



**Jesuit Centre for Theological Reflection
(JCTR)**

Memorandum on

**Review of the Implementation of the Constituency
Development Fund**

Submitted to

**THE NATIONAL ASSEMBLY JOINT COMMITTEE ON
LOCAL GOVERNANCE, HOUSING AND CHIEFS' AFFAIRS**

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“A Just Zambian Society Guided by Faith, Where Everyone Enjoys the Fullness of Life”

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1. Organisational Background

The Jesuit Centre for Theological Reflection (JCTR), a faith based organisation and a ministry of the Society of Jesus (Jesuits), was formed in 1988 to translate into action Christian principles and values in its quest to promote social justice in Zambia. It provides from a faith inspired perspective, a critical understanding of current social, political and economic issues and generates action to address them. Key to its mission is the gathering and analysing of pertinent and topical data on issues, whose results are then employed in popular education and engagement with policy makers, service providers and other duty bearers on the identified issues. Additionally, JCTR builds capacities and creates platforms for community members to participate in dialogue for legislative, policy as well as practical change.

JCTR's ethos are derived primarily from the Christian faith and its Church Social Teaching (CST), a body of social wisdom derived from the Christian scriptures, the teaching of Popes, theologians, social sciences, common human experiences, as well as from other influential church leaders. Its mission is outlined in the following statement: "From a faith inspired perspective the JCTR promotes justice for all in Zambia, especially for the poor, through research, education, advocacy and consultations". Its vision is: ***"A Just Zambian Society, Guided by Faith Where Everyone Enjoys the Fullness of Life"***.

2. Introduction

According to the government's updated National Decentralisation Policy, Zambia's socio-economic transformation agenda is to be driven by citizen and community participation. This is in line with Catholic Social Teaching and especially the principle of subsidiarity. As Pope John 23 said in his encyclical, *Mater et Magistra*, the individual must have the primary responsibility of developing their lives and their families. The role of the State is to augment this individual freedom, to support it, and to protect personal rights. Thus, individual citizens and the State need to co-operate in the development of the economy.¹

Decentralised governance and the principle of subsidiarity was given much needed support when the government expanded the Constituency Development Fund (CDF) in 2022. The CDF went from K1.6 million per constituency to K25.7 million for the 2022 budget period. For the 2023 budget period, the government further increased the CDF to K28.3 million per constituency and for the 2024 budget period, another increase was proposed. The CDF allocation per constituency now lies at K30.6 million.

With such a boost to the CDF and the potential for local development that such a provision of funding brings with it, there are understandably concerns. This finance will only help local development if the funding reaches its intended beneficiaries. This calls for an environment that is free from corruption. It also calls for an administration of this fund and its utilisation that is effective.

¹ Pope John 23, *Mater et Magistra*, The Holy See, May, 1961, at para 53, 55 and 56.

In October 2023, JCTR received an invitation from the Committee on Local Governance, Housing and Chief's Affairs to submit a memorandum reviewing the implementation of the CDF. Key considerations for this memorandum include a review of the policy and legislative framework, an outline of the role of non-state actors like Caritas Zambia and JCTR in the CDF, as well as a description of the challenges and opportunities which JCTR has identified with the effective functioning of the CDF. This memorandum therefore shares the fruits of JCTR's investigation under these headings. This request from the Committee demonstrates that the government is concerned that the funding from CDF reaches its intended beneficiaries, and that the administration of the Fund is effective.

JCTR shares this government's desire to make the CDF as effective as possible. As will be outlined below, JCTR has engaged on studies on CDF implementation. Firstly, at a project implemented in 2019 in Kasama, Livingstone, Mongu and Kitwe constituencies. More recently, JCTR has engaged in projects that focussed on the implementation of the CDF in numerous constituencies in Zambia. These are the major source of information that JCTR is sharing with the Committee in this memorandum.

The results of these studies show that there remain a lot of challenges in the effective administration of the CDF. There is a low community participation in CDF processes, the Ward Development Committees are not functioning optimally, and the transparency and accountability with which the CDF operates can be enhanced. That being said, JCTR shares this governments conviction that the CDF has the potential to galvanise local community development. If the challenges outlined in this memorandum could be addressed, the CDF could help build the lives of citizens and communities across Zambia.

3. The Legal Framework Guiding the Implementation of the CDF

The Constituency Development Fund ('CDF') is established by article 162 of the Zambian Constitution (as amended in 2016). Article 162 further outlines that the management, disbursement, utilisation and accountability of the CDF shall be governed by law to be prescribed by the state.

The law prescribed by the state to govern the CDF is primarily the Constituency Development Fund Act No. 11 of 2018 (CDF Act). The CDF Act outlines how the CDF operates, and details the responsibilities of the entities and persons involved. The CDF Act establishes the responsibilities of the Minister of Local Government and Rural Development (the Minister). According to section 4 of the CDF Act, the Minister is responsible for the implementation of the CDF Act, ensuring prudent management of the Fund, receiving and approving the project lists requesting money from the CDF, ensuring proper records are kept and reports compiled, as well as receiving and reviewing annual reports from the councils.

The CDF Act outlines how the money from the CDF is to be dispersed. Section 8 of the CDF Act stipulates that the local authorities are to establish a special bank account for CDF monies, at a commercial bank. Section 9 stipulates that only monies for projects approved by the Minister may be disbursed from the account.

Concerning the approval of projects by the Minister, the CDF Act outlines the process. In section 5, the CDF Act establishes a Constituency Development Fund Committee (the Committee) in each constituency. The members of this Committee are set out in this section and consist of the following:

- two community representatives nominated by the Member of Parliament from the constituency
- three councillors in the constituency, two of whom are elected by the councillors in the constituency and one of whom is nominated by the Member of Parliament from the constituency
- one representative of a chief where a constituency has one chief, or two representatives of chiefs where the constituency has two or more chiefs, nominated by those chiefs from within the constituency.
- a representative of the director responsible for planning at the local authority in which the constituency is located

- a representative of the director responsible for works or engineering services at the local authority in which the constituency is located
- a representative of a civil society organisation operating in the constituency nominated by the Member of Parliament from the constituency
- a representative of a religious organisation in the constituency nominated by the Member of Parliament from the constituency
- a Member of Parliament from the constituency
- a representative of the director responsible for finance at the local authority in which the constituency is located.

Section 15 outlines the process to be followed when approving projects. The process begins with the Ward Development Committee. The Ward Development Committee (WDC) is established in each ward by section 36 of the Local Government Act No. 2 of 2019 (LGA). According to section 37 (e) of the LGA, the WDC shall formulate and submit a project list and budget proposals to the Committee. Section 16 of the CDF Act then stipulates that, during the first quarter of every year (preceding the year in which a project under the CDF is proposed to be implemented), the Committee is to invite a WDC to submit proposals for projects to be funded by the CDF. The CDF Act then stipulates that within 14 days of receipt of this list, the Committee shall reject or approve the proposed projects. Section 15 (1), read with section 6 (e) of the CDF Act, specifies that the Committee shall forward the list of approved projects to the Local Authority, before the end of the month of March each year, for final approval. Section 15(3) requires that the Minister shall approve a project list that they have received within 30 days of receipt.

It must be noted that this is the process that is currently outlined in the CDF Act for the approval of projects. But it has been announced that the CDF Act will be amended to further allow for decentralisation in the approval of CDF projects. For example, in the draft Constituency Development Fund (Amendment) Bill 2023, the Minister will no longer be the responsible person to approve CDF projects. Instead, CDF projects will be approved at province level by a Provincial Constituency Development Fund Committee in each province. The debate on the CDF Amendment Bill has unfortunately been deferred until a future sitting of the National Assembly. However, a memorandum has been sent out stipulating that for the present moment, the Local

Government Provincial Administrator is the person who approves CDF projects. This adjustment in the approval of projects furthers the decentralisation of CDF implementation.

The functioning of the CDF is also managed by guidelines which are issued by the Minister, pursuant to section 25 of the CDF Act (the Guidelines). The Guidelines contain important provisions, which impact how the CDF is regulated. For instance, the Guidelines determine how the CDF is to be allocated and identifies three major Components, namely: (1) Community Projects; (2) Youth, Women and Community Empowerment; and (3) Secondary Boarding School and Skills Development Bursaries.

The Guidelines also mention other key policy and legislative frameworks that impact the functioning of the CDF. The Guidelines emphasise that they constitute a crucial part of the implementation of the government's National Decentralisation Policy, as well as other policies which impact the empowerment of youth and women, and skills development. The Guidelines mention that the other policies which are crucial to decentralisation, as well as the latter concerns, are:

- The National Social Protection Policy
- The National Education Policy
- The National TEVET Policy
- The National Youth Policy
- The National Gender Policy
- The National Disability Policy.

Finally, the Guidelines mention other important pieces of legislation that impact the efficient functioning of the CDF. The pieces of legislation that have not been mentioned above, but are mentioned in the Guidelines, include:

- The Public Finance Management Act No. 1 of 2018
- The Public Procurement Act No. 8 of 2020
- The Urban and Regional Planning Act No. 3 of 2015

- The National Planning and Budgeting Act No. 1 of 2020
- The Anti-Gender Based Violence Act No. 1 of 2011.

These pieces of legislation provide a key framework within which the CDF operates. For instance, the Public Finance Management Act requires that the Ministry of Finance and National Planning shall provide a financial management framework for the CDF. It also provides some key stipulations that contribute towards the accountability of the CDF, following the principles of fiscal discipline, prudence, equity and transparency. Also, since the CDF allocation process will involve negotiations with bidders for a project, which process is governed by the Public Procurement Act.

4. The Role of JCTR and Caritas Zambia

The invitation extended to JCTR by the Committee on Local Governance, Housing and Chief's Affairs mentions the need to outline the role which Caritas Zambia, as a non-State actor, is playing in the implementation of the CDF. Both JCTR and Caritas Zambia are Catholic Civil Society Organisations and the two organisations have worked together for over 30 years to support the development and growth of communities in Zambia. While Caritas Zambia is in a much better position to give a more comprehensive account of its work on the CDF and its implementation, JCTR can describe Caritas Zambia in general terms. Caritas Zambia works closely with the Zambian Catholic Bishops Conference (ZCCB) and its parent international body, Caritas Internationalis, to promote the common good. Through the structure of Caritas Zambia, the ZCCB animates programmes that aim to uplift communities, the poor and the marginalised in Zambia. Since the effective functioning of the CDF is of paramount importance to the development of communities, as well as the upliftment of the poor and the marginalised in Zambia, Caritas Zambia remains dedicated to the successful functioning of the CDF. For instance, Caritas Zambia published a report on the CDF in 2011.²

In this section, JCTR can outline in more detail its own focus on the CDF and its successful functioning. In the description of JCTR at the beginning of this submission, it was emphasised

²<https://www.caritaszambia.org/press/press-releases/constituency-development-fund-cdf-allocation-disbursement-and-utilization>, last accessed on 18 November, 2023.

that as a faith based organisation, it seeks to put Christian principles into action. Furthermore, it was stated that a key component to its mission was to gather and analyse ‘pertinent and topical data’ on important social issues. This data is then used to deepen the awareness of the public, and to engage in evidence-based advocacy with policy makers, service providers and other duty bearers to promote the common good. JCTR also follows a human rights based approach in its work, which seeks to build the capacities of community members to participate in dialogue with duty bearers, which dialogue is aimed at introducing any necessary change to legislation and government policy which can best serve the communities it works with.

With this general approach in mind, JCTR has engaged in projects that focus on the implementation of the CDF. For instance, in 2019, JCTR engaged in a study of the usage of CDF in Zambia in Kasama Central, Mongu, Kitwe and Livingstone constituencies. It focussed on projects dealing with Education, Health, and Water and Sanitation. It encountered challenges in terms of the information available about the CDF, the administration of the Fund, as well as the lack of community consultation and involvement in the CDF process.³

More recently, commencing in February 2023, JCTR engaged in a project which focussed on the implementation of the CDF in Chisamba, Kasama Central, Livingstone and Masaiti constituencies. JCTR engaged with community monitors in each constituency, gathering data concerning the transparency, accountability and community participation of the CDF process. This project has sought to identify the challenges that it identified with its data collection, and to provide recommendations that would enhance the transparency, accountability and community participation of the CDF in Zambia. The challenges identified with CDF, as well as the recommendations in this submission, come largely from this important study.

³ Jesuit Centre for Theological Reflection, 2019. Understanding the Usage of Constituency Development Fund (CDF) in Zambia: The Case of Education, Health, Water and Sanitation Projects in Chishipula, Kapulanga, Chamboli and Simoonga Communities, Lusaka. Jesuit Centre for Theological Reflection (JCTR). p.43,

5. Implementation of the CDF: Challenges and Opportunities

5.1 Challenges

As noted in the introduction, the CDF presents crucial opportunities for local development. The hope is that through the mechanism of the CDF, local needs can be expressed by the community members themselves. These needs can then be translated into workable projects that would encourage community participation in development. However, based on its own monitoring and interaction with local authorities and community members, JCTR notes the following challenges with the implementation of the CDF.

a. Challenges at the Local Authority Level

From the 2022 CDF guidelines, the Local Authorities have the outlined responsibilities in the implementation of the Constituency Development Fund (CDF). Some of the responsibilities include:

- Planning and budgeting;
- Accounting and Pre-Auditing;
- Procurement;
- Project implementation, management, monitoring and evaluation⁴

In dispensing their duties on the implementation of the Constituency Development Fund at the Local Authority level, it has been discovered that the Local Authorities are facing numerous challenges. Some of the challenges notable challenges included:

- **Quality of CDF projects:** In many constituencies, a challenge of the quality of CDF works pertaining to construction have emerged as serious concerns. Some of the notable challenges around construction work include the road constructions (feed roads). Noting that many feeder roads are being graded, a concern around the quality of work has emerged as topical. In other cases, the contractors were abandoning the project sites, stalling for a

⁴ See 2022 CDF Guidelines. Ministry of Local Government and Rural Development. Lusaka. Pg.15

prolonged period or working at a snail's pace. This was leading to delays in the completion of CDF projects.

- **Capacity concerns at the Local Authority:** Noting that the Local Authorities are the CDF Secretariat, the enhancement of the CDF budgetary allocation per constituency has put enormous pressure on the Local Authorities. Notably, some Local Authorities have more than constituency to manage. For example, in the case of Kitwe City Council with five (5) constituencies. However, there are few officers at the Local Authorities officers to manage CDF (e.g. quantity surveyors who need to visit all the five constituencies). Hence, this is causing serious delays in the implementation of community projects.
- **Delays in commencing project implementation:** It has been noted even though some projects have been approved (community and empowerments), commence the projects on time or within the timeframe is a challenge. From the JCTR interaction with WDCs, it has been noted that many WDCs complain about delays in commencing the implementation from the time of the approval. This was making it difficult for some projects to take off (e.g road constructions).
- **Local Authorities struggling to monitor CDF projects:** Even though all the constituencies have Monitoring and Evaluation vehicles, some Local Authorities were struggling to monitor the implementation of CDF and to provide corrective measures. From the numerous JCTR interactions, it has been observed that the Local Authorities were struggling to consistently monitor community projects. Most of the times, the Local Authorities would only monitor when only there was a challenge with the project implementations.
- **Constituency Office (PA's):** From the JCTR interactions, it has been noted that the Professional Assistants at the Constituency Office would seat in for the Member of Parliament at the Constituency Development Fund Committee (CDFC), when the MP was out on other duties. However, when the MP was back, the Professional Assistants would not attend the CDFC meetings. It has been raised that this was causing communication gap between the Constituency Offices and the CDFCs.
- **Monitoring and Evaluation report production:** From the JCTR interactions, it has been observed that many Local Authorities would monitor CDF projects. However, the monitoring reports as stipulated by the guidelines were not being produced (quarterly,

semi-annual and annual reports). This is causing serious delays in requesting for resources from the Ministry of Local Government and Rural Development (as these documents are integral to the accounting system).

- **Media not reporting accurately on CDF:** In some JCTR interactions, it has been observed that many journalists and media houses had passion to report on CDF progress. However, many of the reporters were not getting the figures right because they were not getting them from the sources. This was because some of the journalists did not know where to find information on CDF implementation.
- **Poor management of cooperatives/clubs after receiving grants:** In many wards, it has emerged that many clubs and cooperatives are disbanding after receiving the CDF money. This is leading to CDF not meeting its objectives, because the cooperatives are disbanding after sharing the money (abandoning the proposed project).
- **Weak mechanisms to monitor the database of the beneficiaries:** There is a rising concern about double dipping from CDF by belonging to multiple cooperatives and applying to numerous constituencies. In many communities, community members are joining or forming multiple cooperatives in order to increase the possibility of receiving the CDF money. In other instances, cooperatives are applying to multiple constituencies. The Local Authorities are failing to detect those who belong to multiple cooperatives because of lack of electronic systems to detect.
- **Students dropping out of school/colleges:** The CDF allocation on Skills and Bursaries is a serious game changer on equalisation through education. However, some students or learners being sponsored under CDF are dropping out because of expecting to receive cash, other needs etc. This was a challenge because the Local Authorities need to intensify monitoring of this CDF scope.
- **Project Authorization taking too long:** The instruction to delegate the Provincial Administration office to approve CDF projects has been commendable and a step in the right direction on the decentralization trajectory. However, it was still taking long to approve projects largely because some constituencies are not in the provincial capital. This entails that in order to get feedback from the Provincial Office one needed to make numerous follow-ups.

- **Delays in disbursements:** Local Authorities and Constituency offices are facing a challenge of delayed disbursement from the Ministry. This challenge was leading to procurement challenges on community projects. Also, the delays had a negative impact on the empowerment projects as they are not commencing on time.
- **High costs of CDF projects:** The delays in procurement procedures were causing the rise in cost of projects. For example, the Local Authority would approve a project in April, but only commencing the works in October. The huge time lapse was causing the rising in construction costs because of inflation and other market values.
- **Lack of competent vendors within the Local communities:** Many wards do have competent vendors (by competent, this report means having full registration documents and meeting the procurement criterion of the Government). This was posing a challenge to many Local Authorities on supporting the local vendors.

b. Challenges Noted at the Ward Level

The 2022 CDF guidelines stipulate the functions of the Ward Development Committees (WDCs) in the implementation of the Constituency Development Fund. Some of the stipulated functions of the WDCs include:

- Providing a forum for dialogue & coordination on Ward Development issues
- Submitting to the CDFC, applications for Projects, Secondary Boarding Schools and Skills Development Bursaries and Empowerment Projects;
- Identifying areas for capacity building within the Ward;
- Preparing quarterly reports on developmental activities within the Ward to the appropriate Committee of the Local Authority;
- Developing and maintaining a Ward based database as guided by the Local Authority;
- Project implementation, management and monitoring.⁵

Basing on the stipulated functions of the WDCs in the guidelines, there have been notable challenges in meeting their obligations. Some of the challenges have included:

⁵ See 2022 CDF guidelines on page 16

- **Lack of Financial and Administrative support:** There are financial challenges to meet the WDC obligations of mobilising community meetings, keeping records (stationary costs) and monitoring projects in their wards (transport and meal costs). It needs to be noted that all WDCs were undertaking work on a voluntary basis, in line with the Local Government Act. Coupled to that, many WDCs, especially in rural wards have vast catchment areas. Therefore, without any financial incentive, the WDCs cannot effectively meet their obligations.
- **Monitoring community projects:** It has been noted that many WDCs have capacity challenges. The Guidelines stipulate that the WDCs are expected to monitor projects and mobilise community members. However, many WDCs have monitoring skills and this was being caused by low literacy levels.
- **Monitoring community empowerments, skills and bursaries:** Many WDCs were struggling to monitor empowerments and skills/bursaries because some beneficiaries were not implementing the projects within the ward (empowerments). In the case of skills and bursaries, WDCs were failing to monitor because these beneficiaries were outside the ward, while others even outside the province.
- **Time constraints among the WDCs to meet their obligations:** Time constraints were noted by the WDCs, in terms of balancing time between family and the work of the WDC. This makes sense in the light of the fact that the WDC work is voluntary, and therefore it needs to be balanced with business, farming, family time.
- **Mobilising community members:** Many WDCs were struggling to mobilise community members for community meetings. This was because lack of administrative support like transport and adequate stationery and allowances (especially for the WDCs in rural wards).
- **Late commencement of implementing the CDF projects:** The WDCs shared about the delays they experienced in the commencement of projects and empowerment programmes. The Local Authorities would inform the relevant community members about the approved projects, and those who had been awarded loans, bursaries and grants. But there are significant delays in the commencement of project implementation.
- **Lack of information on community projects:** Many WDCs do not have information on approved CDF projects. In many instances, they would have a list of approved proposals,

but they would not have information like BOQ for community projects, time frame for the contract, the costs, the kind of approved projects under empowerment. This is presenting a challenge to the WDCs to effectively meet their obligation of monitoring CDF within a ward.

- **Not attending the public bid opening meetings:** Many WDCs do not attend the public bid opening ceremonies. The reasons for not attending include distance from the ward to the Local Authority, awareness about the activity, lack of interests and little advertisement to the community. This presented a challenge to transparency and accountability.
- **Procurement committee taking too long:** In JCTR's interactions with WDCs, it has been noted that the procurement process was taking too long (from approval to implementation).
- **Challenge for community members to develop quality proposals:** In many rural wards, due to literacy challenges, most community members struggle to develop quality proposals for the empowerment. This was leading to low accessibility of CDF money, especially among women and youths. In some instances, cooperatives or clubs in rural areas have to ask the WDCs or someone learned to write the proposal for them.
- **Feedback mechanisms:** The local Authorities were not providing adequate feedback on rejected proposals or empowerment applications.
- **Lack of communication between the WDCs and the Local Authorities:** There is communication gap between the Local Authorities and the WDCs. In many instances, the WDCs are not introduced to contractors undertaking projects in their wards, while in other instances not information or update is provided to the WDCs.

c. Challenges at the Local Community Level

Community members are a major key stakeholder in the implementation of the Constituency Development Fund. This is because, the community members are the ultimate intended and targeted beneficiaries. From the 2022 CDF guidelines, community members have key role in the successful implementation of the CDF. Some of the responsibilities of the community members include:

- Participating in community meetings;

- Identifying community needs;
- Submitting proposals to the WDC through the Zone;
- Participating in project implementation when required;
- Monitoring implementation of CDF projects⁶

Even though community members have this privileged responsibilities or roles in the successful implementation of CDF, most local community members continue to face challenges. Some of the notable challenges include:

- **Limited platforms for participating:** There are limited platforms for community members to participate in project selection. The WDCs were not calling for community meetings and even if there were community meetings, there was minimal prior information shared with the community.
- **Low community participation in project selection:** it has been noted that many community members were not attending community meetings where projects are selected. The larger number of community members were mainly interested in the empowerment scope. In case of selecting the community projects, community members were shunning such meetings on the basis that there were no transport refunds, meals, refreshments or any financial incentives. This was leaving many WDCs with no option, but to select community projects as a committee.
- **Lack of information on decisions on CDF:** There was limited information which was being disseminated on CDF implementation. This is applicable to information related to project progress, feedback on project proposals, and status of project proposals. Many community members did not know any information about CDF implementation in their areas, largely, because no information was shared to them.
- **Low approval rates for the projects:** Noting the continued increase in the CDF budgetary allocation per constituency, many community members apply for CDF support. However, there has been low approval rates on the empowerment and the community project scopes. This is causing distrust among community members in the CDF processes.

⁶ See 2022 CDF Guidelines. MLGRD. Lusaka. Pg. 16

On the contrary, the bursaries and skills continue to be the most accessible and utilised scope.

- **Little sensitization among youths and women:** It has been noted that many men know about CDF. On the contrary, many women and youth do not know about CDF, especially the processes and how they could participate in the CDF implementation. And this was being caused by little to no sensitization being done among youth and women on CDF.
- **Vandalism:** In some constituencies, vandalism remains a topical challenge on CDF projects. In many wards, there is a lot of community vandalism on public property (bridges, schools ect).

5.2 Opportunities in the implementation of the Constituency Development Fund

Amidst the numerous challenges, CDF remains a great avenue for development, alleviating poverty, improving the living standards and conditions of people in local communities. In principle, the fund presents numerous opportunities for the communities and the intended beneficiaries. Some of the opportunities include:

- **Improving the living standards and conditions of community members:** If well implemented, CDF has the opportunity to improve the living standards and conditions of people by creating a developed and conducive environment (improved service delivery, good road networks, improved infrastructure, street lights, modern markets etc).
- **Improving access to quality education:** CDF has the potential to enhance the access to quality education by ensuring children have access to improved classrooms (electricity and desks), functioning laboratories, more classroom space, reducing the distance learners have to cover in order to access education etc. Furthermore, CDF can address the problem of teachers shunning community schools because of lack of accommodation for the teachers. Therefore, CDF has the opportunity to improve the quality of education and the accessibility of quality education among children in rural communities.
- **Improving access to quality health care service:** CDF has the opportunity to improve access to quality health care services, especially in rural communities. This can be achieved through improving the infrastructure at health facilities (constructing maternity

wings, roads leading to the health facilities etc). Like education, CDF can be utilized to provide accommodation for the health workers, and this in turn would make it possible for the Ministry of Health to change the designation of some health facilities from health posts to clinics etc. This would improve the quality of health care service.

- **Improving access to clean water and improved sanitation:** Clean water and improved sanitation continues to be a challenge for many communities (both rural and urban). The challenge of clean water and improved sanitation has been exacerbated by population growth. And this problem has been leading into waterborne diseases (e.g. cholera, dysentery, diarrhoea etc.), especially during rainy seasons and flooded communities. Therefore, CDF has the opportunity to change the narrative around accessibility to clean water and improved sanitation in communities.
- **Improving economic wellbeing of constituencies:** CDF has the opportunity to improve the economic well-being of communities. This can be done through supporting local contractors and providing job opportunities for the youth in the constituencies. This can reduce the youth unemployment rate in constituencies and in Zambia at large.
- **Enhancing the Local democracy:** CDF presents an opportunity for Zambia to enhance her local democracy (Decentralization). This is because CDF is helping people participate in the democratic governance process leading upto them deciding the solutions to their local problems.
- **Funds already budgeted for CDF:** Knowing that CDF has been budgeted for and that the Ministry of Finance and National Planning has disbursed the allocations, it is a great opportunity for Non-State actors to push for disbursements from the Ministry (MLGRD) to the Local Authorities. Furthermore, this presents an opportunity for CDF as a development vehicle to uplift the lives of people in communities.
- **Availability of CDFCs:** The CDFCs play a key role in the implementation of CDF. This is because they closely relate with the CDF Secretariat. In most constituencies, there are functioning CDFCs with full members and willing to meet their obligations. Therefore, the CDFCs are strategic committees to ensure CDF is effectively implemented in respective constituencies.
- **Willingness of WDCs to execute their mandate:** Many WDCs are willing to carry out their mandate as guided by the Local Government Act No. 2 of 2019. All that the WDCs

need are financial and administrative support to aid them meet their obligations. Most WDCs know that this duty is a part-time assignment, and therefore, the demand for financial incentive is low. Strengthen the WDCs is the missing linking to the CDF implementing architecture.

- **Ministry of Local Government and Rural Development:** The MLGRD has in place 2022 CDF guidelines governing the implementation of CDF in Zambia. The guidelines provide for standardization, benchmarks and procedures for the implementation of CDF in Zambia. This is an opportunity to strengthen transparency and accountability in the management of CDF.
- **Legal and Legislative framework:** The Constitution of Zambia has established CDF in article 162 and further, 163 has established the Local Government Systems which fall under the Ministry of Local Government and Rural Development to implement CDF and other functions (WDCs, CDFCs etc). Also, there are subsidiary pieces of legislation like the Constituency Development Fund Act No 11 of 2018 and the Local Government Act No. 2 of 2019. The availability of the legislative framework provide hope for a continued, but sustainable implementation of CDF.
- **On-going projects:** There are numerous community projects under implementation (some completed, while others earmarked to be completed next). This presents an opportunity for Government and non-state actors to substantially engage implementers as well as the beneficiaries (communities). Following the CDF 2022 guidelines where the Government is expected to produce a comprehensive evaluation report in the 3rd year of implementation, ongoing projects presents an opportunity to document the impact of CDF on the lives of people in communities.
- **Local Authorities prioritizing community projects that started as community led projects:** In many constituencies (for example Nkana constituency), there are projects that started as community initiatives. For example, the community in Kandabwe started constructing a 1x3 classroom block. However, the constituency picked up the project for completion as well as supplying 60 3-seater desks. In this case, CDF presents an opportunity to improve the quality of education.

- **The revised 2023 National Decentralization Policy:** there is a revised 2023 National Decentralization policy that present the opportunity for further decentralization of CDF implementation.
- **Generosity of Constituency Offices:** Many Constituency Offices warmly welcome JCTR and other non-state actors, where they generously disseminate information on CDF implementation in their constituency.
- **Enhancing access to Economic, Social and Cultural Rights (ESCR) in Zambia:** The hallmark of CDF is to alleviate community poverty. Similarly, the foundation of ESCR is to promote world peace and justice. Now, the concept of peace in this context traverses the confines of understanding peace as the absence of war. Why? This is because, you can have a situation where there is no war, but people are struggling to access basic services like education, health, clean environment, water and sanitation and they would be wallowing in poverty etc. Some schools of thought, understand ESCR as positive rights. Primarily because they give responsibility to the Government to provide. This, then seamlessly fits into the CDF implementation because CDF is an avenue for the Government to progressively realize the ESCR. Furthermore, CDF is connected to support the quality of social service provision like education, sanitation, water, health etc. It is through such facilities that people enjoy the ESCR. And that is why, JCTR conducts social accountability in the implementation of CDF, it is implicitly asking *“Is CDF helping the progressive realisation of ESRC?”* In social accountability JCTR looks at the quality of service provision as well as building capacities of community members to hold duty bearers accountable in the utilisation of public resources. ESCR are approached from multiple angles and these go with the intended beneficiaries (For example prisoners, Children, Youths , Women etc)

6. Recommendations to Improve the Implementation of the CDF

Noting the challenges outlined above, JCTR would like to propose the following recommendations to improve the implementation of the CDF.

- **Employ more staff at the Local Authorities:** There is need to employ more at staff dedicated to CDF at the Local Authorities. This will enhance the efficiency and effectiveness of the Local Authorities in managing the implementation of CDF. This will also address the problem of Local Authorities struggling to produce quarterly, semi-annual and annual reports.
- **Financial support to the WDCs:** There is a need to provide financial support to the WDCs. This will act as a motivation to their work. Furthermore, the financial support will aid the WDCs to mobilising the ward monitoring team (transport, meals and refreshments etc).
- **Administrative support:** There is need to enhance the administrative support provided to the WDCs. The enhancement of the administrative support may include providing means of transport to facilitate their movements in monitoring CDF in their wards, enhancing communication between the WDCs and the Local Authorities as well as in effectively mobilising community members for community meetings.
- **Enhance communication between Local Authorities and WDCs:** In the 5% administrative cost, there is need for a deliberate planning on engagements between the Local Authorities and the WDCs. Frequent engagements between the Local Authorities will enhance the implementation of CDF, since the WDCs will have a platform for providing feedback to the Local Authorities.
- **Mandate WDCs to attend public bid opening meetings:** The Ministry of Local Government and Rural Development must revise the CDF guidelines to mandate WDCs to attend public bid opening ceremonies for the bidders of community projects (works and goods). By mandating the WDCs to attend such ceremonies, the Local Authorities must ensure they meet the transport needs of the WDCs. This will enhance transparency in CDF implementation, especially in the contract awarding processes.
- **Build robust database:** The Ministry of Local Government and Rural Development must invest in the development of an integrated monitoring and evaluation system that captures data of all the CDF related projects across all the constituencies in the country. This will address the problem of beneficiaries double dipping from CDF.
- **Re-arrange skills and bursary the scope:** Government must relocate the management and implementation of skills development and bursaries scope from the Local Authority to

the Ministry of Education at the district levels. This is because the ministry has more capacities to implement this scope than the Local Authorities.

- **Re-arrange the empowerment scope:** Government must relocate the management and implementation of empowerment (loans and grants) from the Local Authorities to the Ministry of Small and Medium Enterprises Development at the district levels. This is because the ministry has more capacities to manage loans and grants as witnessed with other initiatives like the Citizens Economic Empowerment Commission loans.
- **Leave the Local Authorities to manage the community project scope:** This is because they have more capacities and knowledge on the Integrated District Plans (IDPs). This will boost implementation of CDF in contributing to the 8th NDP.
- **Allocate a percentage to facilitate for sensitization:** The guidelines should be revised and deliberately allocate a % from the 5% admin cost to be meant for the sensitization activities. This will enhance awareness among community members on the CDF processes and procedures. In turn, this will improve the levels of community members participating in the CDF implementation.
- **Build capacities of community members in proposal development:** the Ministry of Local Government and Rural Development should (through the guidelines) instruct the Local Authorities to build capacities of community members on CDF proposal development (on-going activity). This will enhance the quality of the proposals, but also this will aid community members in developing proposals that are in line with the objective of CDF. Additionally, if better proposals are prepared, then the problem of low approval rates for community projects with WDCs and CDFCs can be addressed.
- **Develop a simple monitoring template to be used by WDCs:** following the guidelines, the WDCs are expected to submit monthly progress reports to the Local Authorities. However, noting the literacy challenges, time constraints and limited monitoring skills of WDCs, the Ministry of Local Government and Rural Development should develop a monitoring template that should be populated by WDCs and submitted to the Local Authorities. Furthermore, Local Authorities should deliberately plan for capacity building activities for the WDCs.
- **Sharing information with community members on CDF implementation:** There is also a need to produce more reports on decisions made on CDF after monitoring and to

share these with community members. Local Authorities could disseminate abridged versions of these reports, which reports could be produced in local dialects. This will increase trust with the community members and increase the perception of transparency and accountability.

- **Sharing information CDF application:** More information needs to be shared with the WDCs and community members on the awards of contracts. The Local Authorities can increase announcements on adverts and meetings connected with CDF projects, and the CDFCs can also be involved in this. Local Authorities also need to provide information on rejected proposals, to enable better applications for future projects. Finally, reports on CDF project progress can be shared.
- **Record keeping at the Ward Level:** The Local Authorities need to adequately provide administrative support to the WDCs. The challenge or report writing could also be aided by good record keeping. For the WDCs to be able to keep good records, ample stationary needs to be provided by the Local Authorities for this purpose.
- **Review and amend the Local Government Act No 2 of 2019:** As noted above in section 5(b) regarding challenges relating to WDCs, the WDCs have the task of mobilising community members but they do not have financial support for this. Therefore, the Ministry of Local Government and Rural Development, as well as the Ministry of Finance, could collaborate to ensure that the WDCs are better financed. With the WDCs mobilising community members, there would be more community participation. Closely related to this is financial support for transport for the WDCs, to enable them to engage more fully in their tasks. Finally, the work of the WDCs is voluntary and this at times has the effect of dampening the motivation of those involved in WDC work. Therefore, the Local Government Act No. 2 of 2019 could be revised to reconsider the voluntary nature of this work of the WDCs.
- **Review and amend the Constituency Development Fund Act No 11 of 2018:** The CDF Act should be reviewed and amended, especially on the scope of the CDFC and the selection processes of members belonging to the CDFC. This will broaden the scope, but also enhance the public perception of the CDFC. Noting the challenges of pre-selected projects for CDF, and a common community perception that there is political influence in

project selection, the CDF Act should be revised to make sure that the Committee's membership doesn't allow for a disproportionate political influence in project selection.

- **Managing the Executive Directives:** In the last few years, it has been witnessed that the Executive has been instructing the constituencies on how to spend the CDF resources (police vehicles, monitoring vehicles, ambulances, building palaces of the chiefs etc). These are good gestures, however, they have an impact on community participation. This is because, community projects are rejected on the basis on the Executive priorities. Therefore, the Executive directives can be managed by putting a % ceiling on the Executive directives. This will help to both meet the aspirations of the people as well as the aspirations of the Government.
- **Set up platforms for inter-constituency collaboration:** There are some districts with more than one Constituency. In order to maximise the benefit from CDF, there is need to set up inter-constituency platforms that encourages inter-constituency collaboration in the implementation of some projects such as purchasing and servicing of road construction equipment as well as encouraging cross-learning of good practices amongst the constituencies.
- **Enhancing social inclusion:** Notably, there has been low participation of people living with disabilities. The Local Authorities must ensure that people living with disabilities or parents/guardians to people living with disabilities are sensitized on CDF and the CDF application processes. Furthermore, there is need to make application instruments more accessible to people living with disabilities.
- **Improving the feedback mechanism on rejected proposals or applications:** The Local Authorities should enhance the mechanisms for providing adequate feedback on rejected proposals and applications. For an effective feedback, the Local Authorities may be doing this ward by ward or for the nearby wards, combined approach. This will build confidence among community members as well as enhancing communication between the Local Authorities and the community members.
- **Starting the application processes earlier than 3rd quarter.** The 2022 CDF guidelines provide for commencement selection process in February of a given fiscal year.⁷ However,

⁷ See 2022 CDF guidelines on page 22

some Local Authorities have taken initiative to change the cycle. Currently, the selection processes for 2024 cycle have not been concluded in many constituencies. This will impact on the delays of commencement. Therefore, the guidelines should be revised to stipulate a month when all the processes must be concluded. This will enhance in concluding the processes earlier. This will address the problem of late commencement of CDF implementation (between approval and actual implementation).

7. Conclusion

The vision behind the CDF remains sound. The principle of subsidiarity invites local communities to build their futures and to be agents of their own development. The role of the State is to support this process of local development and this is well captured by the government's recently updated National Decentralisation Policy of 2023. The importance of the CDF has been elevated in recent years by the increase in allocation up to the current level of K30.6 million per constituency. This represents a notable support from the national government for local development.

In order to fully realise its potential, the administration of the CDF needs to be improved. This memorandum has identified important challenges to this administration. There is a low community participation in CDF processes, the functioning of the WDCs needs to be supported by Local Authorities, reports and feedback on CDF processes are not being shared with communities, and communities need to be sensitised about the CDF and its importance. In summary, community participation in CDF processes needs to be stimulated and the transparency and accountability with which the CDF is being administered needs to be enhanced.

In order to address these challenges, numerous recommendations have been proposed by JCTR. Notable in these recommendations is the financial support that needs to be given to the WDCs, as well as their capacity building for report writing and the keeping of records. Information about the CDF and project proposals needs to be shared with community members to boost transparency and accountability, as well as the key practice of disseminating reports to the community. Finally, community participation in CDF processes requires strengthening. This last recommendation invites the Local Authorities to partner with non-state actors to sensitise the community about CDF processes and the value of the CDF.

As a non-state actor, JCTR is well positioned to assist in the effective implementation of the CDF. With its partners, like the National Democratic Institute, it continues to support the process of decentralisation that the government has outlined in its 2023 National Decentralisation Policy. JCTR commends the government for the vision of the CDF and the concern of the Committee on Local Governance, Housing and Chief's Affairs that the CDF is administered properly. It is JCTR's hope that these recommendations will assist the Committee to address the challenges that the CDF faces, to ensure that local communities can fully benefit from the support of the funds that are now available for their development.

8. References

a. Reports

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c. Legislation and Guidelines

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Public Procurement Act No. 8 of 2020

Urban and Regional Planning Act No. 3 of 2015

National Planning and Budgeting Act No. 1 of 2020

Anti-Gender Based Violence Act No. 1 of 2011.

2022 CDF Guidelines, from the Ministry of Local Government and Rural Development