



The local government system in

Zambia

Key facts

POPULATION: Census 2000¹: 9,885,591

AREA²: 752,612 sq km

CAPITAL: Lusaka

CURRENCY: Zambian kwacha (ZMK)

LOCAL GOVERNMENT CONTRIBUTION TO GDP³: 28%

HEAD OF STATE AND GOVERNMENT:
President Rupiah Banda

FORM OF GOVERNMENT: democratic republic

PARLIAMENTARY SYSTEM: unicameral

STATE STRUCTURE: unitary state

LANGUAGES: English (official)
Nyanja, Bemba, Lunda, Tonga, Lozi, Luvale, Kaonde (recognised)

NATIONAL ELECTIONS: last: 2006; turnout: 70.8%; next: 2011

LOCAL ELECTIONS: last: 2006; turnout: - next: -

SUMMARY

Zambia is a democratic republic with two spheres of government, national and local. There is constitutional provision for local government and the main governing legislation includes the Local Government Act 1991 and the Local Government Elections Act 1992. The 73 local authorities are overseen by the Ministry of Local Government and Housing and consist of four city councils, 14 municipal councils and 55 district councils. There are also nine provinces that are purely administrative.

1. CENTRAL GOVERNMENT

Zambia is a democratic republic with a unicameral parliament, known as the National Assembly. The head of state and government is the president who is directly elected for a five year term, and a maximum of two terms. The National Assembly has 150 elected members and not more than ten (usually eight) nominated

members. Elections are by the first-past-the-post system to single-member constituencies and members sit for a term of five years. The president appoints the vice-president and cabinet from amongst the members of the National Assembly and no more than five members of cabinet can be appointed from amongst the nominated members.

2. LEGAL BASIS FOR LOCAL GOVERNMENT

2.1 Constitutional provisions:

Part 8 of the constitution provides for a system of local government based on democratically elected councils on the basis of universal adult suffrage

2.2 Main legislative texts:

The relevant legislative texts are:

- Local Government Act 1991 (Cap. 281) – with Amendments: • Act No. 19, 1992 • Act

No. 30, 1993 • Act No. 13, 1994 • Act No. 30, 1995 • Act No. 22, 1995 • Act No. 8, 2004 • Act No. 9, 2004

- Local Government Elections Act 1992 Cap. 282 – amended twice, provides additional detail on the election of councillors. This Act together with its Amendment (No. 6, 2010) provides legal backing to the institutional and operational framework of councils.

3. STRUCTURE OF LOCAL GOVERNMENT

3.1 Local government within the state:

In November 2002, the government approved a national decentralisation policy following two previous failed attempts in 1968 and 1980. The policy covers aspects such as empowering local people through setting up sub-district structures, and clearly defined roles and responsibilities for local authorities, the provinces and central government. Additionally, it states that the



Table 1. Distribution of councils and population, census 2000

Province	Number of Districts	Population (2000 Census)	% Rural
Central	6	1,012,257	76.0
Copperbelt	10	1,581,221	22.1
Eastern	8	1,306,173	91.2
Luapula	7	775,353	43.5
Lusaka	4	1,391,329	9.3
Northern	12	1,258,696	85.9
North-Western	7	583,350	87.7
Southern	11	1,212,124	78.8
Western	7	765,088	88.0
TOTAL	73	9,885,591	65.3

Source: Central Statistics Office Zambia

ultimate aim of the government is decentralisation through devolution, although the process will start with de-concentration of services while capacity is being developed in the local authorities. The objective of the policy is to enhance governance, by giving citizens more authority and power in decision-making at the local level. Citizens will also be empowered to elect their own mayor or council chairperson through universal suffrage rather than this post being elected by the councillors themselves.

3.2 Ministerial oversight:

The Ministry of Local Government and Housing (MLGH) is responsible for overseeing local government. The mission of the ministry is: 'to promote a decentralized and democratic local government system and facilitate the provision of efficient delivery of quality housing, infrastructure and other social services by local authorities and other stakeholders for sustainable development'. The MLGH has the following six departments: Human Resources and Administration, Local Government Administration, Housing and Infrastructure, House of Chiefs, Government Valuation Department and Decentralisation Secretariat. The MLGH is also responsible for the following statutory bodies and institutions: Chalimbana Local Government Training Institute, the National Housing Authority, the National Fire Services Training School, the Local Authorities Superannuation Fund Control Board and the Provincial Liquor Licensing Boards.

With the enactment of the Local Government Amendment Act No. 6 of 2010 on 16 April 2010, the Local Government Service Commission will soon be re-established with oversight from MLGH. This commission will be mandated to hire, fire, promote, demote and discipline officials of all councils. MLGH has also been responsible for providing different national grants, including the Constituency Development Fund, to councils.

3.3 Council types:

There is one tier of local government. Local governments are called councils and as of September 2010 there were 73 councils: four city councils, 14 municipal councils and 55 district councils. In general, city councils are located in those urban districts which have more population and diversification in economic activities while the municipal councils cover the sub-urban regions. District councils are located in those relatively rural districts which have less population and rely heavily on agriculture, and hence have less local tax revenue resource. However, legally, all councils have the same mandates and authorities vis-à-vis their residents and central government. There are also nine provinces, which are used for purely administrative purposes: Central, Copperbelt, Eastern, Luapula, Lusaka, Northern, North-Western, Southern and Western. Each province is headed by a provincial minister appointed by the president and there are provincial branches of central government ministries. A council has both legislative and administrative wings. In the legislative wing, councillors are directly elected by universal adult suffrage as representatives of the residents. The officials working in the administrative wing are hired from either within or outside the district.

4. ELECTIONS

No information has been provided for this section for this edition.

5. SYSTEMS FOR COMMUNITY INVOLVEMENT

5.1 Legal requirement:

The national decentralisation policy requires the creation of sub-district structures, called area development committees (ADCs) to enhance community involvement in local decision-making processes. To provide legal backing to ADCs, an Amendment to the existing Registration and Development of Villages Act is in preparation. In addition, the Urban and Regional Planning Bill, if

enacted, will require councils to involve communities more in their planning and budgeting processes.

5.2 Implementation:

Some councils have already developed and put in place participatory planning and budgeting mechanisms, with some external assistance. The Ministry of Local Government and Housing issues annual budget guidelines to all councils, as well as utilisation and management guidelines for the Constituency Development Fund. These guidelines always emphasise the importance of consultation with stakeholders, not only the local community but also civil society organisation, other non-government organisations and the private sector, for their planning and budgeting.

5.3 E-government:

Since internet access is still limited to urban areas or to those who can afford mobile-phone access, e-government has not yet been used in service delivery by councils to their residents. In 2006 the government developed an ICT policy with the vision of 'a Zambia transformed into an information and knowledge-based society and economy supported by consistent development of, and pervasive access to, ICT by all citizens by 2030'. A number of initiatives are being undertaken by government, and the number of ICT projects has increased over the years, especially in the public sector. Examples include the Integrated Financial Management Information System (IFMIS) project, the Payroll Management and Establishment Control project and the building of local area networks (LAN), which are central to the establishment of e-government. The policy goal is 'to improve public sector management as well as efficient and effective delivery of public goods and services through the implementation of e-government systems'. As a result, central government has mobilised initial resources to connect the Ministry of Local Government and Housing to all the provincial offices and all councils in Zambia. By December 2008, 33 out of the 73 councils were connected.

6. ORGANISED LOCAL GOVERNMENT

There is a single voluntary national association for all councils: the Local Government Association of Zambia (LGAZ). Its principal objective is to protect and promote the interests of local government in Zambia. The association has no legal or constitutional recognition and is funded through membership subscriptions. All the 73 councils are associates of the LGAZ and the association has provincial boards under its executive board at the central level. The LGAZ organise an Annual Conference which includes a session where the



associates (councils) and the MLGH directly discuss concerns raised by the associate Councils. When necessary, the LGAZ gives follow up of the issues raised in the session with MLGH.

7. INTERGOVERNMENTAL RELATIONS

Whenever the necessity arises, MLGH convenes representatives from all or relevant councils to a meeting, to collect views. The official communication between the MLGH and councils should be in a written form by post, and occasionally via fax. In the capitals of all the nine provinces, there are Offices of the Provincial Local Government Officers and Auditors, the provincial branches of the Department of Local Government Administration of MLGH, which act as the main communication channel between MLGH and councils. Local government officers are mandated to supervise and provide guidance to the councils within their provinces, while local government auditors should audit the financial accounts of the councils, including the financial management of capital projects funded by the Constituency Development Fund.

As part of their duties, provincial local government officers are directed to: convey messages and instructions from MLGH to all councils; ensure that councils understand and comply with the instructions given by MLGH; provide necessary technical backstopping to councils on a daily basis; collect information or reports from councils regularly or on demand by MLGH; consolidate, analyse and verify the information or reports submitted by councils; and submit the information or reports produced by councils together with analysis or verification.

In 2008, MLGH launched the Wide Area Network (WAN), which is a computer-based network between the MLGH headquarters and satellites at the central level, all the provincial branches, as well as all 73 councils in the country, in order to facilitate communications and interactions and to improve effectiveness and efficiency of administration among the users. By the end of 2010 all MLGH branches at the central and provincial levels and 22 Councils were connected to WAN and the users have started to communicate via e-mail frequently.

The Zambia Parliament operates a committee system, which includes a committee on Local Governance, Housing and Chiefs' Affairs, where administrative issues and activities relating to local government are scrutinised. The proceedings of the committee are open to the public, and the committee is, whenever necessary, entitled to seek public inputs in a written form on issues under consideration and to invite any members of the public to their meetings as witnesses. The committee is also

expected to promote public awareness and debate on policies and bills and to provide an opportunity for a public forum where interested individuals and organisations can present their points of view. Councillors and council officials, if appropriate, can be invited to committee meetings or the public forum.

8. MONITORING SYSTEMS

Each council's annual receipts and payments account should be finalised not later than six months after the fiscal year-end. Local government auditors appointed by the minister of local government and housing then visit all 73 councils to audit their annual financial accounts. Audit reports are submitted to both the council and the ministry, and each council submits an 'action taken' reports within 60 days of receipt of its audit report. The MLGH consolidates the audit reports and the 'action taken' reports and submits them to the parliamentary committee for scrutiny.

The MLGH issues a budget circular together with budget guidelines every year in July to instruct all councils to start the budgeting process for the next year. The offices of the provincial local government officers (PLGOs) are also mandated to provide supervision and guidance to the councils within their provinces in the budget-making process. The MLGH headquarters, through the Department of Local Government and Housing, scrutinises the budget estimates submitted by councils through PLGOs and corrects them, if necessary, in accordance with the budget guidelines or the budget ceilings to the grants approved by Parliament between November and mid-December. The Minister of Local Government and Housing approves Councils' budget estimates for the next year by mid-December, and councils are not permitted to make any expenditure before approval by the minister of their budget.

Councils are also directed to submit their receipts and payments accounts quarterly to MLGH through PLGOs, together with copies of their meeting minutes and resolutions. Councils are also directed to submit their annual receipts and payments accounts together with their own budget performance analysis to MLGH every year around March. MLGH is currently preparing a system of regular performance assessment for all councils, the results of which will influence grant distributions.

9. FINANCE, STAFFING AND RESOURCES

9.1 Locally raised revenue:

Although councils are responsible for raising and collecting taxes and user fees not all have been able to collect their local revenues as budgeted. There was no comprehensive data available from the Ministry on the revenues collected by councils.

In 2010 the government piloted the MTEF/ABB (Medium term expenditure framework/Activity based budget) in seven councils as a way of strengthening the tracking system on the use of public funds.

9.2 Transfers:

Under section 45 of the Local Government Act 1991, the government must make grants to local authorities for water and sanitation, health services, fire services, road services, police services, primary education and agricultural services.

Education and health are the responsibility of central government and, although there have been attempts to decentralise these services, they are not yet devolved to local government. The Ministries of Education and Health have so far de-concentrated their functions up to the district level as part of decentralisation. The MLGH distributed its 2010 grants to councils under the following headings: Restructuring Grant (ZMK22bn), Recurrent Grant (ZMK69.3bn), Capital Grant (ZMK22bn), and Grant in lieu of rates (ZMK22bn). In 2010 the government commenced the formula based grant system in respect to the Recurrent grant. However, plans are underway to subject all the grants to predetermined criteria so as to enhance accountability in the use of public funds at local level. It is also anticipated that by 2012 a performance based grant system will be in place to support the devolving sectors.

9.3 Local authority staff:

Central government does not pay any salaries of those working in council-run establishments. Councillors (elected representatives of councils) are remunerated by allowances from their council but are not paid salaries. Council officers are paid by their respective councils, but once the local government service commission becomes operational their salaries will be supported by central government through a new salaries grant.

10. DISTRIBUTION OF SERVICE DELIVERY RESPONSIBILITY

The Local Government Act 1991 stipulates 63 functions that councils may discharge. Around half these functions focus on investment and maintenance of infrastructure and are the sole responsibility of the individual council. These include the establishment and maintenance of roads, bridges, ferries, water courses, street lighting and public transport services, firefighting and prevention services and environmental health services. Councils must also provide and maintain supplies of water as well as establish and maintain drains, sewers and works for the



Table 2. Aggregate revenue and expenditure for local government 2009

Revenue ZMK m		Expenditure ZMK m	
Government transfer	187,984	Admin and operational	
Conditional	37,159	Salaries total	n/a
Unconditional	62,025	Elected representatives	1,422
Constituency Development Fund	88,800	Service delivery	n/a
Local tax & charges for services	n/a		
TOTAL	n/a	TOTAL	n/a

Source: Ministry for Local Government and Housing⁴

disposal of sewerage and refuse. They must maintain and establish cemeteries, crematoria and mortuaries, together with parks, zoos, gardens, pleasure grounds, camping grounds, caravan sites, art galleries, libraries, museums and film services.

Councils also have joint responsibility, alongside various sector-specific government agencies, for the conservation of natural resources, the protection and control of local forests and woodlands, the establishment and maintenance of farms and allotment gardens, and for the storage, marketing and preservation of agricultural produce. They further share responsibility for establishing and maintaining colleges, schools and day nurseries, public swimming baths and other social/recreational facilities, postal services, and the promotion of road safety. Finally, councils are mandated to prepare and administer schemes for the encouragement of and participation in community development and some services provided by councils should target marginalised groups.

References and useful websites

1. Central Statistics Office, Zambia
www.zamstats.gov.zm
2. UN statistics
<http://unstats.un.org/unsd/demographic/products/dyb/dyb2008/Table03.pdf>
3. IMF statistics www.imf.org/external/data.htm
4. Ministry for Local Government and Housing
www.mlgh.gov.zm
5. Zambian national government portal
www.statehouse.gov.zm
6. Electoral Commission of Zambia
www.elections.org.zm
7. UNDP Human Development Report 2010
www.hdr.undp.org
8. Local Government Association - Zambia:
www.lga-zambia.org.zm



Annex A. Summary of service provision in different spheres of government

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 an oversight role.
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 & feeder roads are the responsibility of local government. Ports, airports & railways are the function of parastatal organisations which report to central government.
Transport			■	
Urban roads	■	■	■	
Urban rail	■			
Ports	■			
Airports	■			
ENVIRONMENT AND PUBLIC SANITATION				
Water and sanitation			■	Non governmental organisations such as Zambia Association for Consumer Protection work to make consumers aware of their rights.
Refuse collection and disposal			■	
Cemeteries and crematoria			■	
Slaughterhouses			■	
Environmental protection	■		■	
Consumer protection	■	■	■	
			■	
CULTURE, LEISURE AND SPORTS				
Theatre and concerts	■	■	■	Local government makes land available for religious facilities to be constructed, as provided under the Town and Country Planning Act
Museums and libraries	■		■	
Parks and open spaces			■	
Sports and leisure	■		■	
Religious facilities	n/a		■	
UTILITIES				
Gas services	n/a			Local governments provide water either through companies of which they are share holders or directly as local authorities Provided by a semi-governmental institution (ZESCO)
District heating	n/a			
Water supply			■	
Electricity			■	
ECONOMIC				
Agriculture, forests and fisheries	■		■	
Economic planning	■		■	
Trade and industry	■		■	
Tourism	■		■	
Other economic services	■	■	■	

■ = Discretionary service by the local authority