

**A CRITICAL ASSESSMENT OF THE IMPACT OF LACK OF
AUTONOMY IN THE MANAGEMENT OF THE LOCAL
GOVERNMENT SYSTEM IN ZAMBIA: A CASE STUDY OF
LUSAKA CITY COUNCIL AND CHONGWE DISTRICT COUNCIL.**

S/P

BY

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**A OBLIGATORY ESSAY SUBMITTED TO THE UNIVERSITY OF
ZAMBIA LAW FACULTY IN PARTIAL FULFILMENT OF THE
REQUIREMENTS FOR THE AWARD OF THE DEGREE OF
BACHELOR OF LAWS (LL.B)**

00230306

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NOVEMBER 2003

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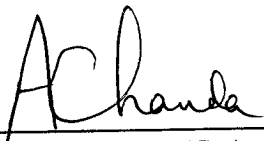
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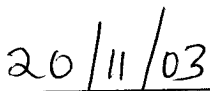
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Dr. A.W. CHANDA
SUPERVISOR



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DEDICATION

This study is dedicated to my beloved elder brother, Late Kenneth Kanyanta Mumba (1962 – 2001). He personally encouraged and inspired me to pursue a Law degree programme. His dream came to fruition when I commenced my studies at the University of Zambia in 1999. I wish Kenneth lived to see the fruits of his investment.

My brother, you will remain a light in my paths. Your wisdom, I still admire and I will continue to do so for the rest of my life.

MAY HIS SOUL REST IN ETERNAL PEACE. (John 11: 23-26)

ACKNOWLEDGEMENTS

First and foremost, my special tribute is tendered to my supervisor, Dr. A.W. Chanda, who whole-heartedly, remained committed to render his invaluable guidance and advice, despite the tragic death of his beloved wife, Mrs. Rachael Chanda (M. H. S. R. P.). I owe this dissertation to him.

I also wish to thank the staff, particularly Mrs. Celine M. Mwafuililwa, of the special collections of the University of Zambia Library for their patience and tireless efforts in assisting me to locate the necessary data for this study. My thanks also go to Mr. Morgan Mukwasa, a fellow student, who helped me in coming up with the ideal research proposal resulting in this dissertation. He was kind enough to look through my first tentative scripts and give me the much needed hand.

Furthermore, I wish to thank Mrs. Rosemary Nachela Njobvu and Mrs. Milimo Kamocha who offered their secretarial services without complaining about the many amendments I had to make until the final copy was produced.

I cannot forget to extend my thanks to Mr. Bernard Namachila, Permanent Secretary for the Ministry of Local Government and Housing; Mr. Francis Muwowo, Town Clerk for Lusaka City Council; and Mr. E.N. Mumba, Council Secretary for Chongwe District Council, for their facilitation role of the meetings at which the questionnaires were discussed and subsequently completed.

My particular gratitude goes to my beloved wife, Mirriam and the entire family for the moral support and encouragement they rendered to me during the whole period of my study at the University of Zambia.

PREFACE

Throughout the world, state governments have established a Local Government system of administration of some sort or the other. Zambia is not an exception. The rationale for such system of governance is to facilitate the participation of the local populace in the management of their own affairs and allow them to make decisions that suit the local conditions and needs. In this respect, Local Government is essentially a method of getting various services run for the benefit of the community.¹ The basic idea is that since it is the people at the grassroots who get affected by socio-economic problems, they should themselves fully participate in the making of decisions on how best they should tackle and resolve the problems that afflict them.

While there are many good reasons for retaining and developing local administration, it has also been argued that it would be quite unreasonable if the National Government were completely detached from local issues of a national character.² For example, many matters of health services, water and sanitation, must be a local concern as far as administration goes, but disease will not keep to municipal boundaries and therefore, there must be national concern over all aspects of health and sanitation services.³ In fact in practical reality, no modern state can be indifferent to the conditions of life under which its citizens live.⁴

¹ R.M. JACKSON, THE MACHINERY OF LOCAL GOVERNMENT. 2nd edition, p.1 (1965).

² Ibid, p.3.

³ This is the more reason why the Government of Zambia is required by section 45 of the Local Government Act, Cap 281 to make specific grants for water and sanitation, health services, road services, fire services etc to Local Authorities.

⁴ JACKSON, *supra* note 1, p.2.

In order to examine the degree to which Local Government can shape the services, it is necessary to look at the degree of its discretion in carrying out these functions. It is this discretion that forms the cornerstone of the concept of autonomy in local government. “Autonomy” here implies independence in decision-making and in the execution of such decisions within a given framework.⁵ The autonomy of councils must, therefore, address the question of how services are provided and financed vis-a-vis how much control is exercised by the Central Government, and the relationship that must exist between Local Government and the Central Government in this respect. It has been stated that the power of councils to raise taxes independently would enable the local government system to function more efficiently and effectively in the area of local provision of services. Subsequently, the extent to which the local community effectively participates in the management of their own affairs depends in reality on the level of their independence to make decisions and implement them through their respective local authorities. In Zambia, three types of local authorities have been established, namely, City Councils, Municipal Councils and District Councils, as body corporates.⁶ Consequently, the autonomy of the local government system is cardinal if it has to fulfil its purpose.

The question which is analysed in this study is whether the law, assuming it provides the skeleton framework for the financial and legal administrative autonomy of councils, has adequately fulfilled its function. Therefore, can and should the law be developed further to enhance and strengthen the autonomy of Councils for the more efficient and effective provision of social services in the wider sense and development “from below” in Zambia?

⁵ Government of the Republic of Zambia, NATIONAL DECENTRALISATION POLICY – TOWARDS EMPOWERING THE PEOPLE. Page (iii).

⁶ See section 3 of the Local Government Act, Cap. 281.

Chapter one outlines the general overview of the characteristic features of an ideal local government system and states the problem of the Local Government administration as it exists in Zambia today. The importance of the system is briefly discussed, and reference has been made to the British idea of Local Government which is largely the model of the Local Government administration adopted in our country.

Chapter two discusses the historical evolution of the Local Government system in Zambia. An account is given of the introduction of the British Local Government System into Zambia by the British South Africa Company and later by the British Colonial Office. The dissertation also points out that the system of Local Government for urban areas and rural areas differed sharply in Northern Rhodesia. However, at independence, Government decided to enact the Local Government Act, 1965 whose primary objective was to introduce a one-tier system of Local Government whereby rural areas were to be administered on the same principles as urban Local Government. The 1980 legislative reforms brought into existence the Local Administration Act, 1980 whose effect was to integrate the party (UNIP) structures with those of the Central Government and the Local Government. Under the 1980 Act, Party Supremacy was the order of the day. In 1991, another legislative reform was done which saw the present Local Government Act, Cap 281, enacted. Its effects are the concern of this study.

Chapter three examines in detail the **modus operandi** of Councils vis-à-vis their financial and legal administrative autonomy. The legal powers of Councils with regard to the powers of the Minister, and the relationship between the Central Government and Local Government are explained.

Chapter four is concerned with a critique of the concept of autonomy as it applies to the Local government system in Zambia. The chapter is discussed under the sub-headings of policies and politics including the powers of the Republican President, the statutory powers of the Minister of Local Government vis-à-vis those of the local authorities, and the financing of Local Government. A reflection of the performance of Lusaka City council and Chongwe District Council is done based on the results of the field research.

Lastly, Chapter five is the conclusion of the dissertation, which briefly summarises the pertinent portions of the previous chapters. It also provides the relevant recommendations on how best the Local Government System in Zambia can be made to function more efficiently, economically and effectively by addressing legislative and administrative inadequacies and weaknesses in the system.

CHAPTER ONE

GENERAL OVERVIEW

1.0 STATEMENT OF THE PROBLEM

Most governments, including Zambia, have attempted to devise different types of decentralisation policies and legislation aimed at enhancing and strengthening the local people's participation in decision making and implementation of programmes. Some policies and legislation have been a success while others have been a failure. These efforts point to the fact that local government administration is a complex system for a number of reasons. Firstly, it requires that the local councils must have and exercise maximum independence in decision-making and execution of their programmes in accordance with local needs. Secondly, it requires adequate sustained financial resources to enable local authorities to provide the much needed social services to their inhabitants in the most efficient, economical and effective manner. Therefore, local authorities must exercise a greater measure of autonomy in deciding the type of local taxes, applicable rates and the manner of their collection without the councils' powers unnecessarily being fettered by the Central Government especially through its Ministers. Hence, the National Government should concentrate its efforts in governing the nation as a whole leaving Local Government to deal with local issues. Thirdly, the system requires appropriately trained and experienced officers in managing the local resources, guiding councillors in the decision-making process by offering informed and well researched advice, ensuring the delivery of quality services and designing development strategies suitable to the local needs and capacities of the local authorities. Unfortunately, however, the calibre of most councillors has been a major drawback in realising the much desired independence of local authorities. In Zambia, the Local Government electoral laws have not set the minimum educational qualifications for persons aspiring to be elected to the office of councillor, and this has resulted in the election of low

The problems being experienced by the Zambian Local Government system today can be traced to the country's political and socio-economic history. Hawkesworth Nigel has, therefore, rightly argued that although it is since independence that the most significant developments have taken place, Local Government in Zambia is essentially a product of the colonial age.⁸ But the difficulty in managing modern Local Government is that although the Local Government Act and other relevant statutes have provisions relating to, *inter alia*, the legal and institutional framework for the independent existence of councils with regard to their operations, this has not been fully realised due to a high level of political interference from the Central Government and in some cases, political party cadres, especially those from the ruling party, who have unwittingly attempted to usurp the powers and responsibilities of councils. Both the Minister of Local Government and the Republican President have sweeping administrative and statutory powers which have impacted negatively on the general operations of Cities, Municipalities and District Councils. In addition, the present situation of councils heavily relying on Central Government grants has greatly diminished their autonomous status.

IMPORTANCE OF LOCAL GOVERNMENT

The development of a sound system of Local Government is one of the most important tasks facing any Government in the world. More so, in the developing countries where Local Government is not fully established. Firstly, it should be acknowledged that local government is, indeed, the foundation of any responsible government.⁹ Secondly, the significance of Local Government is that it is a potential instrument of development and the vehicle for the delivery of important national services. It is Local Government which deals with the local problems that concern each community in the way that seems best to the community, and by so doing people get accustomed to the idea of managing their own affairs.¹⁰ Thirdly, Local Government

N.R. HAWKESWORTH, LOCAL GOVERNMENT IN ZAMBIA, p.4 (1974)
R. HINDEN, LOCAL GOVERNMENT AND THE COLONIES, p.8 (1950)

Ibid.

is concerned with getting things done efficiently and economically in accordance with local needs and subsequently, services are run for the benefit of the local community.¹¹

Local Government holds importance in Zambia as a means of encouraging local citizen participation and efficiency in the delivery of several vital goods and services. These services include housing, public health, education, and social care. Others are street lights, parks, markets, sanitation and drainage, roads and bridges.¹² Therefore, in order for a case to be made for the need for Local Government it must be shown that it is an important institution in supporting and extending the role of Central Government, and that it is in a position to promote and encourage development in a way that Central Government cannot.¹³

THE CONCEPT OF LOCAL GOVERNMENT IN ENGLAND

The term "Local Government" is generally used to refer to a decentralised, representative institution with general and specific powers, devolved upon it and delegated to it by the Central or Regional Government, in respect of a restricted geographical area within a nation or state, and in the exercise of which it is locally responsible and may, to a certain degree, act autonomously.¹⁴

The pattern of Local Government introduced into Zambia closely resembles that of England and Wales in its essential features. Fundamentally, the British idea of Local Government at the present time implies a system of councils, elected on universal adult suffrage, responsible to the local community for the conduct of services in the basic fields of law and order, for social services in the widest sense and for works for the general improvement of the locality.

JACKSON, *supra* note 1, p.11.

see section 61- second schedule of the Local government Act, Cap 281.

JALIK. R. JALIL, et al. in N.L. Hawkesworth, *LOCAL*

GOVERNMENT IN ZAMBIA. p. 13 (1974).

B. VOSLOO, *LOCAL GOVERNMENT IN SOUTHERN AFRICA*, p.10 (1974).

On the other side, and with equal importance, the local authorities are responsible to the Central Government for carrying out their statutory duties in accordance with the broad guidelines of National policy. In addition to their statutory duties, there are a small number of permissive activities, which the local authorities, if they chose to undertake them, can normally do as they like.¹⁵

The Constitution of Zambia¹⁶ in Article 109 establishes the Local Government system based on democratically elected councils on the basis of universal adult suffrage. Election of Councillors is conducted every third year in every ward of every council in the country.¹⁷ It is these Councillors who form the councils and become answerable and responsible to the local electorate. The principal law governing the existence and operations of councils in Zambia is the Local Government Act, Cap. 281.

3. METHODOLOGY

This study is a product of both primary and secondary data. Other than the information obtained from text books written by Local Government theorists and Lawyers, empirical data was also obtained by way of written questionnaires and oral interviews with Zambian Local Government practitioners. Throughout the research, Lusaka City Council and Chongwe District Council have been used as case studies. Furthermore, the Constitution of Zambia – Cap 1, the Local Government Act – Cap 281, and other relevant Local Government Statutes have been instrumental tools of reference. Case law has been referred to, where it is necessary.

U.K. HICKS, DEVELOPMENT FROM BELOW-LOCAL GOVERNMENT AND FINANCE IN DEVELOPING COUNTRIES OF THE COMMON WEALTH, (1961), at pp. 21-22.
Chapter 1 of the Laws of Zambia.

See Section 10 of the Local Government Elections Act, Cap.282.

In a nutshell, it is data from these various sources that has been analysed and subsequently, upon which recommendations have been made.

Attached to this study are samples of the questionnaires that helped the author to collect the necessary data for the study. Appendix I is the questionnaire that was specifically designed for the Ministry of Local Government and Housing, and appendix II was designed for the two local authorities studied.

CHAPTER TWO

E HISTORICAL EVOLUTION OF THE LOCAL GOVERNMENT SYSTEM IN ZAMBIA

INTRODUCTION

In order to understand the current events in relation to the concept of autonomy as it exists today, it is important to review the characteristic features of the Local Government system of the pre-independent Zambia. These must be viewed as against the background of the administration that was imposed by the British South Africa Company (1889-1924), and later on by the British Government, as a colonial power (1924 – 1963). It is, of course, possible to argue that there has always been “Local Government” in the sense that pre-colonial communities had their own cohesive social system and were organised for virtually every purpose from crop-raising to defence.¹⁸

Urban and rural administration in Northern Rhodesia developed on separate lines until shortly before the country became independent on 24th October, 1964.¹⁹ While the rural areas had been subject to an indirect rule system of administration introduced by the colonial Government in 1924, the urban areas had long enjoyed a limited form of representative Local Government.²⁰

URBAN LOCAL GOVERNMENT IN NORTHERN RHODESIA

By the terms of the Royal Charter, the British South Africa Company (B.S.A. Co.) was required, *inter alia*, to promote good governance and preserve peace and order in the urban areas of the territory. In this respect, the company administrator was empowered to constitute

J.F. SIMMANCE, IN N.L. HAWKEWORTH, LOCAL GOVERNMENT IN ZAMBIA, p.1 (1974).

V. TORDOFF, IN W.B. VOSLOO, LOCAL GOVERNMENT IN SOUTHERN AFRICA, p. 271 (1974).

ibid.

village management boards, which dealt mainly with streets, buildings and environmental health. For example, Lusaka's Village Management Board was constituted in 1913 to oversee an area of one square mile around the railway station²¹. But earlier on in 1911, the Livingstone Village Management Board had been established. These, and similar Boards remained the main instrument of urban Local Government until the late 1920s and survived the transfer of the territory from company to crown colony status in 1924. However, the system of Village Management Boards as organs of Local Government in the town soon proved to be unsuitable to cope with the increasing pace of urban development which was accelerated by the rapid growth of mining in the newly emergent Copperbelt.

The British Government, which assumed direct responsibility for administering Northern Rhodesia in 1924, dealt with the problem of rapid growth by the enactment of various pieces of legislation.²² The **Municipal Corporations Ordinance** of 1927 and the **Townships Ordinance** of 1929 vested the responsibility for urban administration in Municipal Corporations and Township Management Boards, respectively. Both Municipal Corporations and Township Management Boards had similar duties and wide **discretionary** powers.²³ Municipalities and Townships had elected Councils whose franchise was on the basis of the electorate's ownership or occupation of property.²⁴ These Councils had a wide range of general and specific powers including powers to make and levy rates, to finance their services and to make local by-laws.²⁵ Secondly, the Governor had considerable powers of control, for example, to approve annual budgets, to appoint an auditor with power of disallowance and surcharge, to make rules governing elections, to approve by-laws, to approve loans obtained

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ALIL, supra note 13, p. 16.

by Councils, to approve the annual levy of rates and to adjudicate on appeals resulting from the powers of Councils to grant and renew various licences.²⁶ The enactment of the **Municipal Corporations Ordinance**, 1927 and the **Township Ordinance**, 1929 resulted in the extension of participation in Local Government to embrace the whole adult population and the expansion of services and resources of local authorities in these categories.²⁷

2 LOCAL GOVERNMENT IN RURAL AREAS OF NORTHERN RHODESIA

When the B.S.A. Company obtained its Charter, its Commissioners and other officials exercised a policy of 'direct rule' – government at that time being solely concerned with maintenance of law and order.²⁸ No real use was made under this policy of the traditional authority and discipline exercised by the tribe Chiefs. When the country became subject to the rule of the British Colonial Government in 1924, an 'indirect rule' method of government was adopted for the rural tribal areas. This involved the exercise of governmental powers by the representatives of government, mainly Provincial and District Commissioners, using the traditional authority and discipline of the Chiefs which was still accepted by the people in their own tribal areas.²⁹ An important feature of this government was that it was being attempted by a colonial power on a national scale over a large area, embracing many different tribal groups.³⁰ These traditional institutions were given legal recognition in 1929 when Native authorities were established by the **Native Authority Ordinance**, 1929. This ordinance specified their functions as being 'to assist Government generally to maintain order and good government among the natives residing or being in their areas'. Native authorities consisted mainly of Chiefs and their traditional Councillors appointed by the Governor.³¹ Powers

Ibid.

Ibid, p.17.

Ibid, p. 21.

Ibid.

Ibid.

JALIL, supra note 13, p. 21.

conferred on these authorities included to make rules covering the imposition of rates, the manufacture and sale of liquor, the preservation of natural resources, the control of agricultural practices, the construction and maintenance of roads, sanitation and the destruction of pests.³² Some 75 of these authorities were established and they played an important role in almost every facet of rural life.³³ They acted primarily as agents of the Central Government; though treasuries were established in 1936 to encourage financial responsibility. However, the revenue of the Native Authorities was only sufficient for them to pay their small staff and provide skeleton Local Government services.³⁴ The Native Authority financial structure was too weak to make possible any significant expansion of Local Government services and the native authorities, therefore, never became effective Local Government bodies.³⁵

THE LOCAL GOVERNMENT SYSTEM IN ZAMBIA BETWEEN 1965 AND 1991

Since the attainment of independence in 1964, from British colonial rule, the Zambian Government has implemented three major Local Government reforms. The first, covering the period 1965 to 1980; the second, covering the period 1981 to late 1991 and the third, covering the period end of 1991 to the present day.

The period between 1965 and 1980: In October, 1965 the Parliament of Zambia enacted the Local Government Act.³⁶ The object of the Act was to establish in rural areas counterparts of the modern-type representative local authorities which were already operating in the urban centres.³⁷ By section 3 as read with section 7 of the 1965 Local Government Act, Municipal, Township, and Rural Councils were established. By virtue of the provisions of section 6 of

SIMMANANCE, *supra* note 18, p. 5.

Ibid.

TORDOFF, *supra* note 19, p. 273.

Ibid.

Chapter 480 of the Laws of Zambia.

TORDOFF, *supra* note 19, 273.

the Act, the President conferred City status upon the Municipalities of Ndola, Kitwe and Lusaka. The Ministry of Local Government was responsible for the administration of all local authorities in the country.³⁸ However, the three cities of Lusaka, Kitwe and Ndola made full use of their powers. The eight municipalities which derived considerable revenue from property rates, had substantial measure of financial autonomy. Government grants constituted only some 13 per cent of their recurrent expenditure and they maintained a wide range of urban services at a high standard³⁹. Therefore, it can be stated that of all Councils in Zambia only the cities and municipalities could be generally regarded as viable, autonomous institutions capable of functioning independently of heavy Government subventions and control.⁴⁰ But Rural Councils relied largely on Government grant-aided support to the extent of between 70% and 90% of their revenues, and with little capacity of their own. This supportive process carried with it a heavy burden of Government based supervision and inspection through the Ministry of Local Government and Housing.⁴¹

The period between 1981 and 1991: On 21st December, 1980 the Parliament of Zambia enacted the Local Administration Act, 1980 (Act No. 15 of 1980) which came into force on 1st January, 1981. The Act provided for the integrated Local Administration system and repealed the Local Government Act, Cap. 480.⁴² The Local Administration Act, 1980 also abolished the three types of Councils, namely, the City, Municipal and Rural Councils and called them by

Ibid p. 272.

Ibid.

HAWKESWORTH, *supra* note 8, p.9.

Ibid.

Government of the Republic of Zambia, *supra* note 5, p.4.

one name of District Council as provided under Section 3 of the Act. By operation of the law, the Central and Local Government Administrations were merged with party (UNIP) Administration, the latter being supreme. The District Governor became an automatic Council Chairman by virtue of Section 10 of the Act⁴³. The supremacy of the party led to the centralisation of authority into the hands of party functionaries, and subsequently led to inefficiency in service delivery. What was most disheartening is that Central Government functions were transferred to the district level without matching resources. ⁴⁴

In summary, local authorities established under the Local Administration Act, 1980 failed to deliver the goods and services to their communities due to: high level of political interference; lack of community participation; lack of autonomy; lack of qualified staff; mismanagement of resources; inadequate financial capacity; and above all the unrepresentative character of local elections.

The current period from 1991 to date: The present Local Government Act, Cap. 281 was enacted on 6th September, 1991 and immediately came into force. The Act repealed the Local Administration Act, 1980. The Local Government Act, 1991 provides for an integrated three tier local administration system. Under the present system, there are three types of Councils namely City, Municipal and District Councils which is basically a return to the system which existed during the 1965 – 1980 period. It is based on universal adult suffrage.⁴⁵ The ruling party is delinked from the local authorities and there is a separate district administration headed by the District Administrator appointed by the President. The office of the District Administrator is not covered by any legislative instrument.

The Local Administration Act, No. 15 of 1980.

See supra note 5, pp.3-5.

See Article 109 (2) of the Constitution of Zambia, Cap 1

CHAPTER THREE

THE LEGAL AND INSTITUTIONAL FRAMEWORK FOR THE AUTONOMY OF LOCAL AUTHORITIES IN ZAMBIA

3.0 INTRODUCTION

This chapter considers the legal basis for the existence of councils, their powers and functions, the powers of the Minister; and the powers of the Republican President. Further, the chapter discusses the financing of Local Government; and the relationship that exists between the Central Government and Local Government.

Councils are creatures of statute and consequently, it is not viable to argue that a Council must have some particular power because it seems natural that it should have it; if the power cannot be found in the legislation, then there is no such power.⁴⁶ C. A. Cross has stressed that there must in all cases be statutory authority for what is done, and that authority must either be expressly given or reasonably inferred from the language of an Act of Parliament.⁴⁷ In the case of **Baroness WenLock v River Dee Co.**⁴⁸ Lord Watson had this to say:

"Whenever a Corporation is created by an Act of Parliament, with reference to the purposes of the Act and solely with a view to carrying these purposes into execution, I am of opinion not only that the objects which the Corporation may legitimately pursue must be ascertained from the Act itself, but that the power which the Corporation may lawfully use in furtherance of these objects must either be expressly conferred or derived by reasonable implication from its provisions."

⁴⁶ JACKSON, *supra* note 1, p.16.

⁴⁷ A.C. Cross, *PRINCIPLES OF LOCAL GOVERNMENT LAW*, 4th Edition, (1977), p.7.

⁴⁸ (1885) 10 A.C. 354 at 362.

It can, therefore, be stated that the autonomy which Councils are supposed to enjoy must be derived from the relevant enactments of Parliament.

3.1 THE LEGAL STATUS OF COUNCILS

The various pieces of legislation which bestow and enhance the legal status of local authorities in Zambia include:

(i) The Constitution of Zambia, Chapter 1 of the Laws of Zambia

This forms the Constitutional foundation for the legal existence of the Local Government System in the country. Article 109 of the Constitution of Zambia establishes the Local Government System and states that the system is based on democratically elected Councils on the basis of universal adult suffrage.

(ii) The Local Government Act, Chapter 281 of the Laws of Zambia

The Act provides for the creation of Councils as body corporates and defines their functions and powers. Section 3 of the Local Government Act, 1991 establishes three types of Councils, namely, a City Council, Municipal Council and District Council provided that a Township Council or Management Board may be established under the same section on the recommendation of the appropriate City Council, Municipal Council or District Council. So far, at present, no single Township Council or Management Board has been established in the country. There are 73 Councils established throughout Zambia in all the three categories of councils. Section 6 provides that:

"Every Council shall be a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name, and with power, subject to the provisions of this Act and of any other written law, to do all such other acts and things as a body corporate may do by law and as are necessary for, or incidental to, the carrying out of its functions and powers as set out in this Act. "

The powers to discharge the various functions by all types of Councils are enshrined in section 61 – Second Schedule of the Local Government Act, 1991. Some of the broad functions performed or those expected to be performed by Councils include general administration of their localities, agricultural services, community development, provision of public amenities, provision of education, provision of public health facilities, and sanitation and drainage. Councils also have several powers which include the powers: to make by-laws; impose fees, levies and charges; borrow money; enter into contracts; make standing orders; hire and fire staff; make investments; prepare and adopt annual estimates; and institute legal proceedings. Most of these powers are subject to the approval of the Minister of Local Government, as discussed under paragraph 3.3 of this dissertation.

(iii) The Local Government Elections Act, Chapter 282 of the Laws of Zambia

The Act regulates the conduct of Local Government elections. It is essentially a product of Article 109 of the Constitution of Zambia as discussed under sub-paragraph (i) in this study. An ordinary election of Councillors is held every third year in every ward of every Council throughout Zambia.⁴⁹ Recently, this has not been the practice.

Other important pieces of legislation are discussed under the topic of “Financing the operations of councils” under paragraph 3.2

3.1.1 Election of Mayor and Council Chairman

The Mayor and Council Chairman are elected annually, among Councillors, at the first ordinary meeting of the Council held after the 1st September in that year. The two top officials and their deputies are elected by their fellow councillors. A Mayor is elected for every City or Municipal Council whereas for a District council a Chairman is elected.⁵⁰ These top civic leaders are in charge of the overall administration of the Council at policy level and preside

⁴⁹ See section 10 of the Local Government Elections Act as amended by Act No. 31 of 1993.

over Council meetings. The Mayor or Chairman of the Council also has the power to authorise the Principal Officer to take action on any matter of extreme urgency on the recommendation of a Standing Committee or its Chairman, as may be appropriate in the circumstances.⁵¹ However, any action taken in the foregoing situation shall, at the earliest opportunity, be reported by the appropriate Committee to the Council for ratification.⁵²

3.2 FINANCING THE OPERATIONS OF COUNCILS

The financing of Local Government is crucial if local authorities are to play any significant part in socio-economic development. They must clearly have access to adequate finance if they are both to act responsibly and to show initiative. Their control over resources must be independent, in the sense that the local Councils are free to choose the rates of their taxes or service charges. But today Local Government is, in general, increasingly dependent on direct financial support from the centre, whereas local sources of revenue play a decreasingly important role. Lack of sustained revenue by Councils has substantially and adversely so affected the provision of various services which entails large expenditure on both recurrent and capital accounts. The funds for these services are provided by various forms of revenue income and borrowing. But even if local sources of revenue could be easily exploited, this largely depends on the approval by the Minister of revenue by-laws and external borrowing. Some of the important sources of revenue and the legislation governing them are discussed below.

⁵⁰ See section 16 of the Local Government Elections Act as amended by Act No. 31 of 1993.

⁵¹ Ministry of Local Government and Housing – STANDARDISED STANDING ORDERS FOR COUNCILS, standing order No. 6

⁵² Ibid.

Central Government Grants: In most countries grants form an important element in recurrent budgets because they increase the resources of local authorities. But while some are intended to give them a greater power of manoeuvre in general, others are designed to stimulate the development of a particular service or the formulation of particular types of capital projects. The fundamental objective of grant-aid by the Central Government is to exercise some control over local administrative standards either in respect of the quality of the service provided, in respect of the personnel engaged, or of the general conduct and layout of local budgets. Grants from the Central Government to local authorities have a long history in the **Zambian Local Government**. This source of revenue has been most significant for District Councils and the recently created Municipalities which for a long time have depended on grants, on average to the extent of 80% of their annual budgets. There are mainly two types of grants: those that are specific to particular services, and those which are unallocated and so serve as a general support of the local finance. The latter grant allows for a lot of flexibility and discretion on the part of a local authority unlike the former. At present, grants are provided to Local Authorities pursuant to the provisions of section 45 of the Local Government Act, Cap 281 quoted, in part, below:

“(1)The Minister may, on such terms and conditions as he may determine, make constituency development grants....for the purpose of the discharge by the council of any of its functions”.

“(3) The Government shall make specific grants to the Council concerned for –(a) water and sanitation; (b) health services; fire services; (d) road services; e) police services (f) primary education; (g) agricultural services”.

The grants covered by Section 45 (1) of the Act are general in the sense that they are given to councils for the discharge of any of the functions. General grants have the effect of increasing a sense of responsibility of local authorities by enabling them to draw their own budgets unbiassed by Central Government pressure. On the other hand, section 45 (3) provides for specific grants. Here, a Council

does not exercise any autonomy as to how the money is to be spent. Broadly, specific grants are useful for three different purposes: (a) they assist with current services especially those which might otherwise be neglected; (b) they may offer assistance with the local salary bill (this is prominent in the Zambian scenario); and (c) may provide assistance in the provision of capital assets.

Borrowing: The Local Government Act, under section 45(1) and section 47 provides for authority of Councils to borrow and the modes of borrowing. This form of finance has greatly diminished in importance in Zambia in recent years.

Rates: The only local tax of any importance to local authorities has been a tax on the occupation or ownership of land and buildings.⁵³ Rates form one of the major sources of revenue for most local authorities world wide and for Zambia, it is the Cities and Municipalities who most benefit from this source. Private investment in District council areas is minimal and most land and buildings belong to Government, Churches or are for agricultural purposes, on which rates are not leviable.⁵⁴ The Rating Act No. 12 of 1997 governs the levying and collection of ordinary rates by local authorities⁵⁵ in Zambia. Section 3 of the Act empowers the Minister of Local Government to approve the preparation of the main valuation roll. This document becomes the basis on which the rating authorities are able to levy and collect rates from all owners of property situated within the rateable area of a rating authority.⁵⁶ But the property in the occupation of the President in his capacity as Head of State, and other government buildings are not rateable. However, in the case of rateable property reserved for Government use, the Minister may make a grant in lieu of rates payable to the rating authority.⁵⁷ For rateable property, the Council is empowered to recover all outstanding rates from any person liable to

⁵³ HICKS, *supra* note 15, p. 278.

⁵⁴ See section 6 (2) of the Rating Act No. 12 of 1997.

⁵⁵ These are known as "Rating Authorities" for rating purposes.

⁵⁶ See section 20 of the Rating Act No. 12 of 1997.

⁵⁷ *Ibid*- Subsection (6) and (7).

pay the rates. It is the recovery process of outstanding rates which seems to have posed great challenges to local authorities in the exercise of their financial autonomy.

Levies, Fees And Charges: All levies, fees and charges imposed by the Council are regulated by by-laws or if not so regulated, may be imposed by resolution of the Council. Interestingly, both Council resolution, and by-laws are subject to the Minister's approval as provided by section 30 (3) and section 82 (1) of the Act.⁵⁸ In accordance with section 69 of the same Act, a Council may impose all or any of the following levies: (a) a levy on leviable persons owning or occupying property situated within the area of the Council, for example, ordinary rates; (b) a levy on leviable persons carrying on a business, trade or occupation within the area of the Council, for example, personal levy; (c) a levy on the purchase or sale of a commodity within the area of the Council, for example, grain levy, fish levy. Further, a Council may impose fees or charges payable to the Council in conformity with section 70 of the Act:⁵⁹ (a) for any licence or permit issued, for example, under the Trades Licencing Act; (b) for any service or facility provided or goods or documents supplied by the Council in pursuance of or in connection with the discharge of any function of the Council, for example, market fees and bus station fees. These are the most prominent fees which have aroused a lot of interest in recent years.

Market Fees: The Markets Act, Cap. 290 provides for the establishment and management of markets in the country. By section 3 of the Act, the Minister of Local Government or a local authority, with the approval of the Minister may establish a market. So far in every district a market has been established. Markets are under the control and management of local authorities.⁶⁰ It is the local authorities who are also empowered to collect all stallages, rents, tolls and fees which are paid into the general fund of the Council.⁶¹ No other person or organisation may discharge these

⁵⁸ See section 25 of the Rating Act No. 12 of 1997.

⁵⁹ The Local Government Act, Cap 281.

⁶⁰ See section 4 of the Markets Act, Cap 290.

⁶¹ See section 7 of the Markets Act Cap 290.

responsibilities of the Council unless expressly authorised by the local authority or by way of a lease entered into with the Council.

Licence Fees: A licence is an authority to do something which would otherwise be inoperative, wrongful or illegal.⁶² Licensing, therefore, has the first objective of regulating the activities that may take place in the locality of a Council. The second objective is to provide a source of revenue for Local Authorities. In Zambia, the Trades Licensing Act, provides for the licensing of certain trades and businesses which include retail and wholesale trading, manufacturing, market stalls, hawkers and peddlers businesses. By section 9 of the Act,⁶³ City Councils, Municipal Councils and District Councils have been appointed licensing authorities in their respective areas. In addition, all licensing authorities have the power to authorise, in writing, any other person to issue licences on their behalf. Licences have been one of the main sources of revenue for Councils, especially Cities and Municipalities, in whose areas a lot of businesses and trade take place.

Personal Levy: The Personal Levy Act⁶⁴, provides for the imposition, assessment and collection of an annual personal levy by the levy authority (council) from all adult persons living within its area and who receive in a levy year an income.⁶⁵ "Income" means gross income received within Zambia from any trade or business, by reason of any profession or vocation, any pension or like entitlement, wages and other emoluments, bonus or any other income received within Zambia by any person from any source.⁶⁶ Personal levy is assessed at the rate of one per centum of the annual income. Personal levy adds to the general revenues of the Councils.

⁶² Osborns Concise law dictionary, 8th Edition p. 201.

⁶³ The Trades Licensing Act, cap 393.

⁶⁴ Chapter 329 of the Laws of Zambia.

⁶⁵ Ibid, section 3.

⁶⁶ Ibid, section 2.

House Rent: The Rent Act⁶⁷, is the law governing the Landlord and Tenant relationship for all transactions relating to residential accommodation in Zambia. A Council, like any other Landlord, is obliged to adhere to the provisions of the Rent Act. Until recently, Councils were the major providers of residential accommodation to their local residents on rent. House rent, therefore, comprised one of the major sources of revenue for almost all Councils in this country. In 1996, the former Republican President, Dr. FTJ Chiluba arbitrarily decreed the sale of all Council houses to sitting tenants at give away prices⁶⁸. The uneconomical prices at which Council houses were sold or are being sold cannot enable Councils to re-invest in new housing stock thereby creating a critical shortage of houses for rent and subsequently, depriving the Councils of their much needed revenue.

Other Revenue Sources: It is almost impossible in a study like this one to discuss all sources from which Councils derive their income. Other revenue sources include liquor licence fees covered under the Liquor Licensing Act, revenue by-laws which in most cases cover grain levy, timber levy, fish levy, cattle levy, bus station fees, income from leasing of council property and transport charges to mention but a few.

3.3 SOME IMPORTANT STATUTORY POWERS OF LOCAL AUTHORITIES VIS-À-VIS STATUTORY POWERS OF THE MINISTER OF LOCAL GOVERNMENT

Councils have a number of statutory powers which they exercise independently and in most cases subject to the approval of the Minister. The powers include the following:

(i) Preparation And Adoption of Annual Estimates

In pursuance of section 39 of the Local Government Act, local authorities are empowered to prepare and adopt annual estimates of revenue and expenditure of the council for each

⁶⁷ Chapter 206 of the Laws of Zambia.

⁶⁸ ANN SCHLYTER, EMPOWERED WITH OWNERSHIP: THE PRIVATISATION OF HOUSING IN LUSAKA, ZAMBIA, (2002), p. 19.

financial year, which is a period of twelve months ending on the 31st December of each year. The annual estimates represent the councils' budget and are supposed to guide operations of the council. Unfortunately, the annual estimates are required to be submitted to the Minister for his approval; this includes any supplementary estimates.

(ii) Making By-Laws

By section 76 of the Act,⁶⁹ a council has power to make by-laws for the good rule and government of its area. By-laws are made for a number of purposes which include:

- a) for controlling of the things, and any of the persons within its area; (b) for prohibiting any of the things; (c) for requiring or compelling the doing of any of the things; (d) for regulating the issue or supply of licence, permits, certificates and other instruments and documents; and (e) for the imposition of levies, fees and charges within the councils' area (section 68 and 70(2) of the Local Government Act).

It is provided that no by-law made by a council shall have the force of law until it has been confirmed by the Minister.⁷⁰ Further, the Minister may, by statutory order, amend or revoke any by-law made by a council under the Act.⁷¹

(iii) The Power to Hire And Fire Staff

By section 90 of the Act, the council has powers to appoint officers and other employees for the purpose of assisting the council in carrying out its functions and, equally, it has the power to discipline any officer or employee. In exercising its power, a council is obliged to conform with the provisions of the Local Government Service Regulations⁷² made by the Minister in

⁶⁹ See supra note 59.

⁷⁰ Ibid, section 82.

⁷¹ Ibid, section 83.

⁷² Statutory Instrument No. 115 of 1996.

accordance with section 92 of the Local Government Act. In this way the Minister is able to monitor and control the manner in which each council exercises its powers with regard to the service of officers and employees in the council.

(iv) Power to Dispose of Property

By section 67 of the Act,⁷³ a council may sell, let or otherwise dispose of any property owned by the council provided that, where the council intends to sell a council asset, the council shall, before conducting the sale, cause a valuation of the asset to determine the market value. This is done by the Government Valuation Department or any other valuer approved by the Minister. Further, a council shall not sell, let for a period of fourteen years or more, or otherwise dispose of any land or building except with the approval of the Minister.⁷⁴

3.4 STATUTORY POWERS OF THE REPUBLICAN PRESIDENT VIS-À-VIS LOCAL GOVERNMENT

While the Republican President (past and present) may have exercised some authoritative powers which have affected the operations of councils in one way or the other, there seems to be only one circumstance under which the President is entitled to exercise his statutory powers with regard to Local Government. Under section 88 of the Local Government Act, the Minister may only dissolve an erring council after receiving prior approval of the President, who may also direct the holding of the Local Government elections within ninety days from the date of the dissolution of such council. An erring council is one which has refused, failed or has no ability to adequately discharge its powers.

⁷³ See supra note 59.

⁷⁴ Ibid, section 67 (2).

3.5 THE RELATIONSHIP BETWEEN CENTRAL GOVERNMENT AND LOCAL GOVERNMENT

President Levy P. Mwanawasa, S.C. has acknowledged that:

"...Local Government is an integral part of the Central Government and that its contribution to (our) national development is fundamental. Service delivery by Central Government can best reach its intended beneficiaries through the Local Government system. This is the only way in which people can fully appreciate the efforts that the Government is exerting in uplifting their welfare and also be able to appreciate the constraints Government faces in its quest to improve service delivery".⁷⁵

The Ministry of Local Government and Housing is by no means the only central administrative connection with the local authorities. In every country other Ministries have a finger in the local pie.⁷⁶ The Ministries that have significant relationship with Local Government include: the Ministry of Finance and National Planning in the formulation of broad economic policies, the Ministry of Health in Monitoring the provision of health services; the Ministry of Works and Supply offers technical support, especially in the maintenance and construction of feeder roads and bridges. Others include the Ministry of Commerce and Industry, and the Ministry of Community Development and Social Welfare.

The Ministry of Local Government and Housing has since the country's independence played a dual role as a sector Ministry and as a Ministry responsible for councils. The Ministry's whole business is to promote, advise, and supervise local authorities. Its functions in as far as mobilization of financial resources is concerned has included budgeting and securing funding for its own operations and sourcing capital and recurrent funding from Central Government and co-operating partners for the operations of councils.⁷⁷ Broadly speaking, there are three main lines of contact between the Central

⁷⁵ Speech delivered by His Excellency the President of the Republic of Zambia, Mr. Levy P. Mwanawasa, SC. At the 47th ANNUAL CONFERENCE OF THE LOCAL GOVERNMENT ASSOCIATION OF ZAMBIA (LGAZ) held at Kasama between 21st and 22nd July, 2003, pp. 5-6.

⁷⁶ HICKS, supra note 15, p.435.

⁷⁷ See supra note 5, p. 19.

Government, or more precisely the Ministry, and Local Government. First, it is the business of the Ministry of Local Government specifically to define the powers and duties of each local authority by statute or regulations. Secondly, the Ministry has the responsibility to keep a 'watching brief' on the whole local budgetary process from the first drafting of the estimates to the final stages of audit and any consequent disciplinary measures that have to be taken, either against an official/councillor or a council as a whole. Therefore, the ultimate responsibility for examining and passing the annual estimates is vested in the Ministry of Local Government. Thirdly, there are great needs and great opportunities for Central Government to develop continuing means of giving advice and supervision, as is particularly necessary in the early stages of responsible local government.⁷⁸

There are several reasons why local authorities cannot be permitted to act as entirely independent bodies. One reason is economic. Between them, local authorities account for about a quarter of the nation's total public expenditure, and, so long as the Central Government accepts responsibility for the working of the economic system as a whole, it too has a duty to oversee local expenditure and ensure that it is consistent with the broad economic policy.⁷⁹ There is a financial reason as well. Today, local authorities receive more income in the way of grants from the Central Government than they themselves raise in local taxation, and Parliament has not unnaturally insisted on some degree of control as to how this money is spent.⁸⁰ Moreover, the force of public opinion itself has been a powerful influence making for central supervisions.⁸¹ It has tended more and more to demand that services should be provided equally for all persons effectively and efficiently.

⁷⁸ HICKS, *supra* note 15, pp. 437-38.

⁷⁹ SIR JOHN MAUD, ET AL, *LOCAL GOVERNMENT IN ENGLAND AND WALES*, p. 172 (1953).

⁸⁰ *Ibid.*

⁸¹ *Ibid.*

In conclusion, whatever the reason, the degree of control and supervision by any Central Government Ministry should be such as to strengthen the autonomous status of councils. Even where the supervision is exercised to a very high degree, this does not mean that the respective Ministry is the principal with the local authority acting as its agent. Therefore, the next chapter reviews the powers of the Minister of Local Government and the President to see how the exercise of these powers has negatively impacted on the autonomy of councils, and as such resulting in the poor delivery of services by most local authorities in Zambia, today.

CHAPTER FOUR

A CRITIQUE OF THE CONCEPT OF AUTONOMY AS IT APPLIES TO LOCAL GOVERNMENT IN ZAMBIA

4.0 A CRITICAL REVIEW

This chapter is an assessment of the preceding discussions, and it attempts to put into perspective the problems of achieving autonomy in the Local Government system in Zambia, both from the Central Government's and the local authorities' view. Thus, this critical review is divided into policies and politics, the legal status of councils vis-à-vis the Minister's wide and sweeping powers, and the financing of the operations of councils amid limited and constrained resources. Under policies and politics the "influential" role of the Republican President in Local Government policy formulation, implementation and direction is critically reviewed in the light of the recent arbitrary sale of council houses under the guise of "home ownership empowerment". This clearly marks a new era in the assessment of the Local Government autonomy as it stands today. It is abundantly evident that the Presidential decree to sell council houses has adversely affected the current operational and functional status of nearly all councils in this country. The councils have lost capacity and have difficulty in paying wages even to a reduced workforce.⁸² This situation has further compounded the optimism to effectively give "birth" to autonomous councils. In fact, it has been observed that in the privatisation⁸³ of housing, the power and responsibility of Local Government was clearly demonstrated as being subordinate to Central Government.⁸⁴

⁸² SCHLYTER, *supra* note 68, p.19.

⁸³ Ibid- "Privatisation of housing" is hereby defined as transfer of public housing to private ownership.

⁸⁴ See *supra* note 82.

There was no coherence between the privatisation process and the decentralisation policy, which was also outlined in 1996 and aimed at transferring responsibility to local levels and at building up local responsibilities and capacities.⁸⁵

In this chapter, three broad reasons emerge which inhibit the complete realisation and achievement of autonomy for most, if not all, Councils, in Zambia namely: political interference in the operations of councils; the wide and sweeping powers of the Minister of Local Government; and inadequate, though in most cases deliberately Government constrained, sources of revenue for councils. It is as a result of such reasons that the Local Government system in Zambia is very far from attaining its full autonomy and will, therefore, remain heavily dependant on the Central Government for direction. Unless recommendations contained in Chapter 5 are unreservedly implemented, no autonomy for councils is likely.

4.1 POLICIES AND POLITICS

Local Government policy has always been closely linked to the prevailing political climate. Consequently, the ruling party's political views have a strong influence on the policies expounded and the subsequent legislation enacted. From the events discussed in the previous chapters, it is clear that the Central Government has great authority over the policy of local authorities as well as great power and influence.⁸⁶ The power and influence may be exercised either positively so as to strengthen the system or negatively to weaken the system which then falls prey to political manipulation. Admittedly, on 30th December, 1968, President Kaunda stated that development had been retarded because of "the snail-like" speed with which the wheels of the bureaucratic machinery of Government

⁸⁵ Ibid.

⁸⁶ SIR JOHN MAUD, *supra* note 79, p.203

turns the formulation of policy and the transmission of policy decisions to the field for execution....”⁸⁷

As has already been mentioned, Zambia has implemented three major Local Government reforms since independence in 1964⁸⁸ and evidently, all for political expediency rather than for social and economic development of the local communities, whom Local Government is solely intended to serve.

4.1.1 Political Interference in the Operations of Councils.

This is one of the major reasons why local authorities have failed to tick and to deliver the necessary services according to public expectations. Political interference has manifested itself in an unlawful sale of council houses, collection of bus fees and market fees by party cadres.

(a) The Sale of council Houses and its Effects

Prof Ann Schlyter rightly observed that “the (housing) privatisation policy was supposed to attract voters, not raise protest”.⁸⁹ But on the one hand, the Zambia Daily Mail⁹⁰ quoted President Chiluba as saying: “His involvement in the sale of council houses had nothing to do with the forthcoming local government and general elections.” On the other hand, however, the President himself declared “we are not bargaining, it must be done.”⁹¹

⁸⁷ JALIL, *supra* note 13, p. 285.

⁸⁸ Transparency International Zambia. MAKING LOCAL AUTHORITIES MORE EFFECTIVE, TRANSPARENT AND ACCOUNTABLE, February, 2003 p.2.

⁸⁹ SCHLYTER, *supra* note 68, p.26.

⁹⁰ March 30, 1996. p.7.

⁹¹ Sunday Mail, March 17, 1996, p.1.

It is common sense, therefore, that the sale of council houses was politically motivated because the necessary prior consultations with local authorities, being the legitimate property owners was not done. The sale was ill-timed and all legal procedures were abrogated in favour of political expediency. This decision was viewed by most opposition political parties as a political gimmick, and rightly so, to manipulate the voters in the elections that were held in late 1996. Although, it is not unusual in any country that important political decisions are **de facto** taken at a higher level or outside elected bodies, this was an extra-ordinary case because elected bodies, i.e. councils, were bluntly ignored.⁹² As a result, some councils tried to resist, but those that did so eventually lost the battle. In fact, councils were directed to complete the sale of all housing units by 30th June, 1996 and progress reports were expected to be submitted to the Hon. Minister of Local Government by 31st July, 1996.⁹³

In summation, it can be argued that although the President showed great commitment in carrying out the privatisation of houses, he did so outside established democratic procedures of local governance, and his actions were a demonstration of extra-legal procedures and lines of order.⁹⁴ This kind of decision is a pure reflection of the high level of political interference in the operations of councils, and ultimately, a hindrance to the effective and efficient service delivery to local communities. What are councils then for?

By 5th May, 1996, Lusaka City council handed over 5,500 houses in Matero and 1500 houses in Chilenje townships to sitting tenants, and tenants were required to pay K10,500 within 45 days from the day of receiving letters of offer.⁹⁵ However, some local authorities opposed the

⁹² SCHLYTER, *supra* note 68, p.19.

⁹³ Ministry of Local Government and Housing, GUIDELINES ON THE SALE OF COUNCIL HOUSES, Circular No. 2, May, 1996.

⁹⁴ SCHLYTER, *supra* note 68, p.19.

⁹⁵ Sunday Mail, May 5, 1996, p.1.

Presidential decree regarding the selling of houses as depriving them of an important revenue asset from which they derived most income to finance many of their activities.⁹⁶ But their reluctance went no further.

But what then are the effects of the sale of council houses?

Although the sale of council houses may have been well intended as the privatisation of public rental housing to sitting tenants, and its subsequent effect of stimulating a housing market and increased investments in housing,⁹⁷ the programme was grossly mishandled by the “biggest politician”. The devastating and chaotic management of the programme ranged from failure to follow established legal procedures, the awarding of Government prescribed discounts to sitting tenants, to the President himself determining the maximum selling prices. This was despite appropriate market prices having been worked out by Council or Government valuers. For example, the President who made an impromptu tour of some council houses in Lusaka, observed that the council’s asking price was too much and exploitative, and directed that, considering that the tenants had lived in the houses for many years, the houses should not be sold at more than K500,000.⁹⁸ In Chilenge South, Mr. Chiluba brushed aside the council’s argument that houses had been valued at K3.8 million, and directed that they be sold at K2.0 million.⁹⁹ The angry Mr. Chiluba castigated the council’s sense of house valuations as being “crazy”.¹⁰⁰ The table below shows the discounts that Government predetermined on the purchase of council houses by sitting tenants.

⁹⁶ SCHLYTER, *supra* note 68, p.18.

⁹⁷ *Ibid* p.2.

⁹⁸ Sunday Mail, March 17, 1996, p.1.

⁹⁹ *Ibid*.

¹⁰⁰ *Ibid*.

FIGURE 1 – TABLE OF DISCOUNTS ON THE PURCHASE OF COUNCIL HOUSES

No.	PERIOD OF HOUSE CONSTRUCTION	CATEGORY OF HOUSES AND DISCOUNT APPLICABLE (%)		
		HIGH COST	MEDIUM COST	LOW COST
1.	Before 1959	50%	50%	100% (i.e. free houses)
2.	1960 – 1970	30%	30%	40%
3.	1971 – 1980	15%	15%	30%
4.	1981 – 1990	5%	5%	20%
5.	After 1990	0%	0%	0%

N.B. The data in the table is extracted from the Ministry of Local Government Circular No. 2 of May, 1996.

Originally, when the policy of selling houses was announced, it was stated that houses would be sold at market value and that the proceeds would be put into new housing developments.¹⁰¹ Later, as is shown in table 1, Government imposed on the councils the astronomical, unreasonable and outrageous discounts offered to sitting tenants who bought the houses. Over and above these discounts, tenants who had a good record of regular rent paying were given a further 20%, if they paid cash 20%, and if they paid the full purchase price within 60 days from the date of offer an additional 20%.¹⁰² As a result, many high and medium cost houses were also given away more or less free or sold for a

¹⁰¹ SCHLYTER, *supra* note 68, p.25.

¹⁰² *Ibid.*

nominal amount.¹⁰³ Kitwe Town Clerk, Ali Simwinga, confirmed that council houses were certainly selling at give away prices.¹⁰⁴ Kitwe City Council had 15,000 housing units.¹⁰⁵ By 2002, most council houses in Lusaka and Chongwe Districts were sold and in some cases including senior management staff houses.¹⁰⁶ But during the process of sale, councils were banned by the President from evicting rent defaulters from their houses. President Chiluba was quoted by the Zambia Daily Mail¹⁰⁷ as saying "Outstanding rental arrears should not be the reason why people cannot buy houses. Therefore, outstanding arrears will not influence the sale or purchase of houses."

This meant that councils, too, lost revenue from rent arrears upon the purchase of the house by a sitting tenant. In similar circumstances, Kitwe City Council lost over K1.0 Billion in rental collections on its housing stock.¹⁰⁸ Council spokesman, Mutale Bowa, confirmed that the tenants stopped paying rent on the houses as soon as President Chiluba banned evictions.¹⁰⁹ There was no legal basis for such order by the President. Consequently, the councils lost a unique opportunity to raise funds for active support for new housing developments.¹¹⁰ However, the President in his usual taunting remarks, claimed that councils incomes would not be affected, as the new owners would pay service fees such as rates similar in size to the rent previously paid.¹¹¹ However, rates recovery has its own "politics". Today, it is disheartening to note that unlike what Dr. Chiluba, himself alone foresaw, councils are experiencing serious financial difficulties. Commenting on the financial malaise of most councils, the General Secretary of the Zambia Local Authorities Workers Union (ZULAWU) called on the Central Government to bail out councils by increasing the amount of grants given to local

¹⁰³ Ibid.

¹⁰⁴ Zambia Daily Mail, March 18, 1996, p.3.

¹⁰⁵ Ibid.

¹⁰⁶ Interview with Mr. T. Banda, Assistant Director Ministry of Local Government and Housing on Tuesday, 30th September, 2003.

¹⁰⁷ March 18, 1996 p.1.

¹⁰⁸ Zambia Daily Mail, May 13, 1996, p.1.

¹⁰⁹ Ibid.

¹¹⁰ SCHLYTER, supra note 68, p.26.

¹¹¹ Ibid.

authorities considering that their revenue has dwindled to all time lows because of the sale of their rental houses.¹¹² To crown it all, about fifty eight councils were in salary arrears running into hundred of millions of Kwacha thereby causing domestic and economic instability to most employees in Local Government.¹¹³ In addition, councils now have to pay housing allowances to their staff who bought council houses and in some cases, have to pay rentals for rented accommodation for some of their senior staff.¹¹⁴ As a result of these doubled financial responsibilities, most of the essential services are not being provided and, if provided, are inadequate and of poor quality.

This situation has not only affected small councils but also City and Municipal Councils, for example, a strike in 1996 by workers of Livingstone City Council entered its second month, and greatly affected bereaved families who were forced to dig their own graves with their own tools in order to bury their departed loved ones.¹¹⁵ Speaking in an interview with the Zambia Daily Mail, Mr. Hatembo, then Mayor of Livingstone, expressed sympathy with the mourners and said the practice would continue but was quick to appeal for money from the Central Government to pay workers' salaries.¹¹⁶

(b) Collection of fees, Levies and Charges

This has also been one of the highly politicised areas resulting in the poor performance of councils. Thus, although councils may be said to be autonomous, they cannot be so if they are unable to effectively manage and control their own resources because of external pressure. Councils are, by law, empowered to impose and collect fees, levies and charges for the various goods and services provided to their local residents.¹¹⁷ In addition, councils collect rates on the properties situated within

¹¹² Zambia Daily Mail, April 18, 1996 p.1.

¹¹³ Ibid.

¹¹⁴ Chongwe Council Chairman's response to the questionnaire on his views on the sale of councils houses by President Chiluba.

¹¹⁵ Zambia Daily Mail, March 21, 1996 p.1.

¹¹⁶ Ibid.

¹¹⁷ See supra note 59.

their localities.¹¹⁸ About ninety-nine percent of the respondents from both Lusaka City Council and Chongwe District Council acknowledged the widespread interference in the collection of debts owed to the council for various goods and services provided.¹¹⁹ The Lusaka City Council, Public Relations Manager stated that the council was now able to collect K4 million per day from daily levies at both the Kulima Tower and City Centre Market Stations from the time the council took over the management of the two stations from the deregistered United Transport and Taxis Association (UTTA).¹²⁰ The Council Spokesman said the money would be used as a capital base for developing the bus stations, including lighting.¹²¹ In a similar development, the Minister of Local Government in her speech on receiving a report from the Task Force on the management of markets in Zambia acknowledged that her Ministry was geared to “resolve problems affecting markets especially the issue of collection of levies which caused conflicts between local Authorities and Zambia National Marketeers Association (ZANAMA) and other institutions”.¹²² She emphasised that her Ministry’s concern is to ensure that the management and collection of levies is done in accordance with the law.¹²³ It is, therefore, hoped that once markets are properly managed, there will be improvements in the maintenance and cleanliness of the same which at present is not the case. In Kitwe, the Local Government Association of Zambia (LGAZ) Executive Secretary advised Nchanga M.P. Richard Kazala to educate people in his area on the importance of paying rates instead of blaming the council for setting bailiffs on defaulters¹²⁴. The Member of Parliament had cautioned the Chingola Municipal Council against using court bailiffs to recover unpaid rates instead of persuasion¹²⁵ contrary to section 25 of the Rating Act which empowers councils to use court bailiffs to recover outstanding rates from stubborn rate defaulters. These interventions, which are politically motivated, are not only peculiar to

¹¹⁸ See the Rating Act No. 12 of 1997.

¹¹⁹ Majority answers to the questionnaires.

¹²⁰ The Post Newspaper, September 4, 2003, p.1.

¹²¹ Ibid.

¹²² Speech of the Minister of Local Government and Housing, Hon. Sylvia Masebo, M.P. on 17th July, 2003, p.2.

¹²³ Ibid – The Markets Act, Cap 290 governs the management and control of markets by local authorities in Zambia.

¹²⁴ Times of Zambia, September 2, 2003, p.2.

¹²⁵ Ibid.

the councils cited in this study but apply on a country wide basis and adversely affect the independent operations of the local authorities. As a result, councils have, to a large extent, not been able to collect the much needed money they are owed in order to provide quality services to people. President Mwanawasa has, therefore, counselled all councillors including Members of Parliament to provide leadership which is above partisan politics and stated that civic leadership is about economic development at local level and not politics.¹²⁶

4.2 STATUTORY POWERS OF THE MINISTER OF LOCAL GOVERNMENT VIS-À-VIS THE AUTONOMY OF LOCAL AUTHORITIES.

Determination and approval powers are the essential ingredients of autonomy which, in this context, implies that councils should be able to make legally binding decisions on their own within a specified regulatory and legislative framework.¹²⁷ Local Government autonomy worldwide manifests itself in the laws which are aimed at facilitating the provision of better goods and services without much reference for approval to the Minister of Local Government or indeed any other governmental authority. A review of legal provisions is hereby undertaken to assess how the wide and sweeping powers of the Minister of Local Government in Zambia, have negatively impacted on the realisation of Local Government autonomy. President Levy P. Mwanawasa, S.C. did not hide his observations when he stated that:

*"I have noticed that some pieces of legislation governing our Local Government system are not in tandem with the current dynamics obtaining in our country. It is my administration's desire to have them amended with particular regard to the Local Government Act My administration is very committed to ensuring that such legal provisions are reviewed."*¹²⁸

If the concept of popular participation is to be realised, communities through their elected representatives or elected bodies, should be able to make independent decisions and freely implement them. The ideals of democracy must be enshrined in the citizens' right to participate in the

¹²⁶ See supra note 75, p.3.

¹²⁷ Ministry of Local Government and Housing, ACTION PLAN FOR FINANCING LOCAL GOVERNMENT IN ZAMBIA, March 3, 2000, pp. 12-13.

¹²⁸ See supra note 88, p.11.

governance process.¹²⁹ This seems not to be the case in Zambia. The legislation guiding the administration of local authorities has generally been considered as not being supportive to the existence of a well functioning Local Government system. The overwhelming powers of the Minister of Local Government and Housing have, particularly, been cited as being a stumbling block to the realization of an efficient, effective and democratic Local Government system.¹³⁰ The net effect of such overwhelming Ministerial powers is the creation of councils that are always looking behind their shoulder for the approval of the powers that be.¹³¹ It is a general concern that the powers of the Minister, as provided for in the Local Government Act, need to be reviewed and subsequently, reduced in order to enhance local autonomy and check political interference.¹³² It is surprising, for instance, that an individual Minister of Local Government enjoys wide and sweeping powers ranging from the approval of annual budgets, confirmation of by-laws, amendment or revocation of by-laws, fixation of rate levies to suspension or dissolution of popularly elected councils and so on. But it should be stressed that local self-government denotes the rights and abilities of local authorities, within the limits of law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interest of the local population.¹³³ Therefore, autonomy is a requisite for the councils' efficient and effective delivery of services and development of their localities¹³⁴.

Some of the statutory powers of the Minister reviewed vis-à-vis the autonomy of councils include the following:

¹²⁹ W. FRIEDMANN, *LEGAL THEORY*, 5th Edition, p.419 (2002).

¹³⁰ See supra note 88, p.11.

¹³¹ Ibid.

¹³² Ibid, p.16.

¹³³ MUNA NDULO, *The Democratic State in Africa: The Challenges for institutional building*, 31 Zambia Law Journal, p.18 (1999).

¹³⁴ JACKSON, supra note 1, p.40.

(i) APPROVAL OF COUNCILS' ANNUAL BUDGETS

While councils are empowered by section 39 of the Local Government Act to prepare and adopt annual estimates of revenue and expenditure for each financial year, these estimates are subject to the approval of the Minister. Councils have mostly been frustrated to commence their annual activities due to the long delay in approving the budgets by the Minister. For example, Lusaka City Council stated that the approval of the budget is delayed for as long as four months after the commencement of the financial year while Chongwe District Council indicated six months.¹³⁵ However, section 39 (1) provides that councils should submit their annual budgets at least sixty days before the end of each year for the approval of the Minister. So all budgets are supposed to be approved by the Minister within this period but before the commencement of the next financial year. In some instances, the Minister has used his budget approval powers to “stop” the council from providing a service or carrying out a development project which he perceives undesirable although it may be popularly acceptable in a particular locality. It must be appreciated that it should be the people to decide their own needs and set priorities and, therefore, it remains unjustified that a single individual should override the desires and aspirations of the majority.

(ii) APPROVAL OF BY-LAWS

Local authorities have the powers to make by-laws as conferred upon them by section 76 of the Local Government Act. Unfortunately, all by-laws made by the council are subject to confirmation by the Minister¹³⁵. The Minister may also by statutory order, amend or revoke any by-law made by a council¹³⁶. By virtue of the provisions of sections 69 and 70 councils are empowered to impose levies, fees or charges through a by-law. Implicit in these statutory provisions is the fact that the

¹³⁵ Responses to the questionnaires p.7(ii).

¹³⁵ Supra note 59, section 82.

¹³⁶ Ibid, section 84.

Minister has the power to amend the proposed rates for levies, fees or charges before or even after the by-laws are confirmed. For example, in response to the questionnaire, the Council Chairman of Chongwe District Council cited an instance where the council had decided to introduce a service charge of K1.5 million but six months later the Minister reversed the decision and approved only K500,000. This takes away from the councils their powers to decide on how much revenue they should be able to raise in a given financial year, and also stifles their ability to plan and implement their annual activities. When all council houses were ordered to be sold, the former Republican President, Dr. F.T.J. Chiluba implored Lusaka City Council to think of other sources of revenue rather than turning to house rent, and stressed that he was not going to allow that kind of dependence to continue.¹³⁷ But how can councils raise money from other sources when their powers are wholly subject to the approval of the Minister who might refuse to approve the kind of revenue by-law proposed, possibly on account of political considerations? This state of affairs requires urgent redress. Further, the by-laws have not always been approved in good time. It takes an average of one year before a revenue by-law is approved by which time the proposed rates of levies, fees or charges would have lost the real value, and in the meantime, the revenue would have gone uncaptured¹³⁹. These reasons explain why councils are financially incapacitated and are unable to render the necessary services to their local communities.

(iii) **POWER TO SUSPEND AND DISSOLVE A COUNCIL**

By section 88 of the Local Government Act, the Minister is empowered to suspend or dissolve any duly elected council. The provisions of the section state that:

"Whenever, by reason of the refusal, failure or inability of a council adequately to discharge all or any of its functions, the Minister considers it necessary or expedient in the interest of local administration to do so, he may, by statutory order (i) suspend all councillors of the council from performing all of their functions as councillors and empower the Local Government Administrator to

¹³⁷ Sunday Mail, March 17, 1996.

¹³⁹ Responses to questionnaire and my personal experience with Lwangwa District Council.

*discharge all the functions of the council; and (ii) after due inquiry
dissolve the council after receiving prior approval of the President ”*

The Act further provides that any function of the council discharged by a Local Government Administrator shall be deemed to have been discharged by the council.¹⁴⁰

First and foremost, the powers contained in section 88 are wide and sweeping and indeed unacceptable in a democratic society. How can a single official of Government have the power to suspend or dissolve a duly elected council? This provision has been used by the Minister to settle political scores with either some councillors or officials of the council. For example, on 24th July, 1995 the then Minister of Local Government, the Late Bennie Mwiinga, suspended the Town Clerk, Winter Kabimba and all councillors of Lusaka City Council in what he called a move that was intended to end the petty squabbles, greed and power struggles that continued to erode the Council's operations.¹⁴¹ The Minister justified the suspension on the ground that there was division which continued unabated at the expense of giving services to the Lusaka residents.¹⁴² Mr. G.R. Zimba was appointed Local Government Administrator. Ms. Sylvia Masebo then a councillor of Lusaka City Council, was quoted as saying that the suspension of the council was a result of the personal differences between the Town Clerk and the Minister over the Merzarf Housing Development Project.¹⁴³ This may be true because, later on, the Council's suspension was lifted but the Town Clerk was discharged from employment. Generally speaking, however, councils are suspended on account of corruption, quarrelling, or sheer inefficiency on the part of the management.¹⁴⁴

¹⁴⁰ Supra note 59, Section 88 (2).

¹⁴¹ Times of Zambia, July 26, 1995, p.1.

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ HICKS, supra note 15, p.456.

Secondly, the autonomy of councils is compromised in the sense that councillors are afraid to refuse to obey unlawful orders such as the sale of council houses on account that their council may be suspended and subsequently, dissolved. So they would stand to lose out by trying to follow established legal procedures when a directive is issued by the President or the Minister. It is better for the council to do the wrong thing that pleases the master. This is certainly disastrous for development and enhancement of the free operations.

Thirdly, the appointment of a single official, namely, the Local Government Administrator, equally defeats the essence of popular participation in the management of Local Government and it is an abrogation of the will of the people who put the council into place. Besides being answerable only to the appointing authority, the Local Government Administrator is also incapable of articulating the local needs and priorities. The whole essence of autonomy is consequently defeated.

(iv) **OTHER APPROVAL POWERS OF THE MINISTER**

The Minister has to approve (a) the dispose of property by the council; (b) the appointment of an auditor of the council; (c) the preparation of the valuation roll for rating purposes; and (d) the discharge of any function by the council outside its area.

All these powers diminish the autonomy of the councils and consequently, adversely contribute to the performance of local authorities in Zambia.

4.3 FINANCING OF LOCAL GOVERNMENT

President Mwanawasa, S.C. has made the Government's position with respect to financing Local Government very clear when he stated:

".... my administration is cognisant of the need for the active participation of the local government authorities in our development process and is, therefore,

*anxious to capacitate them to levels where they can meaningfully compliment the Central Government in its continued efforts towards enhancing the livelihood of our people. It is in this light that my administration intends to uplift the delivery capacities of Local Authorities... Local Authorities should not, however, be under the illusion that Central Government will finance all their operations. We, therefore, expect that councils will use their ingenuity to raise revenue...*¹⁴⁵

But President Levy Mwanawasa seemed to have glossed over the fact that Government has substantially contributed to the councils financial incapacity as when, in 1992, their revenue base was drastically reduced when the Central Government directed councils to disinvest in commercial ventures, and again, in 1996, they were ordered to sell all their rental housing stock at uneconomical prices.¹⁴⁶ This is compounded by Government's failure to honour statutory obligations and inability to pay for services rendered by councils to the Government.¹⁴⁷

The Government is obliged by section 45 (3) of the Local Government Act to make specific grants to councils for water and sanitation, health services, fire services, road services and so on. Unfortunately, Government has not been able to render support to local authorities by way of paying adequate and purposeful grants which should include, among others, the grants in lieu of rates.¹⁴⁸ In fact a more important difficulty arises over the payment of ordinary rates on Government property. The Central Government is always careful to state that these payments are made in lieu of rates, implicitly suggesting that they are *ex gracia*.¹⁴⁹ But there is no reason why Government should not pay for the local services from which its property benefits, as much as anybody else.¹⁵⁰ As it is already clear, Government's failure to pay rates on its property is a major constraint on the revenues of councils and a bottleneck to the realization of financial autonomy in Local Government.

¹⁴⁵ See supra note 75, pp 8-10.

¹⁴⁶ See supra note 5, p.20.

¹⁴⁷ Ibid.

¹⁴⁸ See supra note 75, p.305.

¹⁴⁹ HINDEN, supra note 9, p. 305.

¹⁵⁰ Ibid.

In acknowledging the failure by Government to meet its statutory obligations, President Mwanawasa S.C. directed the Minister of Finance and National Planning to work out necessary arrangements that would ensure that these grants were provided for in the 2004 and future National Budgets.¹⁵¹ However, some jurists have noted that the more the Government assists councils with grants the more the stringent controls are applied which seriously undermine local financial autonomy.¹⁵² If Local Authorities were not to become dummies or mere agents of the Central Government, it was consequently a matter of urgency that a substantial part of total grants should be given without strings, so as to leave local budgeting as free and flexible as it could under the circumstances.¹⁵³ It is sad to note that, in Zambia, the current financial position of all councils is so weak that they have generally proved to be ill-equipped to undertake their assigned responsibilities.¹⁵⁴ Interestingly, even financial transfers from the Central Government have significantly declined over the years.¹⁵⁵

The poor performance of both Lusaka City Council and Chongwe District Council, according to them, is mainly as a result of inadequate finances. Lusaka City Council owes other institutions such as ZESCO, ZAMTEL, LASF, NAPSA and the Workers Compensation Fund Control Board in excess of K4.0 billion¹⁵⁶ in services provided and statutory contributions for workers. The Council is fairly doing well in payment of salaries/wages and at the time of interview, the Council was only in one month salaries arrears. Chongwe District Council owes other institutions over K400 million but has been able to pay workers' salaries on time.¹⁵⁷ In echoing the financial situation of councils as the major contributing factor to poor performance of councils, LGAZ president Colonel John Kabungo bemoaned lack of adequate resources in the Local Government system to effectively deliver

¹⁵¹ See supra note 75, p.16.

¹⁵² HINDEN, supra note 9, pp. 312 –13.

¹⁵³ Ibid p. 414.

¹⁵⁴ See supra note 127, p.4.

¹⁵⁵ Ibid.

¹⁵⁶ Response by the Director of Engineering Services, Lusaka City Council, to the questionnaire, p.6.

¹⁵⁷ Response by the Council Chairman, Chibombo District Council, to the questionnaire, p.6.

services.¹⁵⁸ He emphasised that the system was constrained in its operations but was capable of performing diligently given the required support.¹⁵⁹

In conclusion, given the sad state of affairs of councils' poor operations mainly due to political interference, the Minister's overwhelming powers and the general liquidity problems as reviewed above, there is still a general presumption that services should be freely administered by local councils, and that their autonomy should not unnecessarily be stifled. The chapter which follows is an attempt to recommend some legal and administrative changes that may see the performance of Local Government system improve to greater heights in Zambia. It must be borne in the minds of both the politicians and the government bureaucrats that local authorities are responsible bodies competent to discharge their own functions, and that they should exercise their responsibilities in their own right.

¹⁵⁸ Zambia Daily Mail, July 22, 2003, p.1

¹⁵⁹ Ibid.

CHAPTER FIVE

CONCLUSION

5.0 INTRODUCTION

This chapter summarises the discussions of previous chapters and recommends the best way to achieve the autonomy deemed necessary for the efficient and effective functioning of the Local Government system in Zambia.

5.1. SUMMARY

Autonomy for Local Government has been described by many as an indispensable ingredient of any successful Local Government system worldwide, and Zambia is not an exception. Prof. Muna Ndulo says "effective devolution of power to local authorities entails the existence of local communities endowed with democratically constituted decision-making bodies and possessed of a wide degree of autonomy with regard to their responsibilities, the ways and means by which those responsibilities are exercised, and the financial resources required for their fulfilment. Devolution of power to Local communities has been recognized in many parts of the world as one of the cornerstones of democracy".¹⁶⁰ But in Zambia the requisite autonomy is far from being realised. In fact, very few current African political systems have made any serious efforts to decentralize power. Even among those systems which profess commitment to it, there is a wide gap between political rhetoric and reality.¹⁶¹

¹⁶⁰ NDULO, *supra* note 133, p.18.

¹⁶¹ *Ibid.*

The foregoing chapters indicate several factors responsible for the inability to achieve decentralisation. One of such major factors is the inappropriate legal framework for the independent operations of councils, i.e., the Local Government Act and other relevant statutes. The findings of this study confirm that there is more that requires to be done in improving the legal framework, particularly, reducing the approval powers of the Minister and abolishing his power to suspend or dissolve councils. However, it is not enough to acknowledge that autonomy is a necessity for a successful Local Government system. In order to be effective, appropriate political environment and legal framework must be promoted and implemented without undue delay. Thus, the legal framework must cover aspects like complete separation between the Government and party politics, giving autonomy to councils in raising their own money by deciding the sources and the rates without recourse to the Minister for his approval, etc.

5.2 RECOMMENDATIONS

It is abundantly evident that the poor performance of the Local Government system in Zambia has been largely due to lack of autonomy in the management of local authorities. It has also been clearly demonstrated by this study that the Local Government Act has conferred on the Minister of Local Government and Housing wide and excessive powers which have substantially diminished the independent existence, decision-making and implementation of councils' programmes. Further, the arbitrary decrees of the President have negatively interfered in the smooth running of Local Government to the extent that councils have now failed to deliver goods and services to the expectation of the general public. It is in the light of these conclusions that Dr. A.W. Chanda, President of Transparency International Zambia (TIZ), in his press statement,¹⁶² stated that local authorities are in need of reform. He clearly put it that:

¹⁶² Zambia Daily Mail, October 10, 2003.

“ We urge Government to implement TIZ policy recommendations¹⁶³ on necessary reforms to make local authorities more accountable, transparent and effective; and urge Local Government to put in place modalities as indicated by the Minister, of how the recommendations could be implemented. We further commend Local Governmentfor the depoliticisation of markets and bus stops”.

The author agrees with these sentiments in total, and makes recommendations which include the following:

(i) Constitutional Provisions:

First and foremost, in order to achieve effective devolution of power to local communities, the fundamental principles of Local Government should be recognized and entrenched in the constitution. At present, our constitution in article 109 (1) has only a few lines on Local Government stated as: “There shall be such system of Local Government in Zambia as may be prescribed by an Act of Parliament.” But this is far from articulating the essential ideals of Local Government. As rightly pointed out by col. John B.C. Kabungo, Lusaka City Council Mayor, in his capacity as LGAZ President, “we can no longer continue to leave matters of Local Government to political manipulation.”¹⁶⁴

(ii) Devolution of Powers:

Decentralisation through devolution would be the most effective means of transferring the authority, functions and responsibilities from the Central Government to local authorities as it ensures technical efficiency and effectiveness in service delivery and enhances popular participation. Devolution would entail that powers given to local authorities are generally full and exclusive.¹⁶⁵ These powers should

¹⁶³ Transparency International Zambia, supra note 88, pp. 15-20.

¹⁶⁴ Address by Col. John B.C. Kabungo, President of the Local Government Association of Zambia delivered to the 47th annual conference held at Kasama on 21st and 22nd July, 2003.

¹⁶⁵ Ndulo, supra note 133, p.21.

not be undermined or limited by a Central or Regional authority, except as provided by law.¹⁶⁶ Local authorities and not the Central Government should be habitually regarded as the reservoir of powers. Hence the statutory powers of the Minister or the Republican President that tend to undermine the realization of the autonomy of councils must be repealed forthwith, so that public responsibilities should preferably be exercised by the authorities which are closest to the citizens. The author has in mind the following provisions in the Local Government Act that require to be repealed in order to achieve autonomy in the Local Government system:

- (a) the requirement for Ministerial approval of councils' estimates of revenue and expenditure as provided under section 39(1);
- (b) the requirement for ministerial approval to dispose of council property under section 67;
- (c) the requirement for Ministerial confirmation of by-laws made by a council as provided under section 82. Therefore, councils must be free to make by-laws that are best suited to their localities, and in case of such by-laws being inconsistent to any other written law, they should only be declared null and void by the courts of law upon an action by an aggrieved party;
- (d) the power to amend or revoke by-laws as provided for in section 83;
- (e) the power to determine the charges or rate levy in respect of owners rates and personal levy under section 70 proviso;
- (f) above all, the power to suspend and /or dissolve a council and appoint a Local Government Administrator to manage the affairs of the council single handedly as provided for in section 88.

(iii) Finances

Besides the legal and administrative autonomy, councils must be financially autonomous. At present, the poor performance of all councils in Zambia is largely the result of inadequate money in their

¹⁶⁶ Ibid.

coffers. To enable them to function effectively, local authorities should be entitled, within the national economic policy, to adequate financial resources of their own, of which they should dispose freely within the framework of their powers.¹⁶⁷ At least a significant part of local authorities' own resources should be derived from local taxes and charges of which local authorities should have the power to determine the rate levels.¹⁶⁸ In order to achieve appropriate improved levels of finances for their operations, the following specific areas require attention:

- (a) the Central Government should be able to provide general grants (i.e. block grants) which are not earmarked for financing of specific activities or projects.¹⁶⁹ This will leave councils to plan services or activities according to their own priorities unfettered by Government. The specific grants stifle initiative and flexibility with which councils are expected to make decisions;
- (b) Government's financial transfers in form of grants to councils should be predictable, realistic and timely and the amounts should be communicated to councils in advance;
- (c) Transfers of money should be remitted directly to councils by the Ministry of Finance and National Planning instead of first, being channelled through the Ministry of Local Government and Housing;
- (d) The Central Government and local authorities should work out a formula of revenue sharing from such resources as fuel levy, beer surtax, motor vehicle licences, etc;
- (e) The grants in lieu of rates should be discarded as a concept. This is necessary to ensure that government pays rates as billed by councils;¹⁷⁰
- (f) Councils should be exempted from paying import duty and VAT on procurement of equipment and machinery for the provision of services to the community; and

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

¹⁶⁹ See *supra* note 127, p.5.

¹⁷⁰ Ibid, p.27.

(g) Resumption of the payment of various grants previous paid to councils by some line Ministries as specified under section 45 (3) of the Local Government Act be effected.

(iv) Launching And Implementation of The Decentralisation Policy Document.

Although Cabinet has approved the National Decentralisation Policy¹⁷¹ document, this has not yet been launched and implementation is far from being achieved. President Mwanawasa confirmed this position during his address to the Local Government Association of Zambia (LGAZ) on 21st July, 2003.¹⁷² However, reacting to the contents of the policy document, the LGAZ president, Col. Kabungo bemoaned the lack of details in the document. To quote him, “we have been looking forward to this progressive development for a long time but we feel somewhat skeptical in that the policy is rather vague and not explicit on the exact measures that will be taken to strengthen Local Government.”¹⁷³ The author totally agrees with the observation made by Col. Kabungo. The policy document is too broad and unclear in its provisions to be understood by a person who has not been associated with Local Government operations. However, be that as it may, it is important that the National Decentralisation policy document is launched as soon as possible, and fine details quickly provided by a technical committee to be constituted followed by its immediate implementation. The recommendations in (i) to (iii) need to be seriously addressed and appropriate legislative enactments effected.

(v) Composition of Councils

Article 109 (2) of the Zambian Constitution provides that Local Government shall be based on democratically elected councils on the basis of universal adult suffrage. Unfortunately, in practice this has not been the case. There are areas of major concern as stated below:

¹⁷¹ See supra note 5.

¹⁷² See supra note 75, p.7.

¹⁷³ See supra note 164, p.4.

- (a) Section 9 (1) (a) of the Local Government Act should be amended to exclude the membership of area Members of Parliament on the council. This, among other things, would enhance free debate and stop political interference in council operations.¹⁷⁴
- (b) The office of Mayor and Council Chairman must be subjected to popular elections based on universal adult suffrage. This among other things, will encourage local notables and professionals to bring their skills to the council chambers and make such offices accountable, in the first instance, to the local citizens and not their fellow councillors or political parties as the situation is at the moment.¹⁷⁵

(vi) Minimum Educational Qualifications For Councillors

If the autonomy of councils is to be exercised appropriately with full understanding and appreciation of the complexities in managing the affairs of the local councils, the Local Government Elections Act must be amended to provide for the minimum educational qualifications for those aspiring to become councillors. This provision would, among other things, make it easy for councillors to appreciate their roles, improve the quality of debate in, and policies emanating from the council chambers.¹⁷⁶ Therefore, it is hereby recommended as follows:

- (a) **Urban Councillors** : Aspiring candidates for election to the office of councillor in an urban local authority, that is Cities and Municipalities, must have attained the minimum qualification of grade nine or its equivalent.
- (b) **Rural Councillors** : Aspiring Candidates for election to the post of councillor in a district council must have attained the minimum qualification of grade seven or its equivalent.

¹⁷⁴ Transparency International Zambia, supra note 88, p.17.

¹⁷⁵ Ibid, p.18.

¹⁷⁶ Ibid .

The differentiation in qualifications between urban and rural councils is based on the fact that the two groups of councillors are faced with legal, social, political and economic issues in varying degree of their complexity. Furthermore, the grade nine candidates in rural areas would be difficulty to come by, speaking from my experience in rural councils.

(vii) **The Tenure of office of Mayor and Council Chairman and their deputies.**

The Local Government Act, section 16 (2) and (3) must be repealed and, in substitution thereof, election of mayors, council chairmen and their deputies should be held every three years, to coincide with the Local Government elections, for a maximum of three consecutive terms. This will be in line with recommendation (v) (b) above. The current one year term of office has made it extremely difficult for the office holders to plan, implement and monitor development programmes that they may have initiated. Furthermore, it has adversely affected their security of tenure and subsequently, failed to enhance the requisite autonomy of the office bearers and their respective councils.

In conclusion, this dissertation recommends for devolution as the most effective form of decentralisation to redress the diminished independence of local authorities in Zambia. Once effected, the resulting autonomy will enhance the capacity of councils to raise their own revenue, plan and implement freely their own activities. Nevertheless, Government should be assisting councils with general grants to double their actions. It can be assured that councils' performance will greatly improve and possibly meet the high expectations of the communities in their localities. This is possible to achieve going by the level of political will exhibited by the Republican President himself, when he said, "I would like to reiterate the importance that my administration attaches to the role that Local Government plays in the development of our country and I will ensure that the National Decentralisation policy document is launched and implemented with dispatch."¹⁷⁷ Accordingly, no

¹⁷⁷ See supra note 75, pp.7-8

amount of interference will stop the process of effective decentralisation which will ensure that Local Government becomes autonomous in the delivery of quality services. If decentralization is not put into effect, quality services by councils will be a mere pipe dream for Zambia. This will be so as long as councils are perceived as instruments of political agenda other than instruments of social and economic development.

In summation, it has been noted that in spite of the three major Local Government reforms, enacted since Zambia attained independence in October, 1964, local administration has been characterised by too much central control, insufficient financial resources, inadequate skilled and experienced man power, poor calibre of councillors and undemocratic tendencies,¹⁷⁸ in most cases perpetrated by inappropriate laws, the personal character of the Ministers, and indeed the President himself. This scenario has inhibited the capacity of local authorities to deliver the needed quantitative and qualitative services to their communities and has, consequently, resulted in local residents holding these authorities in very low esteem.¹⁷⁹ Government must certainly facilitate the improvement of the dwindled image of Local Government.

¹⁷⁸ Transparency International Zambia, *supra* note 88, p.21.

¹⁷⁹ *Ibid.*

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1. Mr. T. Banda, Assistant Director, Local Government Finance and Administration, Ministry of Local Government and Housing Headquarters.
2. Mr. F. Muwowo, Town Clerk, Lusaka City Council.
3. Mr. Mumeno, Council Chairman, Chongwe District Council.

APPENDIX I

(For the Ministry of Local Government and Housing Only)



THE UNIVERSITY OF ZAMBIA SCHOOL OF LAW

RESEARCH QUESTIONNAIRE

**A CRITICAL ASSESSMENT OF THE IMPACT OF LACK OF AUTONOMY
IN THE MANAGEMENT OF THE LOCAL GOVERNMENT SYSTEM IN
ZAMBIA.**

DETAILS OF RESPONDENT:

POST OF RESPONDENT: -----

DETAILS OF RESEARCHER:

DAVIES C. MUMBA,
C/O UNIVERSITY OF ZAMBIA,
SCHOOL OF LAW
P.O BOX 32379
LUSAKA.

CELL #: 096 757091

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CELL #: 096 757091

DEFINITION OF AUTONOMY:

The term “**autonomy**” has been defined as the independence in decision-making and in the execution of such decisions by councils within the legal framework.

INTRODUCTION:

- There are two opposing views on the autonomy of Local Government. On the one hand, it is believed that councils should be free to exercise their independence in decision-making and in implementation of their locally designed programmes. On the other hand, it is argued that they should not be given such autonomy but be subject to Central government's control.
- Respondents are free to state which of the two positions they support and give reasons for their answers.
- Respondents are advised to give their answers to the following questions in the blank spaces provided. Where the space provided is not sufficient, a separate sheet can be used clearly marked with the question being answered.
- Answers given in this questionnaire shall be treated as strictly confidential and will be used for academic purposes only in this research.
- Completed questionnaires shall be collected within 14 days from the date on which they are served on the respondent.
- For convenience sake, it is advisable to deliver all completed questionnaires to the Town Clerk or Council Secretary sealed in the envelope provided, and clearly marked as 'confidential'.
- I wish to thank you in advance for your time and energy of responding to this questionnaire.

1.0 THE AUTONOMY OF COUNCILS

1.1. (a) Should councils have autonomy in the exercise and discharge of their powers and functions?

YES/NO-----

(b) Give reasons for your answer in 1 (a): -----

(C) If your answer in 1.1 (a) above is YES, in which areas of operations would you say councils need autonomy?-----

1.2 (a) Do you think that councils' poor performance in service delivery as well as development in general has been due to lack of autonomy?

YES/NO-----

(b) State reasons for your answer-----

1.3 (a) Do you consider that the Minister of Local Government and Housing has excessive and sweeping powers which have a negative effect on the operations of councils?

YES/NO-----

(b) If your answer to 1.3(a) above is YES, which of the powers of the Minister are considered to be excessive and as a result have a negative impact on the operations of councils or have diminished the autonomy of councils? -----

(N.B you may quote the Local Government Act, Cap. 281 or other statutes to consolidate your answer)

1.4 (a) Which of the powers of the Minister should be removed or reduced in order to give councils their total independence in decision making and implementation of their locally designed programmes? -----

B. What other measures should be put in place to enhance and strengthen the Local Government system in Zambia? -----

1.5 (a) Do you think there is any form of political interference in the operations of councils?

YES/NO-----

1.6 What is your view on the decision to sell council houses by the former Republican President Dr. F.T.J Chiluba? -----

1.7 Apart from lack of autonomy, which other problems have contributed to the poor performance of Local Government in Zambia ? -----

1.8 What form of control over councils do you think should be exercised by:

(a) The Republican President ?-----

(b) The Minister of Local Government? -----

1.9 NATIONAL LEGISLATION

Which sections or articles do you propose to be amended or repealed? What provisions do you propose to be included in the following statutes to enhance the significance of Local Government vis-à-vis the autonomy of councils in Zambia under the below stated heads:

(a) The Constitution of Zambia, Cap. 1: -----

(b) The Local Government Act, Cap. 281. -----

(c) The Local Government Election Act, Cap. 282. -----

(d) The Local Government Service Regulations, 1996- S. I NO. 115 of 1996. -----

(e) The Local Government (Financial) Regulations, 1992 S.I NO. 125 of 1992: ---

(f) Others such as Personal Levy Act, the Rent Act, Rating Act, the Licensing Act, etc. Please specify. -----

2.0 FINANCING OF LOCAL GOVERNMENT

“In general, Local Government is increasingly dependent on direct financial support from the Centre, whereas local sources of revenue play a decreasingly important role.” Does this apply to Zambian Local Government?

YES/NO -----

2.1 Please give reasons for your answer-----

2.2 In which ways do you think the Central Government has reduced the local revenues of local authorities? -----

2.3 (a) By what percentage should councils be funded by the Central Government?

YES/NO-----%

(b) If your answer is YES, which type of grants do you propose the Central Government should give councils and how frequent should those grants be? -----

2.4 Approximately, how long does it take the Minister of Local Government and Housing to approve the following documents or requests and what are some of the reasons given for the delay: -----

- (i) Councils' By-laws: -----**
- (ii) Councils' annual estimates (budget)-----**
- (iii) Councils' request to dispose off its properties: -----**
- (iv) Councils' rate levy-----**

3.0 (a). Would you say that the Ministry of Local Government and Housing should be responsible for the recruitment of senior management staff in councils?

YES/NO-----

(b) Give reasons for your answer -----

4.0 DISTRICT ADMINISTRATOR

(a) What do you consider the role of the District Administrators should be in strengthening the Local Government system in Zambia? -----

(b) Do you agree with the proposal that DAs should sit as councillors on their respective councils? State your reasons.

(c) Since the introduction of DAs in Zambia, what positive contributions have they made to the development and sustenance of Local Government? -----

5.0 Do you think the Minister and the President should have the powers to suspend and dissolve the council respectively? State reasons for your response. --

6.0 Has the Ministry of Local Government and Housing been able to fulfill the provisions of Section 45 of the Local Government Act, Cap. 281 in full?

If the answer is NO, which grants has the Ministry been able to release to Councils and what are the reasons for failure to release the others? -----

THE END OF THE QUESTIONNAIRE

APPENDIX II



**THE UNIVERSITY OF ZAMBIA
SCHOOL OF LAW**

RESEARCH QUESTIONNAIRE (FOR THE COUNCILS UNDER STUDY)

TOPIC:

A CRITICAL ASSESSMENT OF THE IMPACT OF LACK OF AUTONOMY IN THE
MANAGEMENT OF THE LOCAL GOVERNMENT SYSTEM IN ZAMBIA: A CASE
STUDY OF LUSAKA CITY COUNCIL AND CHONGWE DISTRICT COUNCILS.

DETAILS OF RESPONDENT:

NAME OF COUNCIL:

POST OF RESPONDENT:

DETAILS OF RESEARCHER:

DAVIES C. MUMBA,
C/O UNIVERSITY OF ZAMBIA
SCHOOL OF LAW
P O BOX 32379
LUSAKA

CELL# 096 757 091

DEFINITION OF AUTONOMY:

The term “**autonomy**” has been defined as the independence in decision-making and in the execution of such decisions by councils within the legal framework.

INTRODUCTION:

-There are two opposing views on the autonomy of Local Government. On the one hand, it is believed that councils should be free to exercise their independence in decision-making and in implementation of their locally designed programmes. On the other hand, it is argued that they should not be given such autonomy but be subject to Central government's control.

-Respondents are free to state which of the two positions they support and give reasons for their answers.

-Respondents are advised to give their answers to the following questions in the blank spaces provided. Where the space provided is not sufficient, a separate sheet can be used clearly marked with the question being answered.

-Answers given in this questionnaire shall be treated as strictly confidential and will be used for academic purposes only in this research.

-Completed questionnaires shall be collected within 14 days from the date on which they are served on the respondent.

-For convenience sake, it is advisable to deliver all completed questionnaires to the Town Clerk or Council Secretary sealed in the envelope provided, and clearly marked as 'confidential'.

-I wish to thank you in advance for your time and energy of responding to this questionnaire.

1.0 THE AUTONOMY OF COUNCILS

1.1. (a) Should councils have autonomy in the exercise and discharge of their powers and functions?

YES/NO-----

(b) Give reasons for your answer in 1 (a): -----

(C) If your answer in 1.1 (a) above is YES, in which areas of operations would you say councils need autonomy? -----

1.2 (a) Do you think that councils' poor performance in service delivery as well as development in general has been due to lack of autonomy?

YES/NO-----

(b) State reasons for your answer-----

(C) If your answer in 1.2 (a) ^{is} YES, in which areas of operation has your council performed badly/ poorly as result of your council's lack of autonomy? -----

1.3 (a) Do you consider that the Minister of Local Government and Housing has excessive and sweeping powers which have a negative effect on the operations of councils?

YES/NO-----

(b) If your answer to 1.3(a) above is YES, which of the powers of the Minister are considered to be excessive and as a result have a negative impact on the operations of councils or have diminished the autonomy of councils? -----

(N.B you may quote the Local Government Act, Cap. 281 or other statutes to consolidate your answer)

(C) Which of the powers has the Minister exercised directly with respect to your council? Please explain how such exercise affected your council operations or autonomy-----

1.4 (a) Which of the powers of the Minister should be removed or reduced in order to give councils their total independence in decision making and implementation of

their locally designed programmes? -----

B. What other measures should be put in place to enhance and strengthen the Local Government system in Zambia? -----

1.5 (a) Do you think there is any form of political interference in the operations of councils?

YES/NO-----

(b) If your answer to 1.5(a) above is YES, mention any specific instances in which the following institutions have interfered with the operations of your council:

(a) The Republican President (including former Presidents)-----

(b) Any government Minister (including Deputy Ministers)-----

(c) The Member(s) of Parliament: -----

(d) The Minister of Local Government and Housing through its administration such as the permanent secretary: -----

(e) The District Administrator: -----

1.6 What is your view on the decision to sell council houses by the former Republican President Dr. F.T.J Chiluba ? -----

Apart from lack of autonomy, which other problems have contributed to the poor performance of Local Government in Zambia as a whole and your council in particular:

(a) Local government as a whole: -----

(b) Your council: -----

1.8 What form of control over councils do you think should still be exercised by:

(a) The Republican President? -----

(b) The Minister of Local Government? -----

1.9 (a) Do you consider that your council exercises and enjoys full autonomy in the discharge of its functions and exercise of its powers?

YES/NO-----

(c) If the answer to 1.9 (a) is NO, to what extent can you say your council enjoys some form of autonomy in its operations? You may indicate specific cases/instances. -----

10.0 NATIONAL LEGISLATION

Which sections or articles do you propose to be amended or repealed. What provisions do you propose to be included in the following statutes to enhance the significance of Local Government vis-à-vis the autonomy of councils in Zambia under the below stated heads:

(a) The Constitution of Zambia, Cap. 1:-----

(b) The Local Government Act, Cap. 281. -----

(c) The Local Government Election Act, Cap. 282. -----

(d) The Local Government Service Regulations, 1996- S. I NO. 115 of 1996. -----

(e) The Local Government (Financial) Regulations, 1992 S.I NO. 125 of 1992: ---

(f) Others such as Personal Levy Act, the Rent Act, Rating Act, the Licensing Act, etc. Please specify. -----

2.0 FINANCING OF LOCAL GOVERNMENT

"In general, Local Government is increasingly dependent on direct financial support from the Centre , whereas local sources of revenue play a decreasingly important role." Does this apply to Zambian Local Government?

YES/NO -----

2.1 Please give reasons for your answer-----

2.2 In which ways do you think the Central Government has reduced the local revenues of local authorities?-----

2.3 (a) By what percentage should councils be funded by the Central Government?

YES/NO-----

----- %
(b) If your answer is YES, which type of grants do you propose the Central Government should give councils and how frequent should those grants be? -

(c) For how many months are workers salaries and wages unpaid? -----

(d) How much do you owe other institutions? -----

2.4 (a) Do you consider your council to be financially independent? -----

(b) Please state reasons for your answer:-----

(C) If the answer to question 2.4 (a) is NO, what measures would you propose to make your council financially autonomous? -----

2.5 If you support the view that councils should be funded substantially by the central government, how do you propose that they should achieve their autonomous status?-----

2.6 Approximately, how long does it take the Minister of Local Government and Housing to approve the following documents or requests and what are some of the reasons given for the delay:-----

(i) Councils' By-laws: -----

(ii) Councils' annual estimates (budget)-----

(iii) Councils' request to dispose of ~~their~~ properties:-----

(iv) Councils' rate levy-----

2.7 When was personal levy last reviewed by the central government? -----

2.8 (a) Before the sale of council houses by Presidential decree, what percentage of the annual budget was house rent? -----%

(b) What is your current percentage contribution of house rent to the annual budget? -----
%

2.9 Do you think the financial approval powers of the Minister has a negative impact on the independent status / autonomy of councils?
YES/NO

3.0 Which financial powers of the Minister would you like removed or reduced?

3.1 Has ~~there~~ been an instance when the Minister of Local Government disapproved any of the council minutes submitted to him/her by your council? Please specify and briefly explain the circumstances of that instance. -----

3.2 Mention the major sources of your council's revenue: -----

4.0 HUMAN RESOURCE MANAGEMENT:

- (a) What is your council's total establishment? -----
(b) How many posts have been filled -----
(c) How many posts are established for chief officers -----
(d) Of these chief officers' positions how many are filled by qualified staff as per qualifications specified in S.I. NO. 115 of 1996 -----
(e) Which chief officer posts are vacant? -----

(f) Do you consider that your council is managed by adequately qualified personnel at senior level?
YES/NO -----

If the answer is NO,

(b) Give reasons for your answer -----

4.1 (a) Would you say that the Ministry of Local Government and Housing should be responsible for the recruitment of senior management staff in councils?

YES/NO -----

(b) Give reasons for your answer -----

4.2 What do you think about the recent circular by the Hon. Minister of Local Government banning recruitment of staff in local authorities with regard to

(a) The autonomy of councils -----

(b) Service delivery and general performance of councils, particularly your council. -----

4.3 (a) In the last ten years has your council discharged or dismissed any senior official of or above the rank of deputy chief officer. -----

(b) Do you think the council followed the right procedure in dealing with the disciplinary case? -----

(c) Is there any appeal pending against the discharge or dismissal? -----

(d) What are the substantial grounds of appeal in general? -----

5.0 CONSTITUENCY DEVELOPMENT FUND

(a) Has your council received any of the constituency development funds in the last ten years and how much is the percentage contribution to the council's annual budget? -----

(b) On what major projects was the money used? -----

(c) Do you think that the money was properly utilized for the benefit of the community? -----

(d) Was there any political interference especially from any Member of Parliament on the use of money in your district? Briefly explain -----

6.0 GENERAL INFORMATION

6.1 (a) Should Members of Parliament be councillors on their local councils? YES/NO -----

(b) Give reasons for your answer -----

6.2 (a) Should chiefs representatives be councillors of their respective councils? YES/NO -----

(b) Give reasons for your answer: -----

6.3 (a) Do you agree or disagree that Mayors/Chairmen of councils should be elected by their fellow councillors?

AGREE/DISAGREE-----

(b) Give reasons for your answer: -----

-(C)If you disagree with the present method of electing chairmen and mayors, which method do you propose to be the most suitable and why?-----

(f) (i) Do you consider that the present system of mayoral elections undermines the autonomy of councils?

YES/NO

(ii) Give reasons for your answer-----

7.0 THE COMMITTEE SYSTEM

(a) Mention the most important standing committees of your council-----

(b) In which way do these committees contribute to the autonomy of councils?

(C) (a) List the powers and functions that you think should not be delegated to committees by the council-----

8.0DISTRICT ADMINISTRATOR

(a) What do you consider the role of the district administrators should be in strengthening the Local Government system in Zambia?-----

(b) Do you agree with the proposal that DAs should sit as councillors on their respective councils? State your reasons.

(c) Since the introduction of DAs in Zambia, what positive contributions have they made to the development and sustenance of Local Government? -----

9.0 In the last 10 years, has your council been suspended or dissolved?[?]-----

(a) What were the reasons for such action?[?]-----

(c) Do you think that these powers were properly exercised by the Minister or the President?[?]-----

(d) Do you think the Minister and the President should have the powers to suspend and dissolve the council respectively? State reasons for your response. -----

