



### **QUOTE**

“There will simply be no pro-poor policies without pro-people governance. And there will be no pro-people governance without a people-oriented constitution.

And there will be no people-oriented constitution without a people-participative process!”

**- Fr. Peter Henriot**

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# LETTER

## *From the Editor*

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### Dear Readers

Recently the new administration in Zambia celebrated its first anniversary in government. This provided a very good opportunity to evaluate the performance of the UPND during its first year in government. Various stakeholders have cited a number of successes of the new administration in the first twelve months ranging from improved governance environment to improved economic outlook for the country. Some of the scores that have been highlighted include improved country's standing in the community of the nations, education for all policy, recruitment of civil servants, increased resources made available for projects at the community level, and commitment to the rule of law and a greater enjoyment of freedoms. Some of the weaknesses that have been highlighted include the rising cost of living which has been attributed to the introduction of cost reflective tariffs in the fuel pump price since December 2021. The list of weaknesses also include the elitist approach to a range of issues affecting the livelihoods of the ordinary people, lack of robust gender and youth inclusiveness in the cabinet appointments, a disjoint between progressive presidential pronouncements and lackluster performance of most of the government ministries and departments and a failure to speedily deliver on the constitutional and legal reforms that were promised in the election campaigns.

The second key issue of importance in Zambia around this time was the launch of the Eighth National Development Plan (8NDP) which sets out Zambia's strategic direction, development priorities and implementation strategies for the period 2022 to 2026. The plan is the fourth in the series of five-year national development plans (NDPs) towards actualization of the National Vision 2030 in which Zambia aspires to become a prosperous middle-income nation. This plan has four strategic development areas or pillars (Economic Transformation and Job Creation, Human & Social Development, Environmental Sustainability, and Good Governance

Environment) with each pillar outlining various strategies and programmes to guide implementation.

The third key issue that dominated debate in Zambia around this time is the IMF programme for Zambia. On 31st July the International Monetary Fund (IMF) announced the approval of the US\$1.3 billion bail-out package for Zambia. The extended credit facility, which will run over 38 months, is intended to enable Zambia to restore its macroeconomic stability and foster higher, more resilient and inclusive growth. The programme is further anticipated to advance a home-grown reform plan to restore debt sustainability, create fiscal space for social spending and fortify the country's economic governance. While everybody agrees that it is difficult for Government to implement any development programmes without first tackling the country's huge debt and that the IMF deal is a key enabler to the debt restructuring taking place under the G20 common framework to return Zambia's debt to sustainable levels, some quarters of the Zambian society have expressed consternation about the conditions attached to the newly agreed programme with the Zambian government.

The last key issue is the 2023 Budget that Government presented to the National Assembly on 30th September. Various stakeholders have continued to analyze the 2023 Budget and some of them have been invited to make their submissions on the same at the National Assembly. A lot of key points stand out in the 2023 Budget including concessions to the mining sector, incentives to the manufacturing and the tourism sectors, allocations to the agriculture sector, and increased social sector spending, just to mention a few. We will share some reflections on the 2023 Budget in the following issues of the JCTR Bulletin. We wish you enjoyable reading.

*Alex Muyebe, S.J.*  
*Editor*

# A REFLECTION ON THE COST OF LIVING FOR ALL BNNB TOWNS FOR THE FIRST HALF OF 2022 AS MONITORED BY JCTR

## Quick Introduction to the BNNB Work

For the past 30 years, the Jesuit Centre for Theological Reflection has been and is renowned for tracking the cost of living in Zambia using the Basic Needs and Nutrition Basket (BNNB). The tracking is conducted in 16 towns where the Centre has trained data collectors. The BNNB is a flagship tool of JCTR used to estimate the cost of living for a family of five. On a monthly basis, the Centre collects prices of selected nutritious foods and non-food items which are easily accessible to households. The movement of prices for the selected items informs JCTR's advocacy work.

This information is further utilised by various key stakeholders ranging from civil society organisations, research institutions, government ministries, trade unions, the media, private sector and the general public. Through the lens of the BNNB, policy interventions that ultimately would ensure improved living standards especially for the poor, vulnerable and marginalised populations in Zambia are provided. This work has over the years been made possible with the support from diverse Partners and most recently the Norwegian Church Aid, Danish Church Aid and the Scottish Catholic International Aid Fund (SCIAF).

## The June 2022 BNNB Assessment

Following the closure of the first half of the year 2022, a trends analysis of the cost of living between January and June was conducted to gain insights on the movement of the cost of living, its

drivers, relevant policy developments and possible interventions.

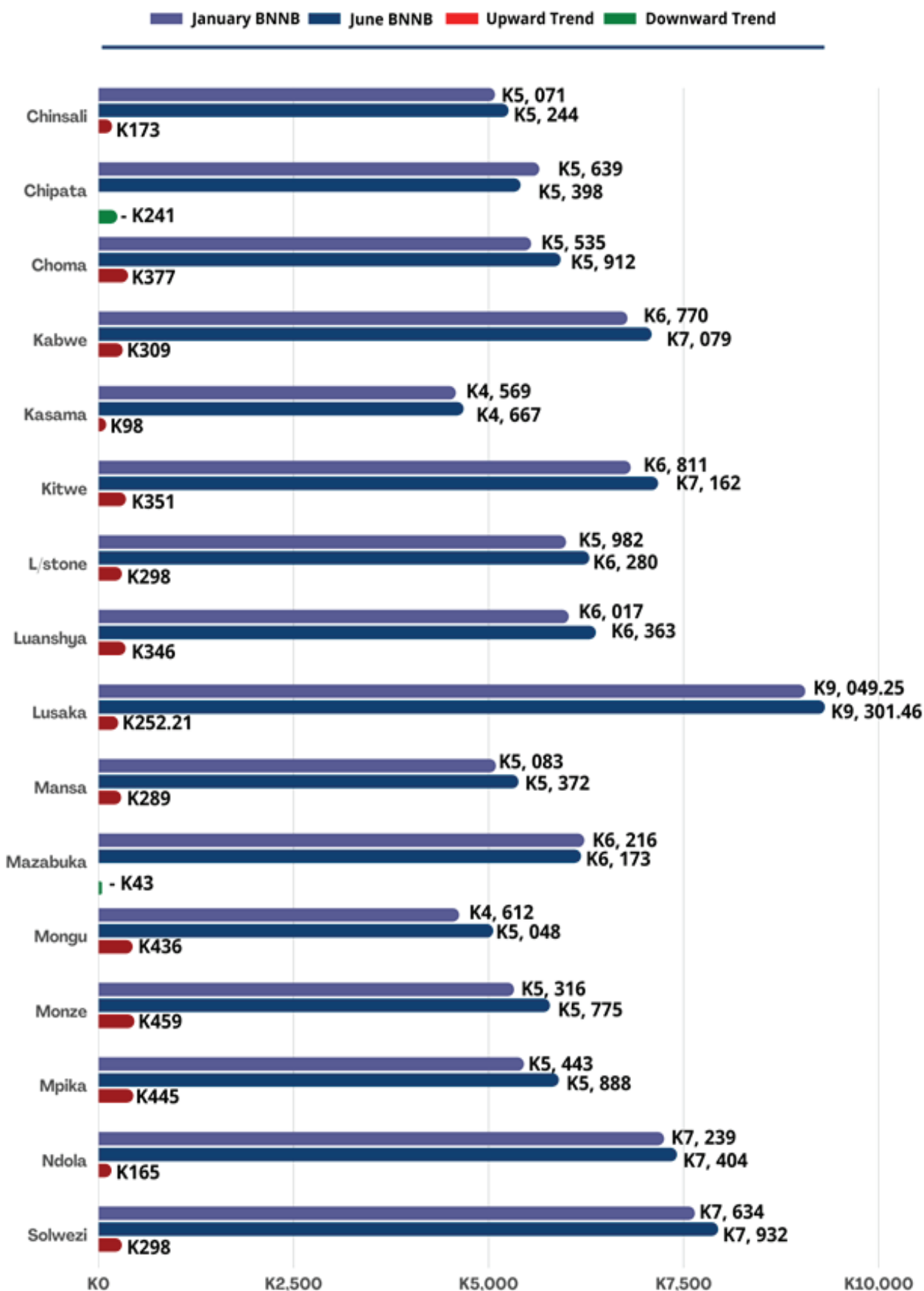
Overall the findings revealed an upward cost of living in most of the towns. Beginning with the capital city, Lusaka recorded an increase of K252.21 from K9, 049.25 to K9, 301.46. Kasama, though the cheapest town to live in, also saw an increase of K98 from K4569 to K4667. Mansa moved to K5, 372 from K5, 083. Similarly, Choma rose to K5,912 from K5,535, Chinsali rose by K173 to K5,244 from K5,071, Mpika had K5,888 from K5,443, Monze moved to K5,775 from K5,316, Mongu K5,048 from K4,612, Livingstone jumped to K6,280 from K5,982, Luanshya to K6,363 from K6,017, Kitwe K7,162 from K6,811, Kabwe K7,079 from K6,770, Ndola K7,404 from K7,239 and Solwezi K7,932 from K7,634.

Conversely, while other towns were recording increases, Chipata and Mazabuka exhibited downward movements with Chipata dropping by K241 from 5639 in January to K5398 in June whereas Mazabuka went down to K6,173 in June from K6216 in the first month of the year. The reduction was however, evidently minimal as the cost of living has increased more significantly compared to average incomes overtime. Average incomes are pegged at K4391 according to the 2020 Labour Force Survey.

Below is a pictorial illustration of the cost of living trends.

<sup>1</sup> Average family size in Zambia stands at 5.1 as measured by the 2015 Living Conditions and Monitoring Survey.

## COST OF LIVING TRENDS IN THE FIRST HALF OF 2022

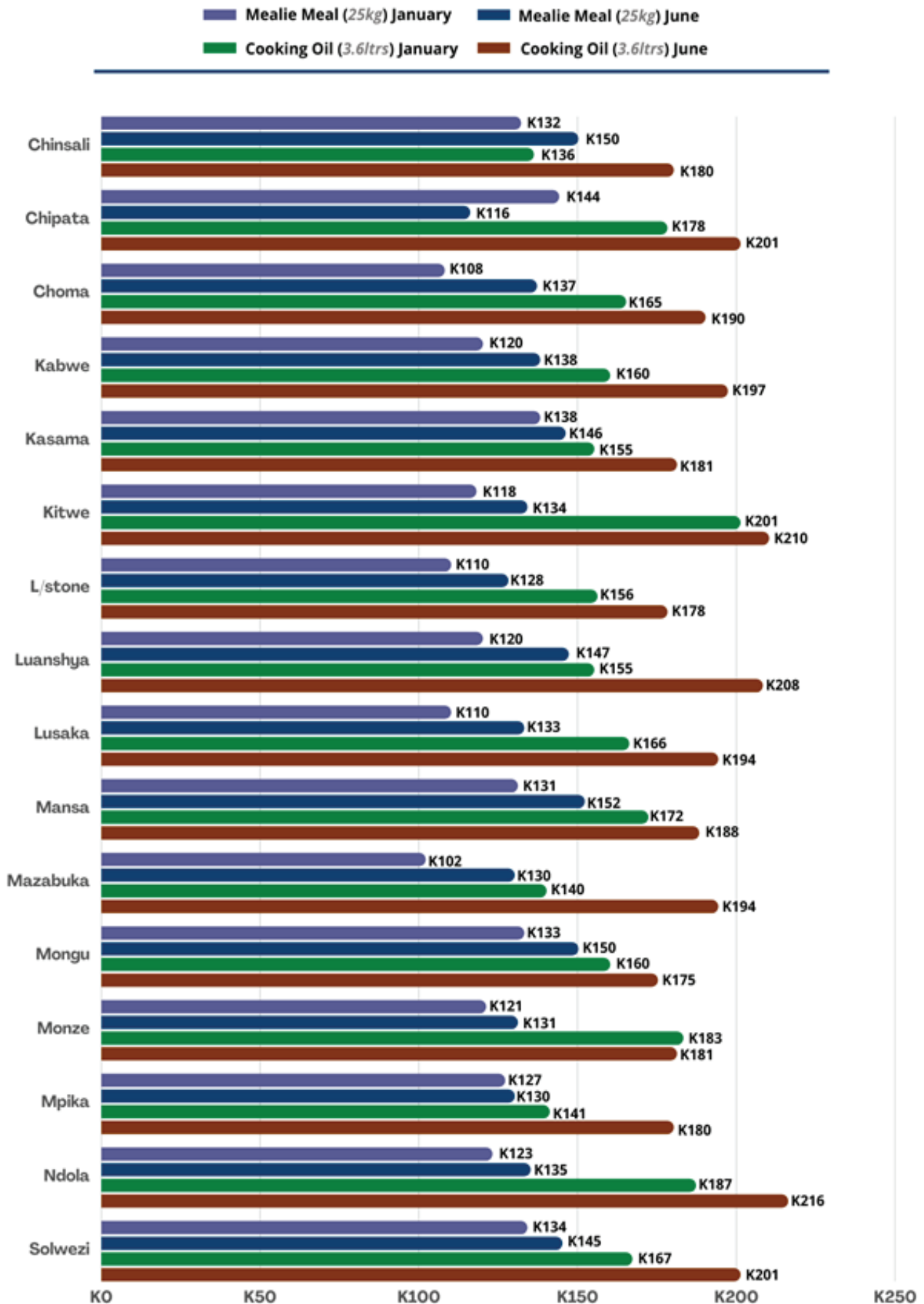


### A Closer Look at Two Key Food Items on the BNNB

Cooking oil and mealie meal are two key food items utilised by many Zambian families, both for consumption and small scale businesses, such as street food stalls. A focus on these two key items was therefore instructive in identifying policy interventions. The table below illustrates the actual prices as monitored by JCTR in the last 6 months for cooking oil and mealie meal. Only Chipata recorded a downward movement in the price of mealie meal.

| NO  | TOWN        | MEALIEMEAL<br>PRICE (K/2<br>25kg bags)<br>(JANUARY<br>2022) | MEALIEMEAL<br>PRICE (K/2<br>25kg bags)<br>(JUNE 2022) | COOKING<br>OIL PRICE<br>(p/3.6ltrs)<br>(JANUARY<br>2022) | COOKING<br>OIL PRICE<br>(p/3.6ltrs)<br>(JUNE 2022) |
|-----|-------------|---|---|--|--|
| 1.  | Kasama      | K138  | 146   | 155  | 181  |
| 2.  | Chinsali    | 132   | 150   | 136  | 180  |
| 3.  | Chipata     | 144   | 116   | 178  | 201  |
| 4.  | Choma       | 108   | 137   | 165  | 190  |
| 5.  | Kabwe       | 120   | 138   | 160  | 197  |
| 6.  | Kitwe       | 118   | 134   | 201  | 210  |
| 7.  | Livingstone | 110   | 128   | 156  | 178  |
| 8.  | Luanshya    | 120   | 147   | 155  | 203  |
| 9.  | Mansa       | 131   | 152   | 172  | 188  |
| 10. | Mazabuka    | 102   | 130   | 140  | 194  |
| 11. | Mongu       | 133   | 150   | 160  | 175  |
| 12. | Mpika       | 127   | 130   | 141  | 180  |
| 13. | Ndola       | 123   | 135   | 187  | 216  |
| 14. | Solwezi     | 134   | 145   | 167  | 201  |
| 15. | Monze       | 121   | 131   | 183  | 181  |
| 16. | Lusaka      | 110   | 133   | 166  | 194  |

## MEALIE MEAL & COOKING OIL PRICES JAN VS JUNE 2022



### Drivers of Price Movements

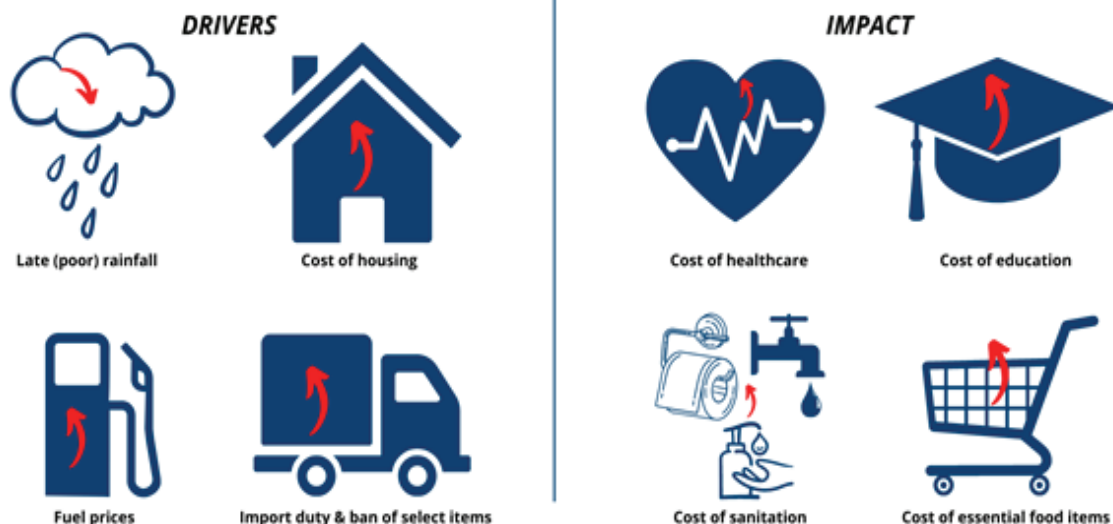
Overall, the cost of living trends in the first half of 2022 were attributed to natural and economic factors that include: late on-set of rains, increase in fuel prices, lifting of the temporal suspension of import duty on edible oils (25%), lean season of some foods, import ban of certain foods like onion and potatoes, cost of energy (charcoal) and increased cost of housing.

### Impact of the Rising Cost of Living on People in Zambia

Additional research conducted using the biannual Satellite Homes survey and a 2021 wage mapping study provide insights on the impact of the high

cost of living on the poor. Average incomes in both surveys sit below K5000 (US\$291.2) and remain far below the average cost of living. The gap between the cost of living and incomes means that households are struggling to meet the basic needs of health, education, water, sanitation and food. JCTR's surveys have established that families are forced to adopt coping strategies such as reducing the number of meals, repackaged commodities (oil, mealie meal, washing powder etc) renting poor housing facilities, doing without essential drugs when sick and defaulting on education costs. This negatively affects families' abilities to live dignified lives and perpetuates a vicious cycle of poverty.

## KEY DRIVERS OF BNNB MOVEMENTS & IMPACT ON PEOPLE - JAN VS JUNE 2022



### Conclusion

The impact of the high cost of living on the poor, vulnerable and marginalised carries a moral imperative for government to address the plight of these vulnerable groups. **JCTR calls on government to seriously consider the preferential option for the poor, the vulnerable and the marginalised in policy formulation and implementation.** Government must progressively stand in solidarity with these vulnerable groups and develop and ably implement pro-poor policies. For example, the prioritisation of pension

arrears and the prioritisation of rural development are possible pathways. This will enable the progressive realisation and accessibility of rights like education, health care, nutrition, water, and a healthy environment. But beyond the government, JCTR further wishes to urge those who are better off to stand in solidarity with those who are poor and marginalised in our families and communities as we proceed in the last half of the year. This can be done by providing as much support (charity as well as empowerment) to enable vulnerable households cope with the cost of living.

<sup>2</sup> Zambia's agriculture sector remains rain dependent. Floods and droughts due to climate change continue to negatively impact production and productivity

<sup>3</sup> A biannual survey that assesses how people in high densely populated areas of Lusaka are coping with the cost of living



# WHAT BASIC PRINCIPLES MAY GUIDE A NEW CONSTITUTIONAL ORDER IN ZAMBIA?

## Introduction

Immediately after Zambia's independence in 1964, the discourse about building a new constitutional order ensued. The constitutional revolution has been one of the most appealing political campaign focusses in Zambia. All the political parties that have had the mandate to rule in Zambia, have promised a constitution review. The question arises, have they delivered on this promise? It must be understood that a constitution is a living document that must be alive to the social, economic, political, regional, and global needs of a nation. Therefore, it is logical to argue that constitutional review must remain a relevant discourse in the growth of democracy, accountability, transparency, constitutionalism, checks and balances, and the rule of law. However, it becomes politically and morally problematic if the discourse on constitution review is surreptitiously aimed at consolidation of the political power of a ruling party while side-lining the will, wishes, and desires of the citizens.

## Brief History of Constitutional Reforms in Zambia

A brief exploration of the history of constitutional review in Zambia can show the likely trajectory if there is no corrective measure, or change in political will. Commencing with the first Republic (1964-1972) which was ushered in with independence and a new constitution, multi-party participatory democracy was paramount. Through the Chona constitution review commission, the mandate was directed at repealing and replacing the independence constitution. The 1973 constitution enshrined one-party participatory democracy and amended the provisions regarding national referenda – effectively ending all referenda. There were also fundamental changes to the Bill of Rights.

The subsequent constitution review commissions like the Mvunga, Mwanakatwe, and Mun'gomba commissions made progressive recommendations, especially where citizen participation in legislation formulation is concerned. For instance, there was a strong recommendation for having a constituent assembly, which would enhance citizen participation.

## Constitutional Review a Political Campaign Issue

Leading up to the 1991, 1996, 2001, and 2006 General Elections, the Movement for Multiparty Democracy (MMD) promised to review the constitution and to come up with a consolidated constitution. Then, leading up to the 2011 General elections, the Patriotic Front (PF) promised to review the constitution and to produce a people-driven constitution. The PF formulated the National Constitutional Conference which produced a draft and which later culminated in the 2016 constitution amendments. Finally, heading into the 2021 General elections, the United Party for National Development (UPND) promised to review the constitution to address outstanding ambiguities in the current constitution. This dream is yet to be realized. The nation is still waiting to see if there is political will to embark on this reform.

## Hope-Filled Expectations from the SONA Address

The UPND-led Government continues to engage the public on constitutional reform. For example, during the State of Nation Address (SONA) delivered on 27th March 2022 by H.E. President Hakainde Hichilema promised constitutional reforms, harmonisation of legislation relating to children, the amendment of the Public Order Act, legislation to combat perennial costly by-elections,

etc. These engagements have raised hopes and they are worthy interventions for promoting good governance.

### **The Basic Guiding Principles for a New Constitutional Order**

These are principles that directly govern the structure and functioning of the State and the exercise of public power (Iain Curie, Johan de Waal , 2013). Creating a robust structure and system to guide the exercise of public power is key. The guiding principles become cardinal because they inform the interpretation of the Bill of Rights, legality, democracy, accountability, separation of powers, and providing checks and balances. Additionally, they provide an interpretation of other provisions of the constitution, shape ordinary law, and support how legislation is drafted and interpreted (Iain Curie, Johan de Waal , 2013).

### **Learning from the Best Practices of Other Countries like South Africa and Kenya**

Identifying guiding principles as the first step to constitution reformation has proven paramount. In the South African context, where there was a need to shift from parliamentary supremacy to constitutional supremacy and some racial injustices, key guiding principles like constitutionalism, rule of law, democracy and accountability, separation of powers, checks and balances were put in place before beginning the actual the reconstruction of a new constitution.

### **A Constitution that Can Curb Social Evils**

In Zambia, one of the social evils has been corruption. This has seriously derailed the achievement of the country's development objectives. The overwhelming incidence of corruption by duty bearers and public officials points to the necessity of a constitution which promotes accountability and transparency in government. In this regard, one can validly argue that access to information should be considered a fundamental right which must be contained in the Bill of Rights. Access to information will break the culture of secrecy among public duty bearers and political leaders, thereby promoting accountability

and transparency.

### **Constitution Must Represent the Sovereign Will of the People**

Crucial to constitutional reform is the recognition of the sovereign will of the people. This highlights the need to debate whether the National Assembly is sufficient as a platform to genuinely represent the sovereign will, wishes, and desires of ordinary citizens concerning the new constitution. There are some lessons that can be drawn from the Bill 10 contestations. Perhaps, as a nation, we have learnt that legislation formulation may be more oriented towards consolidation of political power and the wishes of the executive than towards the aspirations of citizens.

### **Need for Constituent Assemblies**

Noting that Zambia practices representative democracy, especially where legislation formulation is concerned, this ensures that the parliament is sovereign in the formulation of legislation. However, the need to have citizens actively participate in the constitution reform process cannot be overemphasized. Therefore, Constituent Assemblies across the world can be seen to provide a platform for direct democracy in legislation formulation.

### **Conclusion**

As Zambia embarks on a reform of its constitution, it is critically important to set out certain basic guiding principles, which constitutes an important step in the constitutional reform roadmap. These guiding principles will be necessary for drafting legislation, shaping the constitution and interpreting the law. The constitution must guide the political and legal structures and systems of Zambia. Some of the guiding principles that must be taken seriously include accountability, transparency, checks and balances, constitutionalism, democracy, and separation of powers and how best they can be enshrined in the constitution.

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# THE PROCESS OF CONSTITUTIONAL REFORM NEEDS A REFORMATION

## Introduction

In his State of the Nation address for 2022, President Hakainde Hichilema publicly committed his government to a process of constitutional reform. He said that his government shall “undertake all necessary measures to gather and build consensus with all stakeholders on how best we can give ourselves a constitution that reflects our shared and cherished aspirations as a people.”

These are beautiful words. If all stakeholders are to be included, it raises our hopes that finally, Zambia will have what many have long dreamed of: a people-driven constitution. Importantly, these words give us hope that this process of constitutional reform will result in a document that we can all be proud of; a document that reflects the values and yearnings of the Zambian nation.

However, if this process of reform is successfully undertaken, it would be the fifth such attempt to significantly amend the constitution. Zambia has had the constitutional reforms of 1972 and 1991 under President Kaunda, the reforms of 1996 under President Chiluba, and the reforms of 2016 under President Lungu. All these attempts to overhaul the constitution have struggled to give Zambia a solid legal foundation which expresses the hopes and dreams of the people.

If President Hichilema is to succeed where his predecessors have failed, what would he have to do? He will have to avoid the pitfalls of the past. He would also have to ensure that the constitutional reform process really does result in a document that the people have participated in drafting, considering the input given by their political

representatives and by legal professionals.

## The Problem of a Process Driven by the Executive

A major problem with past amendments of the Constitution has to do with the process of amendment. Previous presidents have opted to establish either commissions of inquiry under the Inquiries Act, or have used their executive powers to establish committees to prepare draft constitutions. Therefore, we have had drafts prepared by such commissions as the Mung’omba Commission under President Mwanawasa in 2003, and by the Technical Committee on Drafting the Zambian Constitution, instituted by President Sata in 2011.

These commissions or committees have done good work in the past. For instance, the Mung’omba Commission did extensive public consultation in drafting its version of the constitution. It conducted public hearings in all of Zambia’s constituencies and it received over 12,000 submissions from the public. With all these submissions, there were high hopes that the voice of the people would be heard and taken seriously in the final draft of the new constitution at the end of the process. After all, a peoples’ constitution should reflect the aspirations of the people.

However, the major difficulty with these bodies appointed by presidents is that they operate solely according to the terms of reference given to them by the president. Moreover, at the end of their work, they submit a report to the president, who is then able to cherry-pick which recommendations to follow. Not surprisingly, presidents tend to choose the recommendations which seem to be the most politically expedient to the government at the time. In other words, the process of constitutional reform is ultimately driven by the Executive and is

<sup>4</sup> President Hakainde Hichilema, the State of the Nation Address, given on 11 March, 2022.

really not in the hands of the people.

### **Ignoring the Voice of the People**

As a consequence, the voice of the people is liable to be ignored or devalued in constitutional reform processes. For example the Mung'omba Commission noted that, according to a majority of submissions it received, the people wanted a Constituent Assembly to adopt the final draft of the constitution and not Parliament. The reasoning was that a Constituent Assembly - whose membership was deliberately representative of the people - would be in the best position to adopt a constitution which expressed the peoples' views.

However, after some heated political negotiations, the Mung'omba Commission's recommendations were rejected in favour of the creation of a National Constitutional Conference. The president would once more receive the Conference's draft text and recommendations, and Parliament would as usual be responsible for adopting whatever draft it produced. It was because the representation of this Conference was so skewed in favour of politicians that its work was so criticised. For this reason, the Conference was boycotted by such bodies as inter alia the Zambian Episcopal Conference, the Council of Churches in Zambia, the Evangelical Fellowship of Zambia, the NGOCC, the Patriotic Front and the Federation of Free Trade Unions.

In hindsight, this boycott proved to be prophetic. The people's submissions, which had been included in the Commission's draft constitution, were not adequately represented in the Conference's work. The Conference altered significant provisions of the draft which the Commission had prepared. For example, it altered provisions dealing with the election of the President, the Vice-President, and the appointment of ministers.

This analysis begs the question: what is the ideal

process for constitutional reform that would yield a constitution that the people could call their own? I would argue that three key components to constitutional reform need to be in place in order to ensure a people-driven constitution.

### **An Ideal Process Should be Driven by Legislation**

The first component involves legislation. To avoid the Executive branch of government being able to exert a disproportionate influence on the process, and to give all stakeholders a chance to provide their input, a legislative roadmap needs to be enacted. When South Africa was preparing its draft final constitution, this was done by following the roadmap set out in the Interim Constitution. When Kenya was preparing its draft constitution, the process to be followed was stipulated in the Constitution of Kenya Review Act of 2008. Therefore, in South African and in Kenya, legislation was needed to carefully set out the procedure to be followed.

This legislative framework is crucial to a successful constitutional reform process. It would stipulate the important dates when each period of preparation of the constitution would need to take place by. Furthermore, it would set out the roles and limitations of each role-player in the process. Therefore, having this framework in place at the start of the process would avoid any unnecessary delays in the reform. It could also safeguard the input submitted by the public in the process.

### **Article 79 Must Be Amended**

The second component involves the amendment of article 79 of the Constitution of Zambia. Article 79 deals with situations where the text of the constitution is modified. In particular, it stipulates that if any provisions of the Bill of Rights are to be modified, a national referendum would

<sup>5</sup> For a timeline of the various different commissions and committees, see the report provided by the Policy Monitoring and Research Centre, *Analysis of the Constitution Amendment Act No. 2 of 2016*, June 2016.

<sup>6</sup> Mung'omba Constitution Review Commission, *Report of the Constitutional Review Commission*, 2005, 1.

<sup>7</sup> *Ibid*, 799.

<sup>8</sup> Vincent Lungwangwa, "Constitution Making Process: The Zambian Experience" (Master of Laws Dissertation, University of Zambia, 2015), 52-53.

<sup>9</sup> *Ibid*, 54.

<sup>10</sup> Christina Murray, "A Constitutional Beginning: Making South Africa's Final Constitution," *University of Arkansas at Little Rock Law Review* 23, no. 3 (2001), 813.

<sup>11</sup> See Christina Murray, "Kenya's 2010 Constitution," in 61 *Neue Folge Band, Jahrbuch des öffentlichen Rechts*, 747 – 788.

need to take place. However, the wording of this section needs to be amended in order to avoid the injustices of the past.

The wording indicates that in order for a successful national referendum to take place, not less than 50 percent of the registered voters need to vote. This formulation of the provision led to an injustice in the 2016 referendum. According to the results of that referendum, 71% of people voted in favour of the referendum. However, because only 44% of those entitled to vote actually voted on the day, the referendum failed. Therefore, even though the majority of people who voted on the day were in favour of the changes to the 1996 constitution, the changes were not approved.

Considering what happened in 2016, it becomes clear that if the voice of the people is to be heard through a national referendum, the wording of article 79 needs to be amended. The voter turnout requirement needs to be removed. If it is removed, then it means that if the majority of voters are in favour of whatever text is produced by the constitutional reform process, then the text will be approved. It cannot be stopped because of voter apathy, for instance.

### **Getting the Balance Right Between Politicians, Lawyers and Citizens**

The third component involves getting the balance of input right between three key players in the reform process: namely, the politicians, the legal professionals, and the public.

As much as one would advocate avoiding a disproportionate influence by politicians over the reform process, one needs to make space for their input. They are the elected representatives of the people. As such, their ideas will be important in producing a solid constitutional draft for the people. Additionally, the views of legal professionals are required, since the constitution can prove

to be a complicated document to draft. Finally, submissions from the public are indispensable, since we desire a people-driven constitution. The only problem is how to justly deal with the input from each of these players and arrive at an acceptable compromise document.

### **Should Input from Politicians Trump Input from Other Interest Groups**

In the past, the solution to finding the right balance between proposals from these groups was found by prioritising the submissions from the politicians. Through the commissions or committees set up by the Executive, Parliament received a draft constitution which had been prepared using the suggestions obtained from the public and from legal professionals. Then Parliament made any amendments it saw fit after a national referendum had taken place. These amendments sometimes radically changed the text which they had received. The result is obvious: a constitution which bears little resemblance to the aspirations of the people, thereby lacking legitimacy and resulting in a document which the public feel is not their own.

### **The Option of a Constituent Assembly**

The solution to the right balance of input, as advocated by the Mung'omba Commission, was skewed in the other direction. It recommended the creation of a Constituent Assembly, which was to represent the people, collect their proposals and receive submissions from the legal professionals. After this body had adopted the draft, it had prepared, the people were to be given the final say by national referendum. Therefore, even though all members of Parliament were also to be members of the Constituent Assembly, their input was given no special significance. All that Parliament as a body would do is to formulate the terms of reference for the Assembly.

### **Legal Professionals and Politicians Working Together with Citizens**

Perhaps a third way could be explored to find the right balance between the influences of key players in the final text of the constitution. In Kenya, the Constitution of Kenya Review Act set out a process

<sup>12</sup>See Grant Masterson, "Zambia's Constitutional Groundhog Day: Why National Debate about Constitutional Reform is Not Going Away Anytime Soon," in South African Institute of International Affairs, policy briefing 157, January 2017.

<sup>13</sup> Mung'omba Constitution Review Commission, Report of the Constitutional Review Commission, 805 – 809.



whereby legal professionals prepared a draft text, considering the submissions from the public. Then, a body representing all political parties was given a chance to give its input. A key element to this stage was the fact that this body was given only provisions which were identified as being contentious. Following this, the body of legal professionals put the draft of the constitution in legal order and sent it to Parliament for approval. The essential aspects to this penultimate stage was the fact that Parliament was only entitled to alter provisions of the draft with a two-thirds majority (65%). The final stage involved the text being sent to the people for a national referendum. Thus, the people had the final say in the text.

This third way of envisioning the balance of submissions has a lot to commend it. It places crucial protections into the process. By insisting that the political representatives only deal with certain aspects of the constitution, it safeguards the input given by legal professionals and by the public. By stipulating that Parliament needs 65% to change the final draft of the constitution which it received, it ensures the integrity of all the work that had been undertaken up to that stage. Finally, by specifying that the last stage of the process is a national referendum, the people get to express their opinion of the final document– ensuring that the resultant text is, as much as possible, a peoples’ constitution.

### **Conclusion**

We live in an exciting era of Zambian history. If the government is successful at producing a constitution which is legally and politically sound, then it will have concluded a process of constitutional reform which has taken decades.

President Hichilema has his work cut out for him. He needs to avoid the pitfalls of the past, where the reform has been driven by the Executive branch of the government. Furthermore, the process of reform which is followed should ensure that the right safeguards are in place, a process which respects the views of all the key players in the reform.

But whatever process is finally chosen, the President needs to ensure that the voice of the most important player in the reform is heard, namely the people of Zambia. As Fr. Peter Henriot once said, “There will simply be no pro-poor policies without pro-people governance. And there will be no pro-people governance without a people-oriented constitution. And there will be no people-oriented constitution without a people-participative process!”

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# ACCESS TO INFORMATION – A FUNDAMENTAL HUMAN RIGHT



## Introduction

It is said that information is power. The power that information can bring is essential for the wellbeing of humanity and for life in general. Without information, human beings are ignorant, illiterate, and uneducated. We would be directionless, powerless to engage and to participate. It is also worthwhile to note that renewal and transformation happen through knowledge and that there cannot be knowledge without information.

## Access to Information Creates an Enabling Environment

Access to information, which is the ability for an individual to seek, receive and impart information held by public bodies effectively, is vital to social, political and economic advancement in any jurisdiction and human endeavour. Further, access to information legislation is seen and must always

be seen as an essential part of creating an enabling environment for citizens. This environment is essential for not only gaining access to information, but also for promoting a strong trajectory of growth for democracy in society.

## Access to Information Must be Seen as a Human Right

It must be noted that over and above everything, access to information is a human right, and as such is an entitlement. Article 19 of the Universal Declaration of Human Rights (UDHR) – an international document adopted by the United Nations General Assembly that enshrines the rights and freedoms of all human beings, states that: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through media regardless of frontiers.”

Accordingly, in addition to the aspect of promoting human rights, the UDHR further mandates all Member States to recognise all human rights and to enshrine them in law. Since access to information is a right, all Member States including Zambia are mandated and obligated as a duty-bearer to facilitate this right through legal mechanisms. A piece of legislation that provides for the right to access information is referred to as an Access to Information law or Freedom of Information law.

### **What is Access to Information?**

Access to information (ATI) is the concept that information held by public or state institutions or private institutions conducting business that impacts the public should be accessible to the public. It may also be referred to as Freedom of Information (FOI) or the Right to Know (RTK). The basis for this accessibility is that all information kept in public institutions belongs to the public. Therefore, the public should be allowed to access such information.

### **Information Belongs to the People**

As a human right, access to information thrives on the notion that information belongs to the people and governments simply hold such information in their name. The perception of one great leader of Africa and the world, actualizes the concept. Former South African President Nelson Mandela's made certain that, during the drafting of the new democratic constitution, access to information was among the first rights to be included. His actions justify the significance of the right to access to information. Mandela understood that it was the lack of information and lack of knowledge that allowed systems such as apartheid to thrive. With information, citizens are better placed to secure all other rights in addition to their democratic rights.

### **Why Must People Care?**

It is sad to note that to some sections of society, especially the poor, are demotivated when it comes to access to information. They think that the recognition of this right will only take place far into the future, and is farfetched. To the contrary, this is a right that allows persons of all walks of

life - regardless of their social status in society - to participate in priority setting and decision making, to hold their government accountable and to assure equal treatment and equal justice.

As a human right, which should be enjoyed by every person in Zambia, governments as duty bearers must recognise the urgent need to improve their economy, to reform the constitution, to strengthen institutions, to modernize the public administration, to fight corruption, and to address any kind of civil unrest. Therefore, they must ensure that all persons have access to information as a way to achieve such objectives among many.

### **Relevance of ATI**

The enactment of access to information law ensures that governments establish record keeping and archiving systems, which serve to make them more efficient and allow them to make better decisions helpful to the citizens based on information. Moreover, it must be noted that greater transparency can help re-establish the diminished trust between Government and its citizens and the inevitability of the access to information in this realm cannot be overemphasized.

### **ATI for Critical Consciousness**

This right to access to information must be integrated into our communities and into Zambian society. For such to be accomplished, there is need to change the culture of secrecy to one of openness, even though it is a difficult task that can take ages. However, the first step would be to raise the community's awareness and to enlighten people about their right to information.

The UDHR stipulates that all human rights must be protected by law. In this regard, some considered progress has been recorded across the globe. It is however worth noting that some countries were already ahead regarding the subject matter way before the UDHR came into being. In many Latin American countries, the constitution provides a right to information. Sweden was the first country in the world to enact pieces of legislation that provides access to information. Legislation was



enacted in 1766 – (the 18th Century). Since then, countries globally have appreciated the inevitability of enacting access to information legislation and over 100 countries have such laws. About thirteen (13) of these countries are on the Africa continent. These include Angola, Conakry, Ethiopia, Guinea, Liberia, Malawi, Nigeria, Niger, Rwanda, South Africa, Tunisia, Uganda and Zimbabwe.

### **Signing International Instruments**

In other countries, which include Zambia, governments have signed international instruments or declarations for a right to information as espoused in the Universal Declaration of Human Rights. The Zambian Government, Article 20 in Part III of its Constitution which is The Bill of Rights: Protection of fundamental rights and freedom of the individual, can be interpreted to provide a right of access to information. The only action that would need to be done to give life to this very critical and fundamental principle and piece of law is for parliament to pass a comprehensive law (an Act of Parliament – called Access to Information Act) that will set out the procedural framework for requesting and receiving the information.

To further justify the significance of the access to information right, one would argue that apart from the right to life, the right of access to information is one of the most important rights. This is because if one is denied the access to information, one would not be aware of many other rights, including the rights to access to information and the right to life itself.

### **Zambia Must Operationalize ATI Legislation**

There is every need that Zambia operationalizes the constitutional provision by ensuring that an Act of Parliament is passed on the Access to Information. In order for this to be attained, acknowledgement must be made of the need for a strong network of stable, effective and professionally managed not-for-profit civil society organizations, individuals and other institutions whose work is primarily orientated towards fundamental human rights, especially the right of access to information. Politicians from successive governments in Zambia

who have seemingly taken the selfish centre stage in the process of ensuring that the ATI does not see the light of day in Zambia must not be allowed in that central/pivotal space if Zambia is to enact this law.

Further, there is a need to demystify the misconception that Access to Information (ATI) legislation is associated with journalists. Whereas Journalists and the media generally have a duty of informing the public, access to information is inexorable for everyone for the justification advanced earlier in the Article.

### **Conclusion**

As a duty-bearer, the government of Zambia has an obligation to make access to information a reality, while the public is entitled to demand that their right is fulfilled. Where no legal channel to do so is available, the challenge of enjoying this right is greatly increased. Thus, the duty-bearer and the rights-holders have a responsibility to play their part in ensuring the enjoyment of access to information. Concerted efforts from the wider civil society and the public can ensure that there will be an ATI law in Zambia, as in other African countries. With the foregoing in mind, one can see that the ATI law is inevitable for Zambia and it must become a reality. As a human right, the ATI is an ingredient which can enhance good political and democratic governance, economic governance and management, corporate governance and socio-economic development.

*Guess Nyirenda*

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**“Information is a basic human right and the fundamental foundation for the formation of democratic institutions.”  
(Nelson Mandela)**  
.....

# THE PUBLIC ORDER ACT REVIEW: A PROMISE UNREALISED



## Introduction

Since its inception in 2016, Governance, Elections, Advocacy, Research Services (GEARS) Initiative Zambia has attached greater importance to advocate for legal reforms for purposes of defending, protecting, promoting and strengthening democratic governance and electoral processes in Zambia.

## Laws Guaranteeing Effective Participation

GEARS Initiative is of a strong belief that in a democratic society like ours, it is extremely important to have laws that guarantee democratic, political and civil rights for the effective participation, deliberation, and involvement of the citizens. This democratic participation and involvement of the citizens in the governance processes of the country is key to the achievement and realization of the sustainable development goals (SDGs) and assured civic engagement and responsibility towards national assets.

## A Thorny Piece of Legislation

It is GEARS belief that the Public Order Act of the 1950s, in its current form, is archaic and therefore a misfit in the current political and democratic dispensation. It has been one of the more troubling pieces of legislation in force, especially after the country reverted to multiparty democracy in 1991. The Act is inimical to the realization of democratic governance in Zambia. This is so because, apart from being selective and impacted by a colonial mentality in the drafting of its provisions, the Act provides deterrents to effective citizens' participation and involvement in public processes and affairs. It curtails citizens' enjoyment of their fundamental constitutional rights and freedoms of expression, association, movement, and assembly, staging protests, demonstration and processions.

For a generation now, the call for the repeal and replacement of this law has been constantly echoed to successive governments, including the new

dawn government. But to date, only promissory notes have been delivered. Previous regimes tried to make cosmetic amendments, mostly triggered by court decisions.

### Political Will: Deriving a Thrust from the Bill of Rights

Efforts to repeal and replace the Act in 2019 merely resulted in the drafting of a Bill (2019), which was later withdrawn from the National Assembly. This was due to the fact that the Bill could only be repealed and replaced after the Constitutional amendment. The failure to pass the Constitutional Amendment Bill No. 10 of 2019 completely shattered any ray of hope in the PF regime to repeal and replace the Act. However, this was not the real reason for failure to enact a new law – the true cause was poor political will. This is so because the Act derives its thrust from the Bill of Rights which was not the subject of review under Bill 10. Therefore, the repeal of the public order Act is long overdue.

GEARS Initiative is, however, hopeful that the New Dawn Government ushered into office on August 12, 2021 and whose members and leaders were on the receiving end in the implementation and enforcement of this Act while in opposition, will not fall into the narrative that the Act is good the maintenance of public order in its current form and avoid or delay its repeal and replacement as this will be a betrayal of people's trust and thereby courting political suicide. This is because those who refused to review this Act in the past, and are now in opposition, are feeling the negative effects of this law on their political activities and are crying foul.

### A Challenge Cited by Opposition Political Parties

In its manifesto (2021-2026), the UPND recognized the main challenge concerning the Act, citing the provisions of section 5(4). This section requires a person who intends to assemble, convene a public meeting, procession or demonstration to give the police at least seven (7) days' notice of that person's intentions. "While the Act only requires giving

police at least 7 days' notice, the application of this law has been to prohibit opposition political parties to hold public meetings", admits the UPND in its manifesto. The UPND further suggested the following reforms of the Act:

In this regard, we are committed to reform the Public Order Act and prevent its abuse, specifically, we commit to provide in the Act the freedom of assembly and the penalties for anyone, including the officers entrusted to enforce the Act if they abuse any provisions therein and give autonomy to the police in the enforcement of the Act.

Therefore, Zambia needs a law directed at public order management, not public order regulation. In other words, it needs legislation that facilitates the enjoyment of citizens' fundamental freedoms of movement, expression, association, and assembly. The country needs a law on public order management that is cognizant of the democratic nature of our societies and of the multiparty nature of our politics. The current Public Order Act is oblivious to the above facts, and favors politicians in power and their associated organizations and citizens. At the same time, the current Act spies on and seeks to prevent citizens and politicians who are perceived to be anti-regime from enjoying their fundamental freedoms and rights.

### A Law Condemned by Political Parties in Opposition



Disappointingly, some political parties (namely UNIP, MMD, and PF) condemned this law and its provisions while in opposition – but entertained and praised it when ushered into government. It is our prayer that the UPND government will not be like those other previous governments by abrogating from its campaign promise concerning the review



of this Act. So far, the New Dawn government has shown discretion in the enforcement of this law as citizens and political opponents can now freely demonstrate without being denied police permits/notifications and are never tear-gassed or dispersed violently by police as was in the past.

However, we are not asking for discretion or favours when we demand for the review of the Act but for an enabling legislation that transcends political generations. We cannot continue to depend on the discretion of the political leadership of the day in the enforcement of this Act as this has been found to be a risk undertaking as this political discretion can be abandoned and abused when a brutal regime is ushered into the political office under the current legal regime.

### **Walking the Campaign Talk**

Slightly over twelve months have passed out of the five year electoral mandate given to the UPND. It is time for the New Dawn Government to walk the campaign talk on the review of the Public Order Act and honour those who suffered harassment and injuries (including death) at the hands of the enforcement and selective application of this legislation. It is for this government to listen to itself as well as to the voice of Civil Society Organisations, NGOs, the Church, Media, FBOs, human rights defenders and individual activists who have been consistently calling for the repeal and replacement of this Act.

### **Conclusion**

It is for this reason that GEARS Initiative, in collaboration with National Democratic Institute for International Affairs (NDI), is currently spearheading advocacy around the Public Order Act. Through stakeholders' consultative meetings aimed at identifying the gaps or inimical provisions in this Act and at understanding the challenges being faced in its implementation and application, it is hoped that a draft Bill will be developed and shared with the relevant ministries. In fact, a draft Bill is already drafted, but it is yet to be shared with the relevant ministries.

These meetings draw participation from government authorities, law enforcers, legal experts, CSOs, activists and media so that, together, we can brainstorm and find the way forward. We need to get "the Hope and the Help" from the New Dawn government promised by the UPND during campaigns on the review of this archaic Act.

*McDonald Chipenzi  
Executive Director – GEARS Initiative  
Lusaka-Zambia*

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**"In matters of truth and justice, there is no difference between large and small problems, for issues concerning the treatment of people are all the same."**

**(Albert Einstein)**

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# MECHANISMS OF PRUDENT DEBT MANAGEMENT AND ACCOUNTABILITY: ACCESS TO INFORMATION BILL AND THE PUBLIC DEBT GRANTS AND GUARANTEES AUTHORISATION BILL



## Introduction

Zambia's unsustainable external debt of \$17.3 billion has been a major concern to the local and international creditor community as well as the general citizenry. The repayment obligations attached to it have come at the expense of constrained spending in other critical areas of the economy such as education and health and other social sector spending. In November 2020, Zambia became the first African nation to default on its sovereign debt in the COVID-19 era. This was almost inevitable as the country had been flagged as a default risk by the International Monetary Fund (IMF) for some time due to the rapid accumulation of debt and the budget deficits incurred.

## Secrecy on the Debt Owed to China

While Zambia is still in the process of trying to restructure \$17.3 billion of its external debt, other notable concerns advanced include the opacity and secrecy around the terms of debt owed to China whose contraction terms are not publicly known. This is further compounded by the lack of

transparency around the terms of the International Monetary Fund (IMF) - Staff Level Agreement (SLA) that Zambia negotiated during 2021-2022, which agreement was meant to support Zambia's debt restructuring and thereby create more fiscal space to allow critical social sector spending.

## Needed Legislation Governing the Acquisition of National Debt

Given the much-needed space for a sustainable debt trajectory, there is a need for the legislation governing the acquisition of debt to be reviewed. Consequently, it is imperative that the Government expedites the enacting of the Public Debt, Grants and Guarantees Bill, 2021 which will repeal

and replace the Loans, Grants and Guarantees (Authorisation) Act Cap 366 of 1969. This will provide the much-needed oversight in debt contraction. Concurrently, this has underscored the need for the enactment of the Access to Information (ATI) Bill, as this is another piece of legislation that is critical to the strengthening of institutional mechanisms and would ensure

parliamentary oversight over debt contraction, transparency, and accountability. Ultimately, the enactment and amendment of both bills will aid in pushing the agenda for a more effective and prudent debt management that reflects best practices and will largely be beneficial in helping to recover the ailing economy and getting Zambia back onto a sustainable growth trajectory.

### **Strengthening the Proposed Public Debt, Grants and Guarantees Authorisation Bill**

Henceforth, the proposed Public Debt Grants and Guarantees Authorisation Bill (2022) would be strengthened if the following were considered for inclusion into the new law. Notably;

- a. Establishment of the Public Debt Management Authority to oversee the contraction of public debt through loans, guarantees and other forms of agreements.
- b. The necessity to seek the approval of the National Assembly in the contraction of public debt, as well as its approval for contracts involving Private Public Partnerships.
- c. The disclosure, auditing and publication of all debt and all material facts related thereto.
- d. The setting of upper limits on how much public debt and guarantees can be contracted in a financial year, and
- e. The setting up of a framework for the consultation of CSOs in the debt management process from the onset.

With these inclusions, the law will align parliamentary oversight in debt contraction, increase transparency and accountability and develop borrowing plans before contracting debt. This will strengthen the debt management policy framework and will be reflective of the global best practices in prudent debt management.

### **The Access to Information Legislation**

Making Access to Information a reality has been an ongoing journey since 1990, when the Movement for Multiparty Democracy (MMD) called for the enactment of the law to increase media freedom and to promote freedom of information. Despite the recognition of its importance, its enactment

has been continuously impeded and the law has never gotten past the first reading in the National Assembly: namely, first in 2002, then in 2013 and finally in 2018 when the Bills were drafted.

The importance of this law and its overarching importance in the fight for better regulation of Public Debt, inclusive leadership, improved lives of the vulnerable and marginalised, and all Zambians in general, cannot be overstated. Therefore the lifting of unnecessary restrictions on the access to information calls for a concerted effort to have this bill enacted in to law.

### **ATI Protecting Maximum Disclosure**

Freedom of information globally is premised on several key principles. Foremost among them is the principle of maximum disclosure. Therefore it is crucial that the draft Access to Information Bill needs to protect the maximal disclosure of information to the public. This central principle is closely followed by the principles of limiting exceptions, the reduction of cost, the simplification of procedure, the shortening of disclosure times, the periodic release of information by public bodies and the protection of whistle-blowers.

Should these principles be expressed and followed in the draft legislation, the chances of passing a law that is fit for purpose are high. While it may appear that such a law will strip public officials of all protection and privacy, there is a three-part test that serves as a safety measure:

1. Is there a legitimate claim?
2. Is there substantial harm?
3. Is it in public interest?

These are the only questions that should be asked and the only concerns that should be raised whenever a member of the public demands for information. Having outlined these principles, in the spirit of ensuring that the provisions of the draft Access to Information Bill of 2021 is strengthened, the following concerns should be considered and addressed:

1. The introduction of an exception clause in Section 3 of the draft Bill has the potential to weaken the legislation. The reinstatement of Section 4 of the Freedom of Information Bill 2002 could address this. Section 4 places the Access to Information law above all other statutes, and only inferior to the Constitution.
2. In light of what we have stated above, the current section 4 of the draft Bill should be deleted and replaced with Section 4 of the 2002 Freedom of Information Bill, for the same reasons.
3. Section 8 of the draft Bill outlines the functions of the Access to Information Commission (the Commission). The drafters have left out the function of review concerning the decisions of public bodies not to disclose information. This weakens the power of the Commission. Powers of review of decisions made by public bodies are inherent to any Commission globally, and create necessary oversight on the actions of public servants. Therefore, the replacing of Section 8 with Section 7 of the 2002 Freedom of Information Bill can be recommended, as Section 7 covers oversight aspects in a comprehensive manner.
4. According to Section 9 of the draft Bill, the composition of the Commission includes the Attorney General, and the chairperson is appointed by the Minister of Information. However, it is important that the Executive must have no role whatsoever in controlling the access of information available to the public. Therefore it becomes imperative to replace Section 9 of the draft Bill with Section 8 of the 2002 Freedom of Information Bill, making sure that the membership of the Commission includes a representative from civil society and faith-based organisations.
5. Section 14 of the draft Bill states that information, the disclosure of which may frustrate the success of government policy due to premature publication or which would frustrate the audit of a public body, cannot be released. This section must be expunged in its entirety as this creates an outrageous limitation on access to information and the proactive publication of information by public bodies.
6. The draft Bill makes the release of information to be contingent on the provisions of other legislation. However, the limitations to access should be governed by the globally recognized three-part test: legitimate aim, substantial harm and public interest. This will lead to maximum disclosure. Allowing other statutes to control information is as good as not having an access to information law altogether. In this regard, the provisions of Section 10 of the 2002 Freedom of Information Bill can constitute a guide to the necessary amendments to the current draft Bill.

### Conclusion

If the public were to have access to information, they would be better able to hold the government accountable, thereby ensuring transparency as well as the prudent use of public resources. In order to make this a reality, the aforementioned bills need to be enacted into law. However, it is important to note that the current efforts in areas of advocacy and policy influence will be rendered futile if the loopholes noted in the draft bills are left undressed. Therefore, CUTS and other concerned CSOs call upon the involvement of all stakeholders and interested parties (especially the youth and media alike) to firmly rally behind the call to have the bills enacted with these loopholes closed. If the government enacts a comprehensive access to information legislation, with these concerns addressed, this law should stand the test of time and will constitute the bedrock for providing the necessary checks and balances of Public Office bearers.

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**“The world is governed by institutions that are not democratic - the World Bank, the IMF, the WTO.”**  
**(Jose Saramago)**

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# ENHANCING CITIZEN PARTICIPATION IN THE CONSTITUENCY DEVELOPMENT FUND (CDF) AND IN NATIONAL PLANNING AND BUDGETING PROCESS

## Introduction

Citizen participation is the involvement of citizens in public decision-making. Citizen participation is the bedrock of a democracy. In a democratic society, it is expected that citizens are actively involved in their own governance and that such participation is based on an informed and critical reflection of political and civic issues (Branson & Quigley, 1998). In this context, the term 'citizen' is used to refer to individuals or organizations representing the interests of individuals in society. In the case of Zambia, citizens would include individuals, as well as organizations such as area development committees, trade unions, lobby groups, and civil society groups.

The importance of citizen participation has been widely documented. Citizen participation enhances ownership of the development agenda by the community, it improves selection and targeting of interventions, enhances transparency and accountability, deepens trust in institutions, and helps to build different capacities in citizens. Such capacities include increased knowledge, authority, power, and problem-solving ability. In this article, we seek to discuss various ways in which citizen participation can be strengthened, especially against the backdrop of increased funding to the constituencies through the expanded Constituency Development Fund (CDF). The discussion is based on empirical literature from Zambia and other countries.

## Why We Need Increased Citizen Participation in Zambia

The need for enhanced citizen participation stems from increased government efforts to actualize its decentralization programme. With enhanced decentralization, more financial resources have been budgeted for spending in the constituencies under the CDF. This entails that more development

projects will be planned for at constituency level as opposed to the center.

Initial efforts to decentralize local government in Zambia can be traced as far back as 1968. The second attempt was in 1980. Unfortunately, both attempts at decentralizing did not succeed. After the two failed attempts, efforts at decentralization were again revived in 1993 as part of the Public Sector Reform Programme (PSRP). The renewed efforts, however, were not robust enough to even produce the required decentralization policy. It took another ten years before a new decentralization policy could be launched in 2004. However, even after the new policy was launched, actual implementation remained sluggish. The expansion of the CDF has therefore pumped some life into the government's decentralization effort. More funds entail that more development activities will be planned for and executed at constituency level.

Increased decentralization requires increased community participation in the planning and execution of development projects. Without an increase in citizen participation, projects and activities will be implemented which do not reflect the needs of the community. In addition, limited citizen participation exposes the development process at constituency level to abuse by elites in the civil service, as well as in the business community. Unfortunately, limited citizen participation has in the past characterized the decentralization process in Zambia (MoLGH, 2006). It is hoped that the aloofness among citizens can be resolved to optimize benefits from the enhanced CDF.

**"Citizen participation enhances ownership of the development agenda by the community, it improves selection and targeting of interventions, enhances transparency and accountability, deepens trust in institutions, and helps to build different capacities in citizens."**



# BARRIERS TO CITIZEN PARTICIPATION IN DECISION-MAKING



Differences in Social and Economic Status



Limited Goodwill from Technocrats and Politicians



Biased Facilitation



Lack of Awareness and Limited Civic Skills



Exclusive Public Participation Framework



High Levels of Deprivation



Lack of Management Capacity



Lack of Transparency

As is the case with any social problem, the first step in designing strategies to enhance citizen participation lies in the identification of the causes of the observed aloofness among citizens. A number of empirical studies have been done, both in Zambia and elsewhere, to explain the participation of citizens in decision making. A review of such studies gives a highlight of the major factors inhibiting community participation. Based on these studies, the main inhibitors of participation include the following:

## *i. Differences in social economic status*

While it is desirable that more people in the constituencies participate in decision making to render legitimacy to decisions and plans, inequality in social economic status excludes some sections of society from participating. Empirical studies for instance have shown that people with higher income and education participate more than those in the low-income category (Baum, 2015 and Mpolomoka et al., 2018). Wealth and education provide one with more capacity and confidence to participate. But participants often do not represent a wide range of groups, interests, or perspectives, and higher income participants typically exercise more power over decisions than do lower income participants.

## *ii. Limited goodwill from technocrats and politicians*

While the decentralization policy declares public participation “open” to citizens and other non-state actors, the extent to which citizens are allowed into the planning cycle depends on the personal goodwill of the concerned technocrats or politicians. Due to fear of the loss of power, some technocrats and politicians have failed to divorce from the culture of central planning. This has perpetuated the top-down planning approach. Consequently, even when decentralization is marketed, the general population tends to be slow in giving the right response to the dynamics of community participation (Mpolomoka et al., 2018).

Limited financial incentive. In Zambia, structures have been put in place to facilitate community participation in decision-making. At ward level for instance, there is what is called a Ward Development Committee (WDC). At constituency level and with regards to the development fund, a Constituency Development Fund Committee (CDFC) has been set up. However, membership to such committees is usually done on voluntary basis with no direct monetary benefit to participants. This tends to discourage participation (Kilewo and Frumence,

2015; Phiri, 2015 and Mpolomoka et al., 2018).

### *iii. Bias in facilitation*

There is a bias in the amount of facilitation between the national level and the sub-national level. In most cases, public participation is much more facilitated at the national level. This makes it difficult for those located in outlying rural areas to participate and influence public policy. In most cases only a few NGOs, business entities and traditional leaders are regularly involved in decision making. In most instances civil society and business actors participate by giving feedback to a proposed position. In other words, participation is reactive rather than proactive (Munyinda and Haabasonda, 2013).

### *iv. Exclusive public participation framework*

The formal public participation framework has not mainstreamed gender, people with disabilities, and other vulnerable groups. Gender is only accommodated at higher level organs and in committees such as the Sector Advisory Groups and District Development Coordinating Committees, while other vulnerable groups are not accommodated. Inclusion of women and other vulnerable groups are yet to be mandatory considerations in the public participation framework in Zambia (Munyinda and Haabasonda, 2013).

### *v. High levels of deprivation*

The high poverty level in the country means that the majority of citizens have inadequate access to basic social and economic services to live dignified lives. People have seen subsequent governments come and go without substantially improving their social-economic conditions. Their disappointment has festered into cynicism and they no longer have faith in government's ability to change their fortunes. Ultimately, they do not see the need to participate in any developmental programmes (Mpolomoka et al., 2018).

### *vi. Lack of transparency with regards to procedures and resource allocation*

In some instances, the community or its

representatives do not adequately understand the procedures associated with administration and resource allocation. This could be a result of deliberate efforts by the technocrats to retain their hold on resources, or a result of a limited capacity among community representatives. Whatever the case, the lack of transparency affects the commitment level of local people to participate in different activities. In Bangladesh and Kenya, lack of transparency in decision-making and management of resources led to the committees dissolving and compromised the trust necessary for villagers to work together successfully (Meja and Geta, 2017).

### *vii. Lack of awareness and limited civic skills*

For people to participate in something, they need to have some level of information about it. They also need to have some civic skills. Lack of awareness and civic skills coupled with poor communication can be a big hindrance to participation. Besides the lack of awareness, there have been incidences where community representatives do not adequately understand their roles and responsibilities. This again leads to sub-optimal level of participation.

### *viii. Lack of management capacity*

It is not uncommon to have community representatives with a very humble educational attainment and with no experience with managing a committee. Lack of management capacity of members affects the quality and effectiveness of participation (Kilewo and Frumence, 2015).

### *How to Enhance Citizen Participation in CDF Use*

In order to succeed in enhancing citizens' participation in planning for the expanded CDF, strategies should be designed to address the bottlenecks identified in the preceding section. However, given the multiplicity of identified bottlenecks, capacity constraints may inhibit efforts aimed at addressing all the bottlenecks at once. It is therefore important that strategies which promise the largest impact but costing less in relative terms, are prioritized. Additionally, strategies can be segmented into long-term and short-term solutions to help in designing interventions.

Short-term solutions in this case implies those interventions which can easily be implemented within a span of one year. They require very minimal additional investment to achieve desired results.

The table below provides a summary of bottlenecks which government can focus on in the short run. Possible solutions to these bottlenecks are provided in the third column of the solutions matrix below:

**Table 1: Bottlenecks and Solutions in the Short-run**

|   | <i><b>Bottleneck</b></i>   | <i><b>Possible Solutions</b></i>   |
|---|--|--|
| 1 | Limited goodwill from technocrats and politicians.                       | Performance incentives can be introduced where the degree of decentralization and community participation can be used as means for accessing funding. Performance-based financing has been used before in the health sector to improve health facility performance.  |
| 2 | Exclusive public participation framework.                                | The public participation framework should be modified to make it more inclusive of groups that have suffered marginalization in the past. The allocation of CDF in the 2022 budget has partially addressed this by earmarking some funds for marginalized groups e.g., some allocations have been made specifically for empowerment of youths and women.                             |
| 3 | Lack of transparency with regards to procedures and resource allocation. | Transparency with regards to procedures can be enhanced by making the publication of procedures one of the performance indicators which can be used even in the allocation of CDF in subsequent years.   |
| 4 | Lack of awareness and limited civic skills                               | The means of communication and information sharing can be upgraded to reach more people. Each constituency should be innovative in their design of awareness intervention campaigns. For example, informal channels like social media can be harnessed to relay information especially to the youths. Civic knowledge and skills can also be enhanced through the school curriculum. |
| 5 | Lack of management capacity.   | Seminars can be organized every time there is change of leadership in CDFCs to impart some knowledge in new management. Exchange programs between constituencies should be encouraged for learning purposes.   |

Unlike short-term solutions, which can be implemented in a short period without requiring much additional resources, long-term solutions are interventions whose results take time to materializes. Long-term solutions may also require substantial additional resources and financing. The bottlenecks which require long-term solutions are highlighted in the matrix below, and the possible solutions are discussed in the third column.

**Table 2: Bottlenecks and Solutions in the Long-run**

|   | <i>Bottleneck</i>                      | <i>Possible Solutions</i>   |
|---|--|---|
| 1 | Differences in social economic status. | For a reduction in social and economic inequality in the country, there has to be sustainable growth in the economy, accompanied by reduced joblessness. There also has to be policies which improve distributive justice to ensure that no one is left behind when the economy prospers. |
| 2 | High levels of deprivation.            |   |
| 3 | Limited financial incentive.           | In the long-run, additional resources will have to be found to provide incentives to participants, especially people elected to CDFCs.  |
| 4 | Bias in facilitation.                  | Organizations, especially Civil Society Organizations, which facilitate and lobby for increased participation should be encouraged to roll-out their activities to the rural and remote parts of the country so that the culture of participation can be enhanced.                        |

### Conclusion

Enhancing citizen's participation in planning, budgeting and use of CDF is vital to the success of the decentralization programme. However, participation will remain elusive as long as the various bottlenecks to participation remain unresolved. Several bottlenecks exist and these include capacity constraints, lethargy among implementors and technocrats, limited motivation, loss of confidence among beneficiaries, geographical bias among facilitators, ignorance, high levels of deprivation, limited transparency, social and economic inequality, and inadequacy in the public participation framework. Obviously, these bottlenecks cannot be resolved all at once. There is a need to focus on the bottlenecks whose solutions are low cost but potentially of high impact. Strategies which can be implemented in the short-run should also be prioritized. These include refining the public participation framework to make it more inclusive, information dissemination, incentivizing transparency and goodwill among implementors. These can easily be implemented in the short-run with minimal incremental costs.

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# CHALLENGES TO THE PROMOTION OF AN ACTIVE CITIZEN PARTICIPATION IN THE CONSTITUENCY DEVELOPMENT FUND (CDF)

## Introduction

The 1991 in Zambia, the Local Government Act gave new impetus to decentralization. It was followed by Cabinet Circular No. 1 of 1995, related to the “Institutional Framework for planning, coordinating and monitoring of development in the districts and provinces.” This introduced the District Development Coordinating Committee (DDCC), Provincial Development Coordinating Committee (PDCC) and the National Development Coordinating Committee. It is important to note that even though the Cabinet Circular does not have the force of law, a failure to comply with its stipulations is as good as failing to obey lawful instructions. There is now the 2019 Local Development Act. Decentralization in the Zambian context is defined as the transfer of responsibilities, authority functions, as well as power and appropriate resources, to provincial, district and sub-district levels. Decentralization in this regard means the transfer of powers from those who govern, as well as the transfer of authority to another position. This process can take different forms such as deconcentration, devolution, delegation, and privatization.

## Decentralisation Linked to Democracy, Accountability and Transparency

It is generally argued that decentralization can lead to more efficient and effective delivery of services. Zambia’s adopted method of decentralization is devolution. This implies that firstly, through devolution of power and authority to lower-level structures, the tenets of democracy, transparency, accountability, good governance, and citizen participation will be upheld. Secondly, some of the government’s structural reforms require that devolution should be a pre-requisite to facilitate democratic governance and delivery of quality and demand driven services to local communities.

The link between decentralization and such central democratic principles as accountability, transparency, good governance and citizen participation is very vital to national development and quality public services provision. It is also important to note that people’s participation in all forms of governance, such as in the budget process, is the linchpin for development. Indeed, the world over, governments are gravitating towards decentralized and people driven development systems. This is because they are more focussed on peoples’ needs, unlike the centralized systems that are driven by technocrats.

## The Role of CDF in Community Development

According to the Centre for International Development, a Constituency Development Fund (CDF) is a policy tool and development initiative whereby public money is dedicated to benefit specific political subdivisions. The fund aims to bypass often-inefficient local structures and deliver goods and services directly to constituencies. If efficiently used, it is argued that the funds can have a significant impact, and to date, over twenty different countries have adopted or are considering adopting CDFs. Proponents of CDF assert that the fund demonstrates key principles of local ownership by enhancing local voices and increasing community participation in decisions affecting them. The CDF in Zambia is intended for micro-community development projects that are visibly beneficial and involve active participation of ordinary community members. Emphasis is placed on achieving benefits at a grassroots level, encouraging the involvement of local communities in both labour and supply of materials for projects. The fund was first introduced in 1995, announced during the opening of the Fourth Session of the Seventh National Assembly.

## **Political Willingness to Implement Decentralisation**

The Government has shown willingness to ensure decentralization is fully implemented during its mandate by increasing the CDF. The United Party for National Development (UPND) 2021 general election states that the UPND government commits to reform public service by decentralizing it, pushing service delivery down to the local level with a significantly increased CDF and by providing an enormous scope for community action in holding local government service providers accountable. In this regard, on Friday 29th October 2021, the Minister of Finance Hon. Dr. Situmbeko presented the proposed 2022 national budget to Parliament under the theme “Growth, jobs and taking development closer to the people.” In this budget, the Minister made several pronouncements. One intervention that has drawn interest, commendation and criticism is the over 1,609 percent increase to the Constituency Development Fund (CDF) from K249.6million in 2021 to K4.01billion in 2022. This translates to an increase from ZMW 1.6 million to ZMW25.7 per each constituency. The government further commits to register 100 percent disbursement of the CDF to all the constituencies. This is in a bid to enhance social service delivery and citizen empowerment, especially among youths and women. Therefore, the 2022 budget has actualized the final process of decentralization by ensuring resources through CDF are increased. This will enable communities to identify their development priorities, to make budgets, and to undertake development programs according to their development needs.

## **Citizen Participation in the Constituency Development Fund (CDF)**



The CDF guidelines provide for community participation in the identification, implementation and monitoring of CDF-funded projects. These funds are required to meet the immediate social needs of local communities by allowing them to participate in the process by identifying, implementing and monitoring the infrastructural projects to be implemented in their own communities. However, concerns have been raised about community participation in identification, implementation and monitoring of projects funded under the CDF. A core objective of the CDF is to finance projects that address the needs and preferences of the community and that promote local development and welfare. However, in practice, community participation is often merely consultative in nature and only takes place in the very early stages of the CDF cycle or in project implementation. By contrast, CDF committees, and especially the constituency Member of Parliament (MP), tend to retain a disproportionate influence over the selection and prioritization of projects.

## **Misaligned Projects from Local Priorities**

The lack of cross-cutting and substantive community contribution to CDF processes has sometimes resulted in the realization of projects that were highly misaligned from local priorities and needs and that ended up being left unused. Poor local participation is driven by multiple factors: namely a limited awareness of CDF processes in detail and of the opportunities it offers for citizens' engagement, insufficient dissemination, illiteracy, a lack of technical skills, and poverty. Structural elements of the CDF also play a significant role in this. Over half of all CDF committee members are appointed directly by MPs or local Councillors, the Committee's ability to adequately represent and advocate for the preferences of local communities is likely to be diminished.

## **Conclusion and Recommendations**

While the CDF Act of 2020 provides workable guidelines in the management of CDF, in practice, several challenges linger. There remain several issues that need to be made clear such as the following:

1. Capacity of the local governance structures (WDC) - do these structures exist in all the constituencies and do they have the capacity to handle such huge increase in the CDF allocation? The WDC guidelines provide for the establishment of the WDC by all the local authorities two months after every general election. However, there has been little or no financial allocation to the councils to undertake such activities despite most Local Authorities budgeting for formation of the WDCs in past. This resulted in most Local Authorities failing to form WDCs. The process of the formation of the WDCs is quite tedious, consuming time and financial resources. This is especially so since the rainy season has commenced and most wards in most parts of the country have become inaccessible. The government needs to ensure that all WDC are established, functional and have the capacity to manage the CDF funds and development project in the area before any disbursement of CDF is made.
2. Acknowledging that the current guidelines of the CDF were sufficient for the past commitments, there is need to ensure that the current pronouncement also takes into consideration the disbursement, utilization and monitoring of the CDF and also ensures that the government avails the disbursement plans to the nation at large in effort to enhance transparency and accountability in the management of CDF.
3. The undue influence of local authority officials and members of Parliament in the management and administration of CDF must be managed. In the past, communities' priorities were sidelined over local authorities' priorities.
4. Lastly, the late, inadequate and inconsistent release of the CDF allocation by Central Government to constituencies has in the past negatively affected the implementation of new projects or the completion of already existing incomplete projects.

The following considerations are important to identify a way of making CDF a success in Zambia:

1. The CDF Guidelines should be strengthened so as to mitigate against the risk of individuals or elected representatives' prioritization of projects using their positions of influence.
2. There is an urgent need to establish and strengthen local and sub-governance structures such as the WDCs and CDF management committees. Local authorities also need to prioritize the formation and full orientation of the WDCs as provided for in the 2021 WDC guidelines as they are key in the submission of ward development plans and priorities.
3. There is need to harmonize and align various policies, regulations and procedures as CDF will be an integral component of the country's development agenda.
4. There is need to review the local Government expenditure and procurement rules and regulations as a means of enhancing transparency and accountability in the expenditure and procurement of the CDF.
5. It should be emphasised that the CDF should be prioritized within the local communities needs and aligned to the Integrated Development Plans (IDPS). The CDF amounts should be adequate considering the size of the wards, constituency and population among others.
6. The Ministry of Local Government needs to prioritise the raising of awareness on the CDF, targeting both rights holders and duty bearers.
7. Ensure timely and non-discriminative (all constituencies) disbursement of the CDF allocation.
8. Enhanced transparency and accountability measures in CDF utilisation and corrective and punitive action for anyone found wanting.

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# AN ANALYSIS OF ZAMBIAN PRESIDENTS AND THEIR ACTIVISM TOWARDS PERSONS WITH DISABILITIES, 1964 – 2022

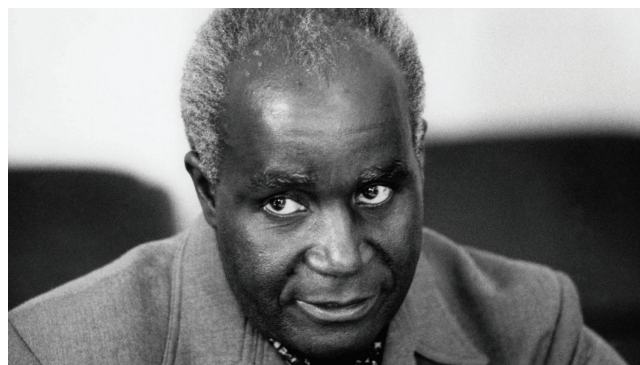
## Introduction

This paper was written days before the 3rd December 2021, the International Day for Persons with Disabilities. The genesis of special education practice and advocacy dates as far back as the time of the Education for All Handicapped Children Act (EAHCA) in 1975. Yet in Zambia, we trace it as far back as 1905. Another series of landmarks would be the 1977 Education Reforms that were put in place to support special schools funded by the Zambian Government. Four years later, in the 1980s, special education was situated under the Ministry of General Education and special schools were established around the country. Sixteen years later (1996), Zambia implemented the Inclusive Education Policy for the first time. This policy background to special education in Zambia should give us a glimpse of the foundation on which Presidents of the Republic of Zambia built their activism.

This is a reflective paper on the Presidents of the Republic of Zambia and the role they played (and are playing) in advocating for the human rights and education of individuals with disabilities. Persons with Disabilities (PWDs) in Zambia have passed through thick and thin to reach this far. Each President in Zambia has dealt with PWDs differently from previous presidents. This has created challenges to PWDs, due to a lack of continuity and consistent treatment. We have put together the historical treatment of PWDs, from Kaunda to date, to educate the citizenry and to be able to recall our history as a Zambian people.

## Kaunda and the United National Independence Party (UNIP)

The UNIP came into being in 1964 after the colonial government released power to Africans. Under the colonial government, issues of Persons with Disabilities were attended to by missionaries only.



Therefore, Kaunda had to face reality concerning how to handle PWDs, knowing that missionaries were leaving the country.

Under the International Labour Organisation, Kang'onga and Kambowa were created to host PWDs. However, Kaunda wanted to do something else for the good of PWDs. Instead of keeping the PWDs in institutionalized places like Kang'onga, he saw a need to foster the wellbeing of PWDs. As a result, in 1968, the Zambian parliament enacted the Zambia Council for the Handicapped Act. The Act established an organization that looked after the welfare of PWDs in the country. The organization also advised government on how to handle PWDs.

President Kaunda supported the Zambia Council for the Handicapped by providing grants regularly. In 1971, the President also took a bold step by building a college to train teachers for learners with disabilities, then called the Lusaka College for Teachers of the Handicapped. Today, the college has been renamed the Zambia Institute for Special Education (ZAMISE).

In order to ensure that PWDs were involved and that they participated in the economy of the country, President Kaunda created sheltered employment. For instance, there was a deliberate policy that telephone operating or switchboard



work was taken up by the blind, as well as by some PWDs with physical disabilities.

President Kaunda ensured that education for PWDs was free. Even after the introduction of school fees in 1986, he refused to introduce fees for learners with disabilities. Furthermore, under the Zambia Council for the Handicapped, disability cards were issued. These cards played an important role in the transport system. PWDs did not pay full fares for any public transport system in place then, such as buses and trains.

In addition, it is heartening to note that President Kaunda appointed persons with disabilities to occupy political office. For instance, Lazarus Tembo rose to the position of Deputy Minister of State and Culture. During elections, he also adopted PWDs to contest elections at various levels. This saw the appearance of Mr. Koloweka of Nyimba on the political scene.

Notwithstanding the aforementioned steady and progressive disability activism, the only challenge was that these were achieved out of the President's good will. He did not enact laws to protect the welfare of PWDs. Therefore, when he left, he went away with all the goodness he had towards PWDs.

### **FTJ Chiluba and the Movement for Multiparty Democracy (MMD)**



President Chiluba came into office in 1991, after winning 85% of the votes cast during the elections in November. His rule saw the degradation of PWDs. Despite having a brother who was blind, President Chiluba did not care about PWDs.

It was during President Chiluba's rule that the Structural Adjustment Programme (SAP), nicknamed 'Satana Ali Pano', was implemented. SAP demanded that companies be privatized or liquidated, and subsidies from the social sector be removed. This meant that the government aimed to establish a liberal economy.

Implementing these policies and ideologies led to a lot of people losing their jobs, including PWDs. Suffice to say, there was no social protection given to PWDs. As a result of this approach, the Zambia Council for the Handicapped could not exist. There was a push to establish an organization that would merely oversee the welfare of PWDs, one which would not only foster their employment but also provide their employment. Reassuringly, in 1996, the government passed the Zambia Agency for Persons with Disabilities (ZAPD) Act No. 33. This Act led to the establishment of ZAPD. However, this organisation was eventually criticised and labelled as having reduced powers over disability issues.

In the years that followed, apparently things became so bad for PWDs that the majority were out of employment and started begging on the streets. Many became street adults. Some died out of frustration, depression, starvation and illness. In 1997, a group of PWDs gathered together and marched to State House to air their grievances. Unfortunately, they were tear-gassed. Disappointed and injured, they scampered without being attended to. President Chiluba therefore left a legacy that saw PWDs in great torment and his rule saw the birth of most of the sufferings that are endured by PWDs to date. His reign is considered to be a wasted decade by PWDs.

### **Levy Mwanawasa and Rupiah Banda under the MMD**

Mwanawasa took over office from President Chiluba in 2001. He really did not have an agenda for PWDs. Yet, the decade from 2000 to 2011 had the strongest disability movement.



### Michael Chilufya Sata and Edgar Chagwa Lungu under the Patriotic Front (PF)

During the reign of President Mwanawasa, there were a number of organisations that came on board to support PWDs. A lot of advocacy work was done. As a result, Mwanawasa reintroduced the Food Security Pack for PWDs, as well as providing the Farm Support Programme under the Ministry of Community Development and Social Services. During the establishment of the Constitutional Review Committee (CRC), PWDs complained that no person with a disability had been appointed on the committee. President Mwanawasa, in consultation with disability organizations, appointed Chola Kafwambulula to sit on the Constitutional Review Committee (CRC). This was done to ensure that the voices of PWDs were captured in the Constitution.

The appointment of Chola Kafwambulula to sit on the Constitutional Review Committee was unprecedented. Despite this appointment, the 1996 Constitution was silent on the rights of the PWDs except for Article 23:1 which mentioned disability. However, it must be noted that President Mwanawasa captured disability issues in the Fifth National Development Plan. He also spearheaded the signing of the Convention on the Rights of Persons with Disabilities (CRPD) in 2006.

After the death of President Mwanawasa in 2008, President Rupia Banda took over and propelled his government to ratify the Convention on the Rights of Persons with Disabilities (CRPD). It was during the rule of President Rupia Banda that the Social Cash Transfer (SCT) was actualized. Though it benefitted few persons with disabilities at that time, it has grown over the years. What is disheartening is that there was no PWD who was appointed to serve in any high position except Mr. Kafwambulula on the CRC.

Sata promised PWDs that after being elected, he would enact a law befitting PWDs. When he won the presidential elections in 2011, he tasked parliament to enact some law on disability. Though President Sata was unpredictable and could change his mind at anytime, he allowed the process of domesticating the CRPD, then scheduled to be concluded in July 2012. Just to demonstrate how unpredictable President Sata could be, he said before the elections that within 90 days of being elected President, he would give the Zambian people 'a people driven constitution'. He is on record that after becoming President, Michael Sata changed his mind on the constitution and asked the people of Zambia calling for the enactment of the constitution if there were going to eat the constitution. Notwithstanding his position on the constitution, surprised many by proceeding to enact the disability laws.



President Sata's reign was short lived and he died in October, 2014. Edgar C. Lungu took over the office. As President, he prevailed over the Ministry of Community Development to come up with the National Disability Policy that would actualize the Disability Act. He also ratified the Constitution on 5th January, 2016. At least the Constitution shares a number of articles on disability. He also championed most of the Acts that passed through Parliament to include issues of disability. For instance, the Employment Act, the Electoral Commission of Zambia Act, the Zambia Information Communication Technology Act. It was also during President Edgar Lungu's reign that the Social Cash Transfer blossomed, capturing 10% of persons with disabilities' households.

In the year 2020, Bill 10 was brought to Parliament. One of the more progressive aspects of this Bill was disability representation in Parliament. Unfortunately, the Bill did not sail through. It would have provided a golden opportunity for PWDs to have representation in Parliament. We contend that the disability representation should have been brought as a separate Bill instead of lumping it together with other issues. Because President Lungu had learnt to include PWDs, he and his party embraced six persons with disabilities during the adoption process to contest as councillors and members of parliament.

### **Hakainde Hichilema under the United Party for National Development (UPND)**



In the 2022 budget, disability is one of the considerations for scholarships for education, with a total of Five Million Kwacha (K5m) to be awarded at ward level. In addition, there is on record another disbursement of Five Million Kwacha (K5m) awarded as the Youth and Women Empowerment Fund per constituency. So far, we are seeing an energised addition and decentralisation of disability inclusion work under the UPND's New Dawn Government. Noteworthy too is the recognition of Mr Elijah Ngwale, a Goodwill Ambassador for PWDs during the 2022 Independence Day Celebration under the New Dawn Administration and the resumption of consistent funding to institutions serving persons with disabilities.

### **Way Forward**

Zambia has good legal instruments on PWDs, but they lack details and enforcement mechanisms. This poses a challenge to implementation.

There is need to have statutory instruments to reinforce them. What is more is that there is a need to conduct a political audit of all political parties to see how inclusive they are. Suffice to say, many brag that they are inclusive, meanwhile they are empty political platitudes.

### **Conclusion**

Zambia is observing steady progress in advocacy on disability education, as is evident from the activism of presidents dating as far back as the first republican president. It is undoubtedly plausible to conclude that we have the laws now. Successive governments should simply actualize the laws that have been put in place. The current government has been in office for over 12 months now, but we are yet to see more of what they have in stock for PWDs.

When we talk about persons with disabilities speaking for other PWDs, we mean those persons who have developed a disability mindset and who have become disability activists. There are many people who have visible disabilities. But, they are not ready to speak for other persons with disabilities. Even in parliament, there are people who have appeared with disabilities, but who have not spoken for disability. We need a disability activist - a firm believer in uplifting lives of PWDs. We contend that this battle appears far from over. Thus, we need to resume with more disability activism that is integrative, preventive and sustainable.

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## YEAR ONE OF UPND ADMINISTRATION IN OFFICE - AN ANALYSIS



### Introduction

Zambia went to the polls on the 12th August 2021 to vote for leaders at all levels of government, from the Head of State to Councillors in wards. It was an exciting election, but it also had its scary moments. Many were not sure of the outcome of the elections. The perception was that it was more tilted in favour of the then ruling party, the Patriotic Front (PF), for many reasons. They were the ruling party, and they had employed various tricks to ensure that the election worked in their favour. They did away with the voter's roll, gave a limited time of just a month and 4 days to do voter registration over the November/December period in 2020, and disputed national registration cards issuance that seemed to favour their strongholds (an NRC being a prerequisite to obtaining a voters' card). One could also consider the failed Bill 10 gymnastics, the way they used the covid-19 pandemic to limit campaigns for opposition, and the many court rulings that seemed unjustifiably skewed in favour of the ruling party.

### Growing Trend in Voting

The winner of the presidential elections was declared on 16th August 2021, four days after the voting ended. Although this was not very impressive timing for the announcement, it did show a very bold trend in voting by the electorates, not giving room for a tight contest. Historically from 1991, election results have been announced between 2 to 4 days with the quickest times election results were announced taking 1 to 2 days (November 1991 and November 1996 respectively), and 3 days in 2008 and 2011.

### The Anniversary

The 24th of August, 2022 marks one year since President Hakainde Hichilema was sworn in as the 7th Republican President of Zambia under the UPND Alliance (UPND, and a number of other political parties and movements). A year in office naturally calls for a reflection of how well or badly they have performed. This analysis will be in four parts. The first will recount the many ways we can analyse this administration's performance. The second will look at the largely good ways they have

performed in government. The third will outline some gaps in their performance, and the fourth will identify what needs to be strengthened going forward.

Before going into the actual things that this administration has done well and those that they have not, let us highlight the many ways in which we can analyse their performance.

### **(a) Year on Year Political Party Performance Analysis**

This analysis compares the first year in office of the PF (be it 2011 or 2016) with the same period for the UPND. Whilst this way of looking at performance may look attractive, having a direct comparison in performance, it would largely be a biased analysis for a number of reasons. The UPND is by far a much better party in government than the PF. They have a direction, had a clear manifesto, made tangible promises, and largely campaigned on uniting the nation and reviving the economy that was in shambles. The PF found a good economy with low and stable exchange rates, growing GDPs, healthy international reserves, low debt levels, and a nation that was not polarised on ethnic lines. The UPND found a struggling economy, large and unsustainable debt levels, defaults on debt repayments, very low growth rates, polarized nation, questionable rule of law, and proliferation of political cadres in governance, etc.

### **(b) Campaign Promised Based Analysis**

With this approach, the evaluator looks at what the different governments promised and what they have achieved thus far. This should be relatively easy, as one simply outlines the promises made and the things that have been done thus far or are in the pipeline to be done, and analyses the extent of the fulfilment of these promises. The major weakness with this approach may be twofold. The first weakness comes from the fact that most of the promises are long term or encompass a five-year term. But in looking at the first year, one would be tempted to talk about the promises as if they were to be achieved in a one year or shorter period. The second weakness concerns the fact

that the promises made before elections tend to be overambitious and vote-grabbing, the major aim being to try to woo the electorates into voting for a particular party other rather than the other. As such, some of these promises are unrealistic, demand too much and are often in their very nature unachievable. They may not resonate with what a party in government can do without other arms of government (e.g., legislature, judiciary and investigative or independent quasi-government wings).

### **(c) Government's Commitment to Meeting the Aspirations of the People**

The third way to analyse performance is to look at the general spirit of government in pronouncements, appointments to key government positions (cabinet, permanent secretaries, advisors/assistants, diplomats, parastatal heads and boards), actions, national plans, budgets, speeches, biases, stresses and so on. One asks the question whether these point to a government that is committed to meeting the needs and aspirations of the people and serving the nation diligently.

The analysis which follows will largely take a general approach that may encompass all the different ways highlighted above.

### **The Major Scores**

Generally, the first year in office has been marked by a number of successes and a good governance environment. There are things that we had even forgotten could happen without much interference from the ruling elites that were able to once again happen. Below are some of the successes by this administration:

#### **1. Improved International Relations and Confidence on Zambia**

First, there has been improved international relations and confidence in Zambia's governing system and leadership. This can be seen in key international engagements at the level of the United Nations, the European Union, the African Union, and the SADC. International engagements have also taken centre stage with Western and African

countries. Generally, there is a positive spirit and trust that Zambia is in good hands with its leadership. This has been coupled with increasing interest in Zambia by investors once again, because in the past 10 years there was a growing fear that investments in Zambia were no longer safe as government or their operatives could easily grab companies or introduce stifling conditions that could hamper the smooth running of these companies. Good relations with the international community is politically and economically good for the country, as it becomes easy for it to negotiate with others in a friendly environment and in an environment that benefits all involved.

## 2. Taming the Political Cadre



Second, just after being declared winner and being sworn in, President Hakainde Hichilema (HH) made key pronouncements that were very positive in the general spirit of governance in the country and how the party will participate in the governance processes. One major pronouncement was that there will be no cadres in markets or bus stations, and that cadres will not have any part to play in the legally mandated functions of government. This was a direct contrast to the previous governments (PF and MMD, and albeit UNIP) that had given a place to self-regulating and ruling cadres to run bus stations and markets, usurping the functions of the local government and authority. These empowered cadres would dictate to elected officials and appointed persons on what to do, and should they fail, they would face the wrath of the whims of cadres. This created a fifth state of cadres that seemed to be even financially financed by the state. The cadres became a law unto themselves and could even beat the police and ministers if they were not happy with them.

In contrast to this, the past year has been characterised with a breath of fresh air from the wrath and rule of these cadres. Although a number of UPND cadres have tried to take matters in their own hands, the central government has clearly stated that such persons would be on their own and would face the full wrath of the law. The local authority is once more able to function in markets and bus stations, and to discharge their duties that were previously usurped by party cadres like land allocation.

## 3. Education for All Policy

Another key pronouncement that was followed by budgetary implementation is the free education policy from early childhood to secondary school level (grade 12). This was coupled with the provision of secondary education bursaries for pupils from vulnerable families. The largely overambitious promise that never seemed to be one that could come into reality has been implemented in 2022. The somehow clearly thought-out policy meant the scrapping off of tuition fees and PTA fees for learners up to Grade 12. Schools have been allocated resources to cover expenses that would have been covered by the scraped fees. This has been followed by a massive teacher recruitment exercise that was area specific, taking into account the needs in those areas.

For learners that may fail to find resources for other fees, such as boarding fees and learner resources, the government has introduced a secondary school bursary scheme. Being an overambitious project, it has not come without its own challenges. These challenges include over enrolment, the lack of classrooms and human resources to fully meet the demands of increased enrolments, and a general (unfounded) fear that this exercise will not work. Despite these challenges, this is a very good policy introduced by this administration - one that will not only help in progressively realising the right to education for many young citizens, but will in time increase literacy rates of the population. By removing the major barriers to accessing primary and secondary education (tuition and PTA fees), parents and learners have no excuse for not taking



their children to school. In time, the government may even implement policies that are punitive for parents and learners who fail to be in school. This policy will have ripple effects which will make the investment worth it. Learners will be kept away from bad social acts, there will be a reduction of child marriages, as well as a reduction in teenage pregnancies.

#### **4. Macroeconomic Stability**

It is beyond doubt that in the past year, we have seen a great improvement in macroeconomic fundamentals. The local currency has stabilised in comparison to foreign currencies, with the Zambian Kwacha stabilising at around K17 to 1US\$ in July 2022 from around ZMW22 a year ago. The year on year inflation rates (the rate at which prices of commodities are increasing) have massively come down from around 24.6% in July 2021 to 9.9% in July 2022. There are signs of positive growth rates (GDP) to the tune of more than 3 percent. Debt accumulation has been halted, with no massive new loans contracted and projects funded by projects revisited for their viability and practical implementation. There are signs of debt restructuring to make sure that debt repayments can be made without stifling expenditure and loan contraction laws are being reviewed for greater

participation and oversight by parliament.

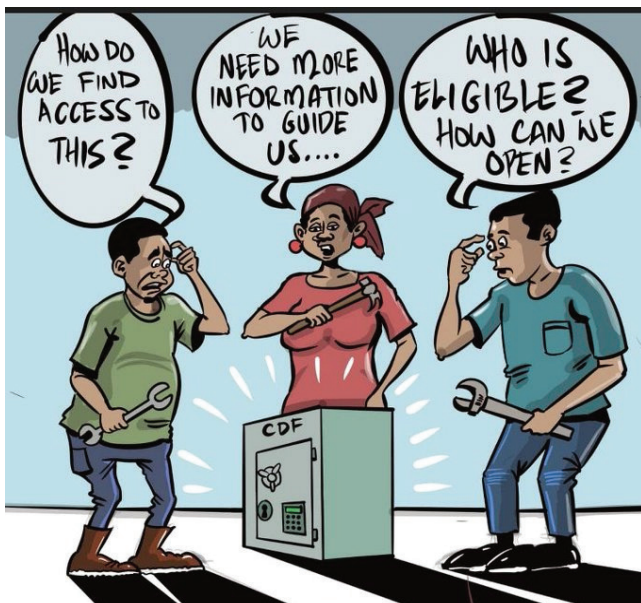
It is worth mentioning that there was a time where debt service would constitute a large chunk of the national budget (38.5% of the whole budget or 69.8% of all locally mobilised resources). Although highly debatable, Zambia is once more able to sit down with the IMF with feasible positive outcomes of it striking a deal that will alleviate its debt problems and constraints on social spending. One year later, it is clear that there is predictability in our economy.

#### **5. Recruitment of Civil Servants**

Massive recruitments of civil servants has been done in a transparent and inclusive manner. It is not a small achievement to recruit large numbers of teachers (30, 496), health workers (11, 276), and local government workers (about 500) in a single year. Furthermore, this administration has created employment for more than 42 thousand citizens, and it targets to employ a total 44 thousand by the end of this year. Whichever way you look at it, this is no mean feat. Although it needs resources to pay these workers, this opens up the economy and the civil service to greater heights. What seemed only a dream is now a reality and with the promise of more recruitments in the years to come, this is a

very positive move. Interestingly, human resource audits in the civil servants seem to be the order of the years to come and it will realistically help in determining how recruitments take place. There are promises of the recruitment of more personnel in the security wings that will increase the numbers of those directly employed in the public service. Probably with the exception of the early years of UNIP, the nation has not seen such massive recruitment in a single year. This is not to say there were no recruitments in the previous years. There were. But they lacked transparency, were marred with claims of non-inclusiveness, and were not backed by a needs assessments or human resource audits.

## 6. Increase in the CDF Allocation



More resources made available in constituencies and rural areas is another achievement of this administration. The constituency development fund (CDF) was increased by a whopping 1506.25%, from K1.6 million to K25.7 million per constituency. The CDF, which was introduced in 1995, largely stagnated at around a million kwacha per constituency from 2012 (K1 million) to 2021 (K1.6 million). Despite the many uses of the CDF (women and youth empowerment, building classroom blocks, houses for civil servants, markets, toilets, roads and bridges), the CDF allocation was a drop in the ocean. Apart from the small amount, the disbursement of the CDF was

very haphazard and many constituencies would only receive their allocations towards the end of the budgeted year, giving them little time to use the resources as planned.

With very clear guidelines and the intent of this government to disburse the resources on time, the CDF will have a huge impact in rural areas. It has been argued that there are challenges in some local authorities to utilise and manage these resources, that the guidelines may be very difficult for most rural folk to meet, and that the things that can be financed by the CDF are too many and overambitious. Some of these challenges are genuine challenges and will need working hard to overcome them, but the move itself is a very positive act in the right direction. Others have argued that allocating the same amount to constituencies of different sizes with very different needs may be unfair, but it would be interesting to see what a just allocation would look like. What may look like a just allocation may actually perpetuate inequalities especially between rural and urban constituencies, with the urban areas claiming more share of the cake than rural areas. It would be interesting if a performance review were to be undertaken after two to three years, looking at how best the CDF is being utilised and what possible areas of improvement could be.

## 7. Rule of Law

There has been a commitment to the rule of law and a greater enjoyment of freedoms. In many ways, the rule of law and the promotion of personal freedoms and rights begins with government pronouncements, non-interference in judicial and investigative processes, and a commitment to legal reforms. Key speeches by the Head of State have reiterated the commitment to rule of law and the enjoyment of freedoms. The actions by the government have shown this commitment, e.g., doing away with cadres, non-interference in the judicial processes, and movements towards legal reforms. Although the rate at legal reforms seems slow, there is hope that if a number of these reforms will take place, rule of law and greater enjoyment of freedoms will be achieved. These reforms include



repeal of some laws such as the penal code, public order act, defamation laws, and introduction of the access to information (ATI) laws.

### **The Failures**

Despite these major achievements by the UPND administration, this first year has not been without its governance challenges. Here are a few highlighted challenges:

#### **1. Not Guaranteeing Accessible Social Welfare for Citizens**

The major failure of the UPND administration has been on the microeconomic front and guaranteeing an accessible social welfare by citizens. Whilst macroeconomic indicators show stability and marked improvement as outlined above, the cost of living has continued to be out of reach for an average Zambian. The prices of basic commodities such as food, rentals, clothing, and energy continue to be too high and on the increase. The good macroeconomic indicators have not thus far translated to any lower prices. Fuel prices have been on the increase from K17.62 in July 2021 to K23.19 in July 2022 (about 32% increase) with prices reaching a record high of K26.75 per litre for petrol in June 2022.

The monthly review of fuel prices has been a nightmare to microeconomic stability or predictability. As long as the prices of fuel remain high, the cost of living will not significantly reduce to the benefit of the majority of ordinary citizens. The JCTR's Basic Needs and Nutrition Basket (BNNB) shows that the cost of living has been on the increase from K8,495.52 in July 2021 to K9,332.82 in July 2022 for a family of five in Lusaka. Similar percentage increases in the cost of living have been recorded across the country. This is despite average incomes being around K5,700 for those in the formal sector and about K2,000 for those in the informal sector.

#### **2. Undefined Timelines in Fulfilling the Campaign Promises**

The UNPD has failed to fulfil a number of the campaign promises that may have made them

very desirable before they were elected into power. Further, there has been no clear indications as to the timelines for the fulfilment of some of the promises that may take time to fulfil. Examples of such promises include the following: decreasing the prices of fuel (petrol) to around K15 per litre, decreasing top bracket of the PAYE from the current 37.5% to 22.5%, a reduction in the price of fertiliser from the current K900 to about K250/ K350 per bag, the restoration of meal allowances for students at higher education under the government loan scheme, the removal of certain taxes to provide relief to citizens, more jobs for the youth, a leaner cabinet and more prudent utilisation of public resources, a partial withdrawal of pension benefits, and generally a lower cost of living. These promises have not been fulfilled and with the high expectations many Zambians had, it has created mistrust as to whether the UNPD were truthful and realistic in making these promises or only used them to win an election.

#### **3. Disconnect Between Party Structures and the Presidency**

There is a big disconnect between the vision, actions and pronouncements of the presidency, the party structures, and the persons appointed into top government positions. The president has been clear on many issues, such as no cadres in public spaces like markets and bus stations, and about non-interference in the rule of law and investigative processes. Yet party structures still want their presence in these places and assert themselves on perceived persons that should be tried and prosecuted. There are many persons who seem to speak on behalf of the government, including the President's Special Assistant for Press and Public Relations, the director at the Ministry of Information and Media, the UPND Spokesperson, the UPND Secretary General, and others. It seems party officials can speak on behalf of the president, they can speak on behalf of government ministerial policies, and cadres and hardcore supporters can read the mind of the president and defend him and the party to the hilt. There seems to be no media strategy or well established communication channels in this government. Sometimes, the

many voices speaking on issues have led to a lack of clarity and conflicting views on government policy and actions.

#### **4. Suiting Individual Needs and not the Needs of the State**

On appointments to top and important government positions, the administration has not fared that well. There have been questionable appointments, with some only appointed because of their perceived connections to renowned families, influential persons, or the ruling elites. There have been persons appointed to positions that have created duplicated roles at State House and at Cabinet Office. It would seem a number of positions were created to suit certain individual needs and not the needs of the nation. Apart from the duplicated roles with a number of persons performing same or similar roles, this has just contributed to bloated staffing at senior civil service levels and is in direct contrast to prudence in public expenditure.

#### **5. Unresponsive to Gender and Youth**



Gender balance (appointing many women into important positions) and appointment of youths (those below 35 years of age) remain a problem as can be seen in the appointments of cabinet ministers, provincial ministers, permanent secretaries, and district commissioners. These appointments have mostly been dominated by men and those who are elderly. The appointment of some persons seems to only have been because of their contribution to the party and electoral win, rather than their competence or experience in the

appointed portfolios.

#### **6. Superfluous Public Resource Spending**

Prudent financial management remains a problem for this government. As much as it can be argued that this administration is much better than the previous one on the face of it, there is still much that could be said and done. The reorganisation of cabinet ministries did not fully contribute to a lean cabinet or lead to a marked cost saving at this level. After the reorganisation, there are still 25 cabinet ministries. Having less than 20 ministries could have been ideal. The 3 newly created ministries were a superfluous decision that may turn out not to serve much purpose compared to having left them as departments in already existing ministries. This can be seen from lack of visibility in what these new ministries are actually doing on the ground.

The presidency has not displayed much frugality in expenditure of public resources. This can be seen in maintaining two residencies (State House and Community House) having to move daily between the two places, large motorcades escorting the president with a huge presence of police officers lining up the routes, and many presidential foreign trips, even to activities where a delegation would do or virtual attendance may be the ideal. Even with the cutting down of the number of persons escorting or going with the president on these foreign trips, these trips are still a drain on national resources. Comparatively, in the first year in office, this president has been the most travelled in terms of international trips.

#### **7. The Know-It All Messiahs**

There is a growing trend of arrogance and of self-praise by this administration and their leaders. The UPND has painted a picture that they cannot be wrong on issues, policies, decisions and actions. A number of their leaders come across as know-it-all messiahs who cannot be criticised for their actions. Their arrogance can be seen in speeches full of self praises on the good things they have done for the people, 'sacrifices' they have made for the people, a perennial blame on the PF on actions and decisions that they should be making, and

the general labelling of any person or groups that differ with their positions as disgruntled or simply being PF who have failed to come to terms with last year's electoral loss. If this trend continues, this administration may fail to listen to alternative views and realistically engage in introspection concerning their decisions and actions that may be disastrous to their apparently good record. There are a number of appointees at cabinet level and State House that should by now be relieved of their duties because of their disastrous performance, apparent incompetence, or simply a lack of knowledge of their roles. It seems no manner of highlighting these incompetencies would move the appointing authority to act.

### **Recommendations and Conclusion**

**1. Campaign Promises:** They should seriously balance fulfilment of their many promises with available resources to meet them. This year may look like a good year in terms of the budgeted resources because debt repayments remain suspended. But in future years, these will resume even after the planned restructuring. They should evolve from overemphasising the mess that the PF left us and concentrate on doing their job as they plan to do it.

**2. Legal Reforms:** They should accelerate legal reforms to do away with bad laws and provisions. Legal provisions remain in force that keep limiting persons' freedoms, as well as provisions that are still being used by security wings to harass citizens unnecessarily. These include provisions that limit freedom of assembly using public order provisions, as well as provisions that charge persons for defamation of the president. The UPND should introduce laws that will enhance democracy, such as laws enacting access to information.

**3. Separation of Powers:** Greater strides should be made to remove the concentration of power around the presidency. There is a sense that everything begins and ends with the president, with every institution and appointee dancing to the tunes or expected tune of the president. This can be seen plainly in the resurgence in the press

of many institutions that seem to want to be seen to be working, but with no actual tangible results. The Anti-Corruption Commission and other investigative wings come to mind here, with many arrests on suspected persons but few successful prosecutions of these cases.

Generally, the UPND administration seems to be on the right track in their governance of this nation, meeting some of the aspirations and needs of its citizens. They have clearly recorded more achievements than their failures and have presented themselves as persons who seriously want to be at the service of citizens. They are on a good path to governing this country well and enhancing the freedoms and rights of its citizens. This path can be maintained if they pay close and serious attention to areas that they are failing to do well thus far. Arrogance and surrounding themselves with like-minded 'praise singers' who may shield them from reality will not help them much, especially when they begin thinking of elections in the future.

The UPND can find better ways of doing things. This government should be more tolerant of divergent views and accept that governance could be a learning process for a good number of them who may lack practical experience in running a government. They should move away from simply rewarding persons seen as having been key in their electoral win to appointing persons who are qualified and experienced to perform in the appointed roles. They should rethink inclusivity in appointments especially for women, youths, and persons who are disabled.

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**“Achieving gender equality requires the engagement of women and men, girls and boys. It is everyone’s responsibility.”**

**(Ban Ki-moon)**

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# THE POLITICAL AND ECONOMIC GOVERNANCE OF ONE YEAR OF THE UPND LED GOVERNMENT

## Introduction

In the light of the signs of the times, the citizens and many stakeholders have been monitoring and evaluating Government projects, plans and programmes. Currently, the talk of the day has been about assessing the political and economic achievements, successes and failures of the United Party for National Development (UPND) in the last year. The political governance will reflect on the structures and processes, such as legal frameworks. Then, the economic governance will focus on the extractive sector.

## Objectives

The overall objective of this write-up is to evaluate the performance of the UPND Government. The specific objectives are to recognize the areas of success and propose how such successes can be sustained and augmented, as well as to recognize the areas of challenges and propose how such challenges can be addressed.

## Importance of Evaluating and Monitoring Government

Monitoring and evaluating governance processes and structures gives us an opportunity to be cost effective and accountable. Also, it helps to ensure that programmes and policies are correctly directed to the intended beneficiaries. However, there are times when contexts and circumstances change, such that the planned intervention can no longer bring about the desired change. Therefore, monitoring and evaluating government programmes helps to provide a corrective measure, so that the programme can be bring about the desired change or goal. This in turn, aids the Government and stakeholders to keep track of the change as well as the milestones.

## What is Governance?

Governance is a broad concept. Governance can relate to political, economic, social, and environmental issues. What then is governance?

Governance as a concept can refer to structures and processes that are designed to ensure accountability, transparency, responsiveness, rule of law, stability, equity, inclusiveness, empowerment, and broad-based participation. In the case of governance, it therefore makes sense to analyse the performance of a Government with reference to the concept of the common good and how this is being supported by governance structures and processes. This may entail intentionally and deliberately making provisions for accountability, transparency, responsiveness, rule of law, stability, equity, inclusiveness, empowerment, and broad-based participation and promoting social justice.

## How has UPND Fared on Governance Processes?

Kim Allen defines governance processes with respect to dealing with the procedures utilized by the representatives of the organization's stakeholders to provide oversight of risk and control processes administered by management. In this case, one may replace representatives of the organization's stakeholders with the Government. The question then becomes, how has the Government fared considering their governance processes?

### 1. Processes on Community Based Participation

Through the 2022 National Budget, the Government committed to implementing the decentralization policy. Additionally, the theme of the budget was "Growth, Jobs and Taking Development Closer to the People". In the decentralization policy, deconcentration is the transfer of functions and resources to lower level units of the same administrative system, while authority over decision-making and use of resources remains with the centre (i.e. from the headquarters of an institution or administrative system to the lower levels). Decentralization as a concept is concerned with the transfer of responsibilities, authority, functions, as well as power and appropriate resources, to provincial, district and sub-district levels. This can take other forms like devolution,

delegation and privatization.

## 2. Community Participation in 2023 Budget Formulation

The Constitution of Zambia, Article 205 (d) legally provides for the citizens to participate in the national budget and planning formulation. The Government fared well through the 2023 national budgeting consultations conducted by the Ministry of Finance and National Planning. These were the provincial consultations from various consultations. However, the Government needed to undertake more sensitization, especially at district levels. Many people did not know about the consultations. In the spirit of implementing decentralization, the Government needs to scale up on transferring responsibilities and not just resources.

## 3. The 2022 CDF Guidelines

The CDF guidelines are meant to facilitate the efficient and effective management, utilization and disbursement of the Constituency Development Fund (CDF). The Government did well to increase the CDF from 1.6 million kwacha to 25.7 million kwacha. However, the structure governing the CDF has not been effective, especially considering its accessibility. Further, the Government has not done well on the quarterly disbursement of the CDF. This may be attributed to the late development of the CDF guidelines. Next year, the Government must consider ensuring that the guidelines are ready before the commencement of the fiscal year.

It is recommended that the Government develops and sensitises key stakeholders on the CDF guidelines before the commencement of the fiscal year. Also, the approval of projects must be done

before the fiscal year commences. This will aid the effectiveness and achieving of the objectives thereof.

## 4. Centralization in Decentralisation

The CDF and the 2022 national budget are on the hallmark of decentralization. However, the implementation of the decentralization policy through the CDF has not worked effectively. Evidently, there is a certain centralization in the decentralization of CDF. For instance, the Local Government minister holds so much deciding powers on the implementation of the CDF.

It is recommended that the Government decentralizes the powers, where projects can be approved at the district or province level, in line with the National Planning and Budgeting Act 1 of 2020. This will make the decentralisation implementation effective.

## How has the Government Fared in Governance Structures?

The structures of any state are governed by legal frameworks and the political system being practiced. Prior to the 2021 General Elections, the conversations on the legal structures to promote transparency and accountability were campaign topics. For instance, the constitutional reforms and the Public Order Act were key pieces of legislation which were seriously talked about.

### 1. Repealing and Replacing the Public Order Act

During the State of the Nation Address (SONA) for 2022, the Government committed to promoting good governance and constitutionalism as constitutional values and principles. Other key salient democratic issues were also addressed, such as perennial and costly by-elections, political and financial autonomy of the arms of governments and institutions that fall under each arm, institutionalization and consensus building and the Public Order Act. The Government has shown slow movement on the repealing and replacing of the Public Order Act.

The review of the Public Order Act chapter 113 of

<sup>15</sup> UNESCO. Concept of Governance. Concept of Governance | International Bureau of Education (unesco.org)

<sup>16</sup> Kim Allen. What are the governance processes? Governance processes — essential processes for good governance (allenvisioninc.com)

<sup>17</sup> Republic of Zambia. The 2022 National Budget Speech. Page 29. BUDGET SPEECH \_ 2022.pdf (parliament.gov.zm)

<sup>18</sup> Republic of Zambia. The 2022 National Budget Speech. Page 2. BUDGET SPEECH \_ 2022.pdf (parliament.gov.zm). 2022. Lusaka

<sup>19</sup> Republic of Zambia. The National Decentralization Policy: Towards Empowering the People. Pg iv. 2002. Lusaka

<sup>20</sup> Republic of Zambia. The Constitution of Zambia, article 205 (d). 2016. Lusaka.

the Laws of Zambia has remained a longstanding public demand. This is primarily because the administration of the Public Order Act has at many times been in contradiction with important rights which are enshrined in the Bill of Rights in the Constitution of Zambia. Since Zambia is a democratic society, it is imperative that human rights are respected, protected and fulfilled. It is envisioned that the review of the Public Order Act chapter 113 of the Laws of Zambia will take a human rights based approach.

## **2. Costly By-Elections**

During the State of the National Address, the President of Zambia, Hakainde Hichilema cited the perennial problem of costly by-elections. The Constitution of Zambia provides minimal structures for addressing the costly by-elections. It was hoped that after the SONA address, the Government would begin a deliberate process as an intervention to the costly by-election. In addressing the perennial challenge, the Government has not shown any deliberate intervention.

For the second year of its governance, it is recommended that the Government seriously considers addressing the costly by-elections. As a country struggling with financial resources, we must create structures that can minimise the squandering of these resources.

## **3. Constitution Reforms**

During the SONA address in March, the President promised to commence processes of constitutional reform. However, there has been no movement on this reform. Specifically, there has been no provision of a comprehensive roadmap to allow for the meaningful participation of numerous stakeholders. The more time the Government will take without attending to this noble cause, the more risk there will be that the public will lose interest in this important reform. In this regard, the Government has not performed well and it must scale up the intervention in this case.

<sup>21</sup> Hakainde Hichilema. State of National Address on the Implementation of National values and principles. 2022. Lusaka

It is recommended that the Government first creates a robust roadmap. This road map must be circulated to all citizens, or must at least be accessible to citizens. Having the constitution reform roadmap will be a big milestone, and if the Government is committed to it, a people-driven constitution may soon become a reality.

## **4. Enactment of Access to Information Legislation**

In addition, legislation regarding access to information (ATI) has not yet received the attention it deserves. The public is only able to truly participate in the democratic process when they have information about the activities and policies of the Government. The absence or inaccessibility of information often creates a sense of disempowerment, mistrust and frustration. To this end, the Government has not yet made definitive steps towards enactment of access to information legislation. Considering that the Government preaches commitment to transparency and accountability, this must become a priority for its administration.

It is recommended that the Government becomes more open about the processes and roadmap which will guide the ATI legislation. The Government must show a radical commitment to commencing works that promote constitutionalism and democracy in a genuine sense, beyond mere pronouncements and political rhetoric.

## **5. Progressive Realization of Human Rights**

The concept of the progressive realisation of human rights demands that the Government supports access of citizens to their human rights - in so far as it is able - at any one time. The Constitution of Zambia a Bill of Rights which is limited in scope. For instance, our Bill of Rights does not contain references to any Economic, Social and Cultural Rights (ESCR), like education. One of the hallmark arguments for not expanding the Bill of Rights has been the financial implications that come with adding the ESCR to the Bill of Rights. But with progressive realisation of rights, the Government only has to meet its obligations regarding these

rights based on its available resources. The Government has done well to implement the education for all policy (commonly known as the free education policy), the recruitment of health and education workers and it has also accelerated conversations on the Children's Code Bill 2022 which was presented to parliament.

The recommendation is that the Government, through the 2023 National Budget and the CDF, should consider allocating more funds to enhance access to quality, equitable and inclusive education, health, water and sanitation and social protection programmes.

### **The Extractive Industry**

Undoubtedly, Zambia is predominantly a mining country which is endowed with a wealth of diverse natural resources. Mining is therefore an important sector which contributes to economic growth and poverty alleviation through taxes, infrastructure development, employment creation and provision of key social services such as education and health. In this regard, two investments that are a step in the right direction is the Government's intentions to reach a production of 3 million tons of copper in the next 10 years. This is a significant increase from the current 800, 000 metric tonnes in ten years' time as presented in the 2022 national budget. This will further enhance Zambia's domestic resource mobilization (DRM) which will not only provide the Government with the funds needed to alleviate poverty and deliver public services, but is also a critical step along the pathway out of dependence on foreign aid.

### **Review Legal Framework Governing the Extractive Sector**

For Zambia to adequately benefit from the mining sector, the Government must prioritise the review of legal frameworks governing the mining sector. If Zambia is to ensure that its economic development is sustainable, there is need for the new dawn administration to make broad decisions. Cognizant that natural resources are not renewable and will deplete in the long run, the country must extract mineral resources with the sole intention

of gaining maximum revenues from them. This is so that these revenues can be invested in other key sectors such as agriculture and manufacturing and social sectors. Furthermore, the Government must as a matter of urgency prioritise industrialization to enable value addition of the many raw materials available locally. Industrialization will certainly help Zambia grow at high levels, create millions of jobs for its young population and address poverty reduction in a sustainable manner.

**Maximising Revenues from the Extractive Sector**  
Reviewing the legal framework governing the mining sector, the Government must ensure that the nation gains maximum revenues from the mining sector. This in turn will promote the achievement of Zambia's sustainable development and agenda 2030. In the same vein, the new dawn administration must revisit the Mining taxation policy. Zambia's policymaking in the area of mining taxation has been characterised by frequent policy changes and reversals over the years, which has mostly robbed the nation of the resources needed for development. The Government must put in place a mining taxation policy that maximises revenues from the extractive sector, without compromising the ability of mining firms to make profits.

### **Mineral Audit of the Mineral Endowments**

Further, there is a need to ascertain whether mining firms operating in Zambia are contributing their fair share of taxes, based on what is mined. In this regard, there is urgent need to have accurate geological information, obtained through a mineral audit of the mineral endowments in Zambia, so as to ascertain what mining firms are mining and are being taxed for and to devise measures to curb illicit financial flows.

### **Urgent Need for Increased Value Addition**

Zambia's economic transformation is dependent on its ability to increase value addition. In order to achieve this, there is an urgent need to have regulations and policies in place - and implemented - which ensure that our natural resources benefit the country. These resources should translate into



sustainable development and into the well-being of the people. Past experience has shown that Zambia has failed to harness the mining sector for sustainable development. Case in point is the Copper belt province, which has nothing to show after all these years of mining. We need to put measures in place to ensure that the nation benefits from mining activities, taking as an example Botswana and Norway.

**The following recommendations can be proposed for the Extractive Sector:**

It is hoped that the Government will review regulations and policies concerning the mining sector, as the country is witnessing an increased investment in this sector by private players. Zambia’s mining industry is an essential and integral component to the nation’s economic development, which centrality can be traced back all the way to pre-colonial days. Furthermore, mining has been the fastest growing sector, contributing significantly to Zambia’s GDP, and therefore the country has to harness its natural resources for sustainable development.



1. Zambia needs measures to be established and implemented which require all mines to contribute to the Environmental Protection Fund (EPF), as well as for punitive action to be taken against companies which do not abide by such measures.
2. Periodic reports need to be issued relating specifically to EPF contributions. Furthermore, action needs to be taken against companies which are non-compliant and their details need to be published to enhance transparency and accountability.





3. The Government should put in place measures aimed at increasing the capacity of relevant institutions to monitor the environmental impacts of mining in the country. This is so that contributions can be pegged to the most current and robust impact assessments.
4. The Government must promote the autonomy of the Zambia Environmental Management Agency as a regulatory body to effectively execute their mandate of managing environmental protection by enforcing all regulations to mitigate negative environmental impacts.
5. The Government must establish best practices for natural resource governance for Zambia. It can do this through the provision of adequate laws and policies aimed at sustainable mining. This will ensure a resource extraction that is sustainable, one that contributes positively to economic development and one that is instrumental to fighting poverty and inequalities. The Government also needs to reevaluate the application model for the Environmental Protection Fund (EPF) towards which all mining projects lawfully contribute, to allow Zambia to best respond to the immediate environmental impacts, both during and after the project cycle.
6. The Government must develop a comprehensive economic diversification agenda, within and away from mining. In line with the industrialization aspirations of the new dawn Government and domesticating the Africa Mining Vision, a deliberate approach

must be fostered – an approach which broadens the local economy by ensuring that the rental revenue from the mining sector contributes to the expansion and to the development of other key sectors such as agriculture, tourism and manufacturing.

If implemented, the above measures will enable us to transform our mining sector to ensure that it contributes to sustainable development, as well as to environmental protection for future generations.

### Conclusion

A human rights based approach focuses on developing the capacities of duty-bearers to meet their obligations, while the right-holders are empowered to effectively claim their rights. The UPND led Government has not performed very well in creating structures that ensure that rights-holders can effectively claim their rights. For instance, the legal frameworks guaranteeing the enjoyment of key rights, such as the legal frameworks relating to public order and to access to information, have shown little or no improvement. Furthermore, the extractive sector remains a sector for concern. The Government must ensure that a robust legal framework ensuring maximum revenue gains is created. However, the Government has performed well considering the need to progressively realise the access of citizens to important human rights. This was evidenced by the introduction of the education for all policy, the recruitment of teachers and health workers, as well as the increase in CDF allocations.

*Faith and Justice Programme  
JCTR-Lusaka*

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**“Good governance with good intentions  
is the hallmark of our government.  
Implementation with integrity is our core  
passion.”**

**(Narendra Modi)**

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# INSIGHTS INTO THE FIRST YEAR OF THE UPND GOVERNMENT



## Introduction

The United Party for National Development (UPND), famously known as the “New Dawn” Government, came into power precisely because of disenchanted youth in Zambia. They were seeking an alternative narrative to the Patriotic Front (PF) party which, in the views of the majority Zambians, had lost touch with the reality on the ground. The PF cultivated a culture of unruly cadreism, much to the annoyance of many Zambians. Too often, PF cadres had unlimited access to State resources, while we watched helplessly as the cadres flashed money and ill-gotten wealth on social media. Instead of disciplining this conduct, the PF party hierarchy supported the cadres.

President Edgar Chagwa Lungu (ECL) himself conceded that he had lost elections because of unruly cadres. That said, he also contributed to his own loss by relying excessively on the instruments of state violence to govern, as when he incarcerated Hakainde Hichilema (HH), then in opposition, at

Mukobeko Maximum Security facility on trumped charges of treason. The straw that broke his presidency was when he threatened to re-arrest HH should he win the forthcoming August elections. By implication, therefore, he lost the majority of women’s votes by virtue of misspeaking. Zambians are overtly aware of a sense of injustice.

## A Lot of Work Lies Ahead

With the ascent of President Hakainde Hichilema to the presidency of Zambia through the August 2021 elections, and with hindsight, one could think that it is easy to win elections in Zambia. Yet the real work lies in governing the nation. With the population growth rate and economic growth rate around 3.3% and 3.1% respectively, when the youth unemployment employment rate is high and the population to employment ratio is low, the above data depicts the urgent need for an economic recovery plan for the country. In essence, in aggregate terms, the country is experiencing negative growth.

HH’s one year in power has registered both

successes and failures. There is need for a disclaimer though. One year is too short a period to fairly evaluate a regime's performance. At least 18 months would be needed to derive some cogent inferential probabilistic statements.

### **A Promise of the Greatest Economic Turnaround**

After the swearing-in ceremony at Lusaka's independence stadium, HH made it clear that during his presidency, Zambia will "see the greatest economic turnaround" of the century. One year into his five-year term of the presidency, HH is still grappling to reconcile the country's fiscal and monetary policies. The promised economic rebound is still elusive, so much so that he publicly conceded that "things are not as easy as he had earlier thought." This concession attracted amusement and chagrin from the PF, with the comment "tiyeni contololeni ifintu nombala!"

### **Applying Corporate and Business Insights to Governance**

Many citizens are skeptical whether HH was prepared, when he ascended to the Zambian presidency, to deal with the mammoth task of developing the country. Of course only time will tell. Many had hoped that being a successful businessman and private sector consultant for many years, he would apply his corporate and business insights to the governance of the country. Clearly, the two realities are different. Indeed the presidency is reshaping him! One indisputable character of HH is that he is a hard worker. Often reporting early to the office and knocking-off quite late. I suppose he has an awareness regarding the urgency with which the people of Zambia would wish to see an improvement in their livelihoods.

### **Setting the Priorities Right in a Limited Time**

The greatest struggle of the HH led government is the "How?" How to unlock this country's potential? How to put this country on the path to rapid socio-economic development? Time is of essence! Five years isn't much time in government! But it is what the people of Zambia have constitutionally given HH. He had better have his priorities right so that it might not be the classic case of "easy-

come and easy-go." The odds are in HH's favor. A few days after being sworn-in, the local currency, the Zambian kwacha begun to appreciate rapidly based on market confidence and good sentiments towards the new regime. Admittedly, the appreciation of the kwacha from K22.00 to K16.00 based on sentiments is quite a huge rebound. Given the lopsided structure of the country's economic system with no import substitution strategy in sight, the appreciation of the kwacha is a huge relief to the economy. Notwithstanding the gains of the Zambian kwacha, the cost of living has increased on account of the rising fuel prices, necessitated by the need to remove fuel subsidies so as to migrate to cost reflective pricing of the commodity. The price of diesel, an industrial fuel, increased in April alone, from K21.54 to K26.22 (Source: ERB, March 2022).

### **Addressing Youth Unemployment**

A huge success on HH's clock has been spirited employment creation in the Health and Education sectors of the country. The country has experienced massive recruitment drives since the UPND government was sworn into office. In July 2022, the civil service and the Ministry of Health recruited 11,276 health workers. A total of 137,129 had applied for these jobs, representing a recruitment rate of 8 per cent. Furthermore in July, the government recruited 30,496 teachers against 100,877 applications, representing a recruitment ratio of 30 per cent. The recruitment of health workers and teachers has served to highlight the time bomb that is silently brewing in this country. Youth unemployment must be addressed decisively and not cosmetically.

Another achievement of the New Dawn government has been the reversion to free universal education from early childhood to secondary level education. Admittedly this is a laudable act. Further positive steps include the increased Community Development Funding (CDF), which has been increased from K1.6 million to K25.6 million. However, despite this increase, there is need to scrutinize use of the CDF to assure value for money.

## Separation of Powers

The deficiencies of the New Dawn Government are precisely teething problems. The UPND government has yet to fully assert itself in governing the country. This is clearly manifest when one observes that the executive does not fully comprehend the ideal of the separation of powers of the so called “three arms” of government. When the executive, under the misguided notion of winner takes it all, begins to tinker with the other arms of government, it is a cause for concern. As a matter of fact, the only permanent arm of government is the judiciary. All others (two principally) have constitutional limits. Furthermore, when one reads about the continual firing and hiring of senior public and civil servants and their replacement with party sympathizers, (who, in several cases, have no experience at all with government), one realizes that the UPND led government is yet to find its feet.

In the area of respect for jurisprudence, one could surmise that the rule of law is one sided. There is a selective application of justice in the country which, if not nipped in the bud, will soon erode the perceptions of this regime. The Anti-Corruption Commission (ACC) and the Drug Enforcement Commission (DEC), the country’s corruption watchdogs, must not serve at the Executive’s behest. Surely there are better strategies to assure the country that the UNPD led government is serious in fighting corruption than to have the institutions by default placed under the presidency?

The principle of institutional autonomy and governing at arm’s length must not only be seen to be respected, but must actually be observed. For now, the fight against corruption is clouded by a witch-hunt, if not tinted by some fury and vengeance attached to it. The president misspoke when he instructed the Joint Investigations Team (J.I.T) comprising of officers from Zambia Police Service, Anti-Corruption Commission and the Drug Enforcement Commission to only investigate cases in the past. This was not wise at all, as it may insinuate that he is allowing a culture of impunity to thrive in his government.

## Slow Movement on Legislation formulation

The Government has shown slow progress on the Public Order Act chapter 113 of Laws of Zambia, the Access to Information legislation and on constitutional reforms. However, there has been some positive movements in legislation formulation, like the harmonization of children welfare and related legislation. In the second year of the mandate, the UPND led Government must create a robust strategic plan with regards to legislation formulation.

## Conclusion

The long and short of this article is that while HH and his team are good with numbers, they have a long way to go to develop their understanding of the sophisticated and complex socio-economic and political landscape of Zambia. If HH truly desires to develop this country, he has three policy options to run with. First, increased public investments are needed into the social sectors of the country - namely Education, Health and Water and sanitation. Second, the strategy of opening up the country needs to continue, by investing in roads and infrastructure. Third, the president has to devise an industrial strategy for the country that is practical and able to ensure that the country fully benefits from its natural resources – resources that the international community is silently and with stealthy precision sequestering. As I have said above, since HH and his team seem to be good with numbers, the UPND led government has no choice but to continue with efforts to stabilize the economy by reconciling the country’s fiscal and monetary policies! An important phrase for HH to keep in mind in his five-year tenure, though, is “keep your eyes on the ball”.

*Andrew Simpasa, S.J.  
JCTR Board Member  
Lusaka-Zambia*

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**“Democracy, good governance and modernity cannot be imported or imposed from outside a country.”**

**(Emile Lahoud)**

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# PHOTO FOCUS



**Figure 1** - Second from right - JCTR Solwezi Programme Officer, Micomyiza Dieudonné, accompanied the NCA/DCA country team when they made a courtesy call on the North-Western Province Minister



**Figure 2** - JCTR Kitwe Programme Officer, Martin Sikonda, facilitates a workshop on preparing children & community members for the 2023 national budget submissions



**Figure 3** - First from left - JCTR Safeguarding Officer, Gibson Chilyobwe, participating in a safeguarding workshop organised by the Jesuit Province in Zambia



**Figure 4** - JCTR facilitated the participation of children from Lufwanyama, Masaiti and Ndola in the commemoration of the International Day of the African Child 2022

# PHOTO FOCUS



**Figure 5** - JCTR Faith and Justice Programme Manager, Muchimba Siamachoka, far right “standing”, with community members in Livingstone



**Figure 6** - JCTR/Action Aid Zambia formalising project partnership to reinforce the Citizen’s Inclusive & Transparent Participation in Governance Processes in Zambia



**Figure 7** - JCTR Basic Needs & Nutrition Basket data collection process in Mpika District – Beans being weighed



**Figure 8** - JCTR Project Development & Evaluation Manager, Norman Chavula, conducting a monitoring visit in Chinsali District

# JCTR BASIC NEEDS AND NUTRITION BASKET LUSAKA JUNE 2022

## (A) COST OF BASIC FOOD ITEMS FOR A FAMILY OF FIVE

| Commodity            | Price (ZMW) / Unit     | Quantity / Month  | Total (ZMW)         |
|----------------------|------------------------|-------------------|---------------------|
| Mealie Meal (Roller) | 133.38 25 kg bag       | 2 x 25Kg          | 266.75              |
| Rice                 | 120.07 5kg             | 4kg               | 96.05               |
| Cassava Flour        | 23.71 1kg              | 6kg               | 142.26              |
| (Sweet) Potatoes     | 14.14 1 Kg             | 4 Kg              | 56.56               |
| Beans                | 49.06 1kg              | 3kg               | 147.18              |
| Pounded Groundnut    | 34.50 1kg              | 1kg               | 34.50               |
| Soya Pieces          | 45.01 1 kg             | 2kg               | 90.01               |
| Beef                 | 75.00 1kg              | 2kg               | 150.00              |
| Chicken              | 128.39 2kg             | 5kg               | 320.98              |
| Kapenta              | 265.45 1kg             | 1kg               | 265.45              |
| Eggs                 | 20.00 1 unit (10 eggs) | 3 Trays (90 eggs) | 180.00              |
| Milk (Fresh)         | 15.39 500 ml           | 10 liters         | 307.80              |
| Vegetables           | 591.56 40 Kg           | 40kg              | 591.56              |
| Onion                | 23.45 1 Kg             | 4 Kg              | 93.78               |
| Tomatoes             | 18.56 1 kg             | 6 kg              | 111.36              |
| Banana               | 13.97 1 Kg             | 16 Kg             | 223.44              |
| Other Fruits         | 17.50 1 kg             | 14 Kg             | 245.00              |
| Cooking oil (2.5lts) | 135.13 2.5lt           | 3.6lt             | 194.58              |
| Salt                 | 12.50 1 Kg             | 1 Kg              | 12.50               |
| Tea                  | 23.31 250g             | 250g              | 23.31               |
| <b>SubTotal</b>      |                        |                   | <b>ZMW 3,553.06</b> |

## (B) COST OF ESSENTIAL NON-FOOD ITEMS

| Commodity   | Price(ZMW) / Unit  | Quantity / Month | Total (ZMW)         |
|---|--------------------|------------------|---------------------|
| Charcoal  | 420.45 90kg bag(s) | 2 90kg bag(s)    | 840.89              |
| Soap (Lifebuoy/Champion)                          | 15.00 Tablet(s)    | 3 Tablet(s)      | 45.00               |
| Wash soap (BOOM)                                  | 19.50 400g         | 4 400g           | 78.00               |
| Electricity (medium density)                      | 569.00 Month(s)    | 1 Month(s)       | 569.00              |
| Water & Sanitation (med - fixed)                  | 202.50 Month(s)    | 1 Month(s)       | 202.50              |
| Housing (3 bedroom)                               | 3,820.00 Month(s)  | 1 Month(s)       | 3,820.00            |
| Jelly (Vaseline)                                  | 56.00 500ml        | 1 500ml          | 56.00               |
| Sanitary towels                                   | 31.51 Pack of 10   | 2 Pack of 10     | 63.01               |
| Toilet Paper (2ply)                               | 6.00 Tissue(s)     | 6 Tissue(s)      | 36.00               |
| Lotion (Dawn)                                     | 38.00 400ml        | 1 400ml          | 38.00               |
| <b>Subtotal</b>                                   |                    |                  | <b>ZMW 5,748.40</b> |
| <b>Total for Basic Needs and Nutrition Basket</b> |                    |                  | <b>ZMW 9,301.46</b> |

## (C) SOME OTHER ADDITIONAL COSTS

| Education Item               | Amount (ZMW) | Transport (bus fare round ) Item | Amount (ZMW) |
|------------------------------|--------------|----------------------------------|--------------|
| School Uniform (Grades 8-12) | 240.00       | Chilenje - Town                  | 30.68        |
|                              |              | Chelston - town                  | 28.00        |
|                              |              | Matero - Town                    | 30.20        |
| Health Item                  | Amount (ZMW) | Fuel (cost at the pump) Item     | Amount(ZMW)  |
| Registration (book)          | 5.00         | Petrol (per litre)               | 24.95        |
|                              |              | Diesel (per litre)               | 25.64        |
|                              |              | Paraffin (per litre)             | 18.76        |

## (D) A COMPARISON OF COSTS (IN KWACHA) OF BASIC NEEDS ACROSS ZAMBIA

| Lusaka   | Kasama   | Mansa    | Mongu    | Ndola    | Solwezi  | Monze    | Chipata  | Mpika    | Luanshya | Kitwe    | Kabwe    | Livingstone | Choma    | Chinsali | Mazabuka |
|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-------------|----------|----------|----------|
| 9,301.46 | 4,667.78 | 5,372.23 | 5,048.05 | 7,404.01 | 7,932.46 | 5,575.76 | 5,398.00 | 5,888.94 | 6,363.37 | 7,162.11 | 7,079.11 | 6,286.30    | 5,912.37 | 5,244.01 | 6,173.37 |

This survey was conducted on 27th June by the Social and Economic Development Programme of the Jesuit Centre for Theological Reflection. Average Prices were calculated on the basis of prices gathered from retail outlets at Northmead, Shoprite (Cairo Road), City Market, Chawama, Chainda, Kabwata, Matero and Schools clinics/hospitals, and filling stations around Lusaka. The June Basic Needs Basket is approximately US\$ 527.29 based upon the exchange rate of K17.64. Other costs would include personal care, clothing, recreation, etc.

## A REFLECTION ON THE COST OF LIVING IN THE FIRST HALF OF 2022

The cost of living for a family of five in Lusaka as measured by the Jesuit Centre for Theological Reflection (JCTR)'s Basic Needs and Nutrition Basket (BNNB) for the month of June, 2022 stood at K9, 301.46. Representing a K8.42 increase from K9, 293.04 recorded in May 2022. The minimal upward movement in the basket was largely driven by price increases in the non-food items section. The total cost for the non-food section moved to K5, 748.40 from K5, 730.52 in May 2022 due to an increase in the price of two 90Kg bags of charcoal which rose to K840.49 from K815.00 in May. Interestingly, while an upward movement was recorded in the non-food section, the food section reduced by K9.46 to K3, 553.06 in June. The downward movement in the food items section is attributed to decreased prices in items such as 16kg of bananas which dropped to K223.44 from K239.23, a K15.79 decrease, 4kg of onion which dropped by K9.03 from K102.81 to 93.78, 1kg kapenta which went down by K8.05 from K268.11. Other decreases were recorded in 10 liters of milk which dropped by K5.53 to K307.80 from K313.33 and 40kg of vegetables which dropped from K595.24 to K591.56. Nonetheless, the food items section recorded increases in items such as 14kg of other fruits which rose to K245 from K235.67, two 25kg bags of roller mealie meal also went up from K263.33 (131.76 per bag) to K266.75 (133.38 per bag) and 3.6 liters of cooking oil also increased by K3.54 from K191.04 to K194.58.

The June BNNB yet again demonstrates the influence of seasonality on both the food and non-food sections of the basket. For example, the rise in the June cost of living was largely influenced by the increased price of charcoal possibly due to the heightened demand of the commodity given the cold season. The JCTR BNNB data from 2021 is informative. In 2021, a 90kg bag of charcoal rose from K320 in May to K360 at the close of June 2021. In 2022, a 90kg bag of charcoal moved from K407.50 in May to K420 at the close of June 2022. Additionally, the basket also revealed that the prices of essential items such as mealie-meal and cooking oil have continued to be on the rise, although at a slow rate. This is on account of the increased cost of production in view of the higher price of diesel. The most recent upward adjustment is thus expected to increase these prices further and consequently push the cost of living up. On the other hand, particular BNNB items such as

With the first half of the year gone, a trends analysis is instructive. The trends analysis of the cost of living for January to June 2022 reveals an increase of K252.21 in the cost of living from K9, 049.25 to K9, 301.46. Additionally, a detailed examination into the price movement of essential commodities such as mealie-meal and cooking oil showed that the cost of such items although fluctuating in some instances, have continued to rise. Mealie and cooking oil are essential for many poor households not only for consumption but also for livelihoods e.g. for street food sellers. The BNNB data reveals an increase in the price of 25kg mealie-mealie from January's K110 to K133.38 in June, an increase of K23.38. The same was true with 3lts of cooking oil whose price was estimated at K166.63 in January and closed the first half of the year at K194.58, an increase of K27.95.

Overall, the cost of living trends in the first half of 2022 was attributed to factors that include; very late on-set of rains, increase in both international and local fuel prices, lifting of the temporal suspension of import duty on edible oils (25percent of the value of imported edible oils), instability of the exchange rate, and the import ban of certain foods like onion and potatoes. Particularly for Lusaka, cost of housing



significantly contributes to the high cost of living due to expensive housing units pegged at K3, 820, way above average incomes. Addressing these challenges will therefore be critical in addressing the rising cost of living.

Insights from complementary surveys such as the Satellite Homes Survey and the recently published wage mapping study reveal stark contrasts between the cost of living as measured by JCTR and the obtaining household living standards. Average incomes remain far below the cost of living with majority of people in categories such as domestic workers, security officers, waitresses, construction workers and drivers having a monthly income of K3, 000 and below. Sadly, some domestic workers were getting as low as K499 as monthly income. With poor incomes, households therefore, struggle to meet basic needs of health, education, water, sanitation and food. Our surveys have established that that families are forced to adopt coping strategies such as reducing the number of meals, renting poor housing facilities, doing without essential drugs when sick and defaulting on education costs. This negatively affects families' abilities to live dignified lives and perpetuates a vicious cycle of poverty.

### **Recommendations:**

In reflecting on the 2022 first half year cost of living, JCTR makes the below recommendations:

1. To address the seasonality challenge, there is need for **specific policies that would reduce the cost of food production and facilitate all year round food production as well as spur economic growth and create the much needed jobs**. Some possible interventions include; scaling up of irrigation support (for various crops) to address dependence on rain fed agriculture. Another intervention could be cheapening production inputs such as feed or investing in local feed production. Overall, a development driven Agriculture Support Programme will be critical in enabling the nation to actualize a robust, poverty eradication and development driven agriculture sector that will support the nation's vision to be a prosperous middle-income nation by 2030.
2. To address the sustained rise in Fuel prices, **we again urge government to consider reverting to 90 day pump price reviews** to enable the nation register some level of stability in fuel prices
3. To address rising cooking oil prices, we request government to consider reintroducing suspension of import duties on some production inputs e.g. edible oils to ease the cost of production.
4. To address exchange rate instability, **we call on government through the Bank of Zambia to sustain efforts aimed at stabilizing key macroeconomic fundamentals:** There is a need for a sustained stabilisation of key macroeconomic fundamentals such as the exchange rate and inflation as this is critical in stabilising the business environment.
5. To mitigate price increases that are a result of importation bans - **Government through the Ministry of Agriculture should explore two pronged measures that will enable the balancing of imports and the need to boost local production** using a multisectoral approach. There is also need to address the

<sup>1</sup> Conducted in high densely populated areas in Lusaka

<sup>2</sup> Conducted in 2021

<sup>3</sup> Entails limited room, shared toilet, shared water source among others

quality, reliability and adequacy of local farmer supplies and also explore and strategise on how local producers will tap into markets beyond Zambia.

6. To address the high cost of housing in areas like Lusaka, **government through the Ministry of infrastructure development needs a specific focus and strategy on ensuring affordable housing** especially that Lusaka is a city that is rapidly urbanizing and its population standing at over 3million people. The Lusaka basket pegs the housing cost of K3820 which is a significant percentage of the cost of living.

7. To address the issue of rising charcoal prices, **government through the Ministry of Energy to facilitate the provision of sustainable and affordable energy sources that will respond to the low incomes of the majority Zambians.** Charcoal production entails cutting down of trees and has negative implications on the natural environment contributing to climate change. Consequently, climate induced droughts threaten food security and dry up water sources which are key in sustaining people's basic needs.

The impact of the high cost of living on the poor, vulnerable and marginalised carries a moral imperative for government to address the plight of these vulnerable groups. **JCTR calls on government to seriously consider the preferential option for the poor, the vulnerable and the marginalised in policy formulation and implementation.** Government must progressively stand in solidarity with these vulnerable groups and develop and ably implement pro-poor policies. For example, the prioritisation of pension arrears and the prioritisation of rural development are possible pathways. This will enable the progressive realisation and accessibility of rights like education, health care, nutrition, water, and a healthy environment.

But beyond the government, JCTR further wishes to urge those who are better off to stand in solidarity with those who are poor and marginalised in our families and communities as we proceed in the last half of the year. This can be done by providing as much support (charity as well as empowerment) to enable vulnerable households cope with the cost of living.

**For further clarifications contact the Social and Economic Development (SED) Programme at the Jesuit Centre for Theological Reflection (JCTR) on 0955295881 and 0954755319. Email: [jctr.sed@gmail.com](mailto:jctr.sed@gmail.com) and [jctr.info@gmail.com](mailto:jctr.info@gmail.com). Martin Mwamba Road, Plot 3813 Martin Mwamba Road, Olympia Park – Lusaka. P. O. Box 37774 Lusaka – Zambia**

## MISSION STATEMENT

“To enhance justice and equality for all, particularly the poor and vulnerable through the promotion of Christian values, empowerment, care for the environment and provision of policy alternatives”.

## VISION FOR JCTR

“A leading, prophetic well-resourced think tank that speaks and works for the poor and marginalized”

*The JCTR BNNB is supported by*



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JOINT COUNTRY PROGRAMME **ZAMBIA**

## **ARTICLES AND LETTERS**

We would like encourage you to contribute articles to the JCTR bulletin. These articles can be on any social, economic, political or educational, cultural, pastoral, theological and spiritual theme. A good issue of the bulletin really depends on your lively analytical exchange of views. The length of your article should be between 1000 and 1500 words. We also encourage comments on the articles in this or previous bulletin issues. Views for the improvement of the bulletin are also welcome.

So to contribute, please write articles or letters to the Editor- JCTR Bulletin by E-mail to [jctrbulletin@gmail.com](mailto:jctrbulletin@gmail.com) and [jctr.info@gmail.com](mailto:jctr.info@gmail.com)

**“A JUST ZAMBIAN SOCIETY GUIDED BY FAITH, WHERE EVERYONE ENJOYS FULLNESS OF LIFE”**

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Reports

Advocacy on Living Conditions

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2022-04-30

# 2022 Second Quarter Bulletin : A Reflection on the Cost of Living for all Bnnb Towns for the First Half of 2022 as Monitored by JCTR

Jesuit Centre for Theological Reflection

Jesuit Centre for Theological Reflection

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