

Zambia

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Introduction

Zambia has two democratic levels of government – national and local. It also has provincial administrations, but these are run by appointees of the national government, whose function it is to ensure that national policies are implemented in all districts in the province.

Decentralisation and local government are expressly provided for in the 2016 (amended) Constitution, which states that the management and administration of the political, social, legal and economic affairs of the state shall be devolved from the national government level to the local government level. The constitution provides, among other things, that functions, responsibilities and resources from the national government and provincial administration are to be transferred to the local authorities in a coordinated manner. The main statute that is supposed to give effect to the local government provisions of the constitution is the Local Government Act of 1991. The constitution underwent major amendments in 2016, but the Act has still not been fully amended to keep pace with the constitutional changes.

About ICLD

The Swedish International Centre for Local Democracy (ICLD) is part of the Swedish development cooperation. The mandate of the organization is to contribute to poverty alleviation by strengthening local governments.

This report is part of a publication series that investigates local democracy in the 19 countries where the ICLD municipal partnership programme operates.

This report covers events up to 31 May 2019. Events occurring after this period are not considered.

Factors which support local democracy are the constitutional recognition of decentralisation and democratic principles applying to local government. Barriers to local democracy flourishing are the fact that national government retains considerable power over administration of local authorities, lack of guarantees regarding financial resources, legislative uncertainty and slow progress in implementing decentralisation reforms. In addition, inadequate funding of local government and poor administrative capacity also constitute barriers. (Blum, Bandiera and Ashraf 2016).

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General country analysis

The local government system is based on districts which are administered by the local authority. The constitution provides that local governance is to be undertaken through sub-structures, although legislation has yet to be enacted to give effect to this requirement. There is one tier of local government. Local governments are called councils and there are currently 103 councils – four city councils, 15 municipal councils and 84 district councils. In general, city councils are located in areas which have larger populations, while the municipal councils cover the suburban regions. District councils are located in rural districts' areas. Legally, all councils have the same mandates and authority.

Regarding the relationship between the levels of government, the constitution recognises the right of local authorities to manage their affairs, and states that a local authority shall administer the district; oversee programmes and projects in the district; make by-laws; and perform other prescribed functions. However, there are many aspects of local government that the constitution leaves to be handled by national legislation, including the financial management and regulation of local authorities; this allows the national government in practice to dominate local government.

Fiscal decentralisation

The constitution provides that a sound financial base is to be established for each local authority with reliable and predictable sources of revenue. In terms of the constitution, a local authority has exclusive authority and spending obligations in respect of a wide range of powers and functions, including pollution control, child care facilities,

electricity, district health, firefighting services, and many more. Education and health are the responsibility of national government and, although there have been attempts to decentralise these services, they are not yet devolved to local government.

A local authority is competent to levy, impose, recover and retain local taxes, as prescribed, but in practice, not all have been able to collect their local revenues as budgeted. Under Section 45 of the Local Government Act, the government must make grants to local authorities for services including water and sanitation, primary healthcare, fire protection, roads, municipal police, primary education and agricultural support. The amounts of such grants is entirely at the discretion of the government. Provision is made in the constitution for a Local Government Equalisation Fund, to which the national government is to contribute, to provide for such grants. An amendment to the Act has been proposed to give effect to that provision, and would require at least 5 percent of national revenues to be paid into the fund; this amendment has, however, after many years in the pipeline, still not been passed.

As far as budgeting is concerned, under the Act, a council must prepare and adopt estimates of revenues and expenditure. These estimates are, however, subject to ministerial approval. The Act provides that a council may borrow money. No national government approval is stipulated, and there is no limit on the purpose or amount of the loan. A council may not, however, borrow from a foreign source.

Political decentralisation

The constitution provides that the local government system shall be based on democratically elected councils and shall promote the democratic and accountable exercise of power. It goes on to state that the national government and the provincial administration shall not interfere with or compromise a local authority's ability or right to perform its functions.

Elections for councils are held every five years on a ward basis, according to a first-past-the-post electoral system. Independent candidates may stand for election. The constitution provides that mayors are directly elected at the same time and may hold office for only two terms; however, the relevant legislation has not yet been amended to provide for the direct election of mayors, and still provides for them to be indirectly elected by councillors. According to the constitution, councils consist of elected councillors, the mayor and deputy mayor, and not more than three chiefs, representing chiefs in the district.

There are various accountability mechanisms in place. Each council's annual accounts are subject to audit by the Auditor-General. National government oversight is provided by the Ministry of Local Government and Housing and by the national legislature. Various bodies have been established under the constitution to ensure accountability in government, including local government – for example, the Public Protector may investigate an action or decision taken, or omitted to be taken, by a state institution in the performance of an administrative function.

Conclusion: possibilities and barriers for municipal partnerships

Recognition of decentralisation and democratic processes, as well as of accountability mechanisms, provide opportunities for partnerships; however, the slow pace of implementing constitutional provisions gives rise to uncertainty and may make partnerships difficult to forge. Capacity and resource issues may also constitute serious barriers to partnerships.

References

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Legislation

- Constitution of Zambia (Amendment) 2016
- The Local Government Act 1991