the smallest municipal

council population at 72,765 and Luangwa is the smallest of the district councils with a population of 21,990. Lusaka City Council has the largest number of residents with 1,103,413, Chipata Council is the largest municipal council with a population of 362,132 and Petauke is the largest of the district councils with 242,533 residents. Over 50% of the population live in urban areas.

5 DEMOCRATIC AND POLITICAL STRUCTURES IN LOCAL GOVERNMENT

Before 2004, local authority councillors were elected for three-year terms by the first-past-the-post system. However, in February 2004, parliament voted to extend the tenure of office to five years in order to bring local government elections in line with presidential and parliamentary elections.

Each ward elects one member in a democratic system that is universal throughout Zambian local government. Each council is made up of all the members of parliament of the district and all the elected councillors in the district. In rural councils, all the chiefs in the district appoint two representatives. Reporting and decision-making operate through the committee system.

23% of councillors and 1% of council leaders throughout the country are women.

Below the council are ward development committees (WDCs) that are chaired by one of the ward councillors and are largely put together by him or her. They were established by the Registration and Development of Villages Act of 1971.

Residents' development committees (RDCs) are also used, especially in urban areas, to extend democracy. The councils establish such committees and the officers organise the elections, but they do not have a legal standing. They tend to attract resources from international development agencies. Councillors sit on these committees as *ex officio* members.

5.1 Urban and district councils

Under Section 31(2) of the Act, the only statutory committee is a finance and general purposes committee. Beyond that, councils have discretion in establishing other committees.

Section 31(1) of the Act states that: 'A council may establish standing or occasional committees consisting of such number of members as the council may determine, for the purpose of examining and reporting in any matter and of discharging any functions of the council/delegated to them under the Act' and Section 32(1) states that 'appointment of members of committees will be from amongst persons who are councillors or eligible to be elected as councillors provided that: (1) No person other than a councillor shall be

a member of the finance committee (2) Not less than two-thirds of the members of a committee, other than the finance committee, shall be councillors.'

There are no directly elected mayors, executive committees or 'cabinets'. Leaders, mayors and chairs are elected annually by other councillors.

5.2 Local government staffing

Staff are recruited by each local authority. The local authority has absolute power to hire and fire.

Provision for secondment exists under the service regulations but this is very rare. There are no statutory requirements to have particular posts within any of the types of authority. The head of paid service is a town clerk for a city or municipal council and a council secretary for a district. The typical staffing structure is town clerk, departmental directors and deputies and then sectional heads and others.

5.3 Independent scrutiny

Independent scrutiny of the councils is supplied by provincial local government auditors under Section 118(1) and Section 52 of the Local Government Act. The Act also provides for the appointment of external auditors but these have to be approved by the minister (this is restricted to financial audits only).

6 DISTRIBUTION OF SERVICE DELIVERY COMPETENCE

Section 61 of the Act outlines up to 63 functions that local councils are supposed to perform. These functions are divided into nine broad categories: general administration, advertisements, agriculture, community development, public amenities, education, public health, public order, sanitation and drainage.¹⁰

Most of the functions under Section 63 of the Local Government Act are discretionary rather than mandatory.

7 FINANCE

7.1 Revenue

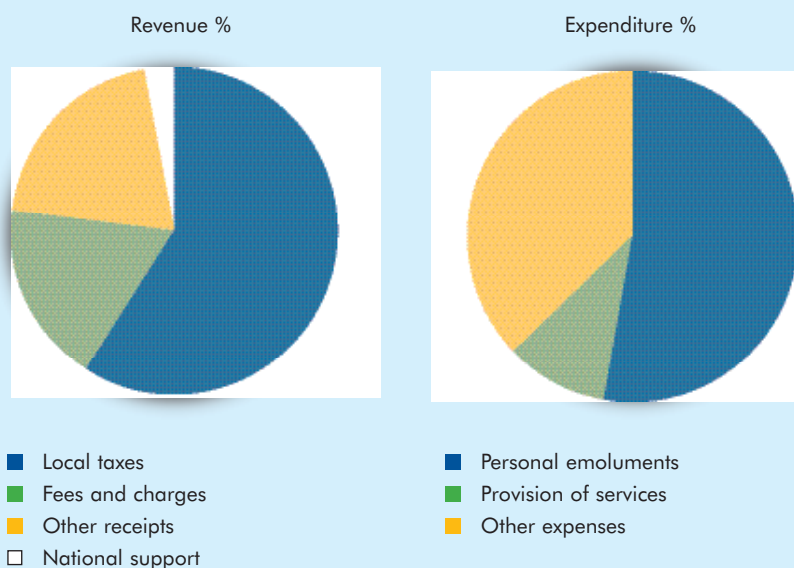
The total aggregate revenue for 2002, the most recent year for which figures are available, is Zambian Kwacha 130.1bn (US\$27.1m).¹¹

The main sources of income for local authorities, based on aggregates, are:

1. Local taxes	59%
2. Fees and charges	18%
3. Other receipts	20%
4. National support	3%.

The local authority is responsible for raising and collecting taxes and user fees.

Figure 1. The financial structure of local government in Zambia



7.2 Revenue-sharing

Under Section 45 of the Local Government Act, the government must make grants to local authorities, but this is rarely fulfilled. According to the 1992 budget, all city and municipal councils were supposed to be self-financing so there is no funding from government. But even for the district councils no firm policy exists. Finance is provided on an *ad hoc* basis.

According to Section 45(3), central government shall make specific grants to councils for:

- Water and sanitation
- Health services
- Fire services
- Road services
- Police services
- Primary education
- Agricultural services.

There is no ministerial supervision of locally raised taxes and central government does not pay any salaries of those working in council-run establishments. Education and health are the responsibility of central government and although there have been attempts to decentralise these services they are not part of the local government system.

7.3 Expenditure

The aggregate expenditure of local government for 2002 was Zambia Kwacha 130.1bn (US\$27.1m). The main items of expenditure are:

1. Personal emoluments	53%
2. Provision of services	10%
3. Other expenses	37%

Local authorities are not permitted to set deficit budgets. Budgets must have ministerial approval.

8 ORGANISATIONS OF LOCAL GOVERNMENT

There is a single national association for all councils: the Local Government Association of Zambia. Membership is voluntary. Its principal objective is to protect and promote the interests of local government authorities in Zambia. The association has no legal or constitutional recognition and is funded through membership subscriptions. The association is affiliated to the African Union of Local Authorities, and through it to the United Cities and Local Governments. The Local Government Association of Zambia is a member of the Commonwealth Local Government Forum.

9 INTERGOVERNMENTAL RELATIONS

Central government has supervisory powers over the local authorities. This is a formal procedure and local authorities report to the parent ministry through the permanent secretary or the minister. However, the Local Government Association of Zambia is the main local government body for the promotion of intergovernmental relations. It acts on behalf of local authorities on matters of policy with central government through regular meetings and mostly during its annual conferences. Government has recognised the association as the only legitimate body representing local government.

10 E-GOVERNMENT

In 2003 there were an estimated 231,000 internet users in Zambia, representing 0.65% of the population.¹²

11 ENVISAGED REFORMS

The most significant reform is likely to be the implementation of the national

decentralisation policy which was approved by government in 2002 and launched by the president on 20 August 2004. A secretariat has been set up to drive the process. The constitution is currently under review and the Local Government Act may be amended following submissions on matters of local government.

12 SUMMARY

Local government in Zambia operates within a 'tight/loose' style of control from central government. While it is not unheard-of for councils to be suspended, current government policy is to move towards a stronger role for citizens with the proposed introduction of directly elected mayors and, ultimately, a devolved system of local government.

References

- 1 CIA World Factbook 2007
- 2 Ibid.
- 3 A Malama, 'The Process of Implementation of the Decentralisation Policy in Zambia: What are the lessons learned from Uganda and Ghana? (Summary Report)', International Development Department, University of Birmingham, Birmingham, April 2003
- 4 A Malama, *op.cit.* April 2003, p.8
- 5 Zambia Dissemination Report, www.locgovinfo.co.zw/Zambia_Dissemination_Report.htm
- 6 UNDP/GRZ Africa Governance Forum V, Maputo, Mozambique, 23-25 May 2002, Local Governance and Poverty Reduction, Zambia Country Paper
- 7 The Post, 4 December 2002, cited in A Malama, *op.cit.* 2003, p.14
- 8 Peter K Lolojih, 'Enhancing Local Governance: the efficacy of bilateral cooperation', <http://bij.hosting.kun.nl/iaup/esap/publications/zambia/localgov.php>, 2001
- 9 UNDP/GRZ Africa Governance Forum V p.13, *op. cit*
- 10 The Government of Zambia, Local Government Act No. 21 1991, pp. 46-50, cited in Peter K Lolojih, 'Enhancing Local Governance: the efficacy of bilateral cooperation', in *The Journal of Humanities*, Vol. 3, 2001, pp.20-45 <http://bij.hosting.kun.nl/iaup/esap/publications/zambia/localgov.php>
- 11 Government of the Republic of Zambia summary of local councils' revenue and capital estimates for the year 1 January 2002 to 31 December 2002; Zambian Kwacha 4,800 = US\$1
- 12 CIA World Factbook 2007.

Service	Delivering authority			Remarks
	Central	Provinces	Local government	
GENERAL ADMINISTRATION				
Police	●			The justice system is a function of the central government
Fire protection			●	
Civil protection	●			
Criminal justice	●			
Civil justice	●			
Civil status register	●			
Statistical office	●			
Electoral register			●	
EDUCATION				
Pre-school			●	Education is primarily a responsibility of central government. A provincial education office has oversight
Primary	●			
Secondary	●			
Vocational and technical	●			
Higher education	●			
Adult education	●			
SOCIAL WELFARE				
Kindergarten and nursery			●	The welfare services are offered by central government
Family welfare services	●			
Welfare homes	●			
Social security	●			
PUBLIC HEALTH				
Primary care	●		●	
Hospitals	●			
Health protection	●	●	●	
HOUSING AND TOWN PLANNING				
Housing	●		●	
Town planning	●	●	●	
Regional planning	●	●		
TRANSPORT				
Roads	●	●	●	District and feeder roads
Transport			●	
Urban roads	●	●	●	
Urban rail	●			Ports, airports and railways are the function of parastatal organisations which report to central government
Ports	●			
Airports	●			
ENVIRONMENT AND PUBLIC SANITATION				
Water and sanitation			●	
Refuse collection and disposal			●	
Cemeteries and crematoria			●	
Slaughterhouses			●	
Environmental protection	●			
Consumer protection	●	●	●	
CULTURE, LEISURE AND SPORTS				
Theatre and concerts	●	●		
Museums and libraries	●		●	
Parks and open spaces			●	
Sports and leisure	●		●	
Religious facilities	n/a			
UTILITIES				
Gas services	n/a			
District heating	n/a			
Electricity	●			
Water supply			●	
ECONOMICS				
Agriculture, forests and fisheries	●		●	
Economic promotion	●		●	
Trade and industry	●		●	
Tourism	●		●	
Other economic services			●	
				● = discretionary service by the local authority