

THE LEGAL FRAMEWORK FOR THE DECENTRALISED SYSTEM
OF GOVERNMENT IN ZAMBIA

by

Chaloka Syakatukula Beyani

A dissertation submitted to the University of Zambia
in partial fulfilment of the requirements
for the degree of Master of Laws

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DECLARATION

I ...*CHALOKA*...*S.*...*BEYANI*..... do solemnly declare
that this dissertation represents my own work which has not
previously been submitted for a degree at this or another
University.

Signed ...*Bevani*.....

Date ...*18/10/84*.....

This dissertation of CHALOKA S. BEYANI is approved as
fulfilling part of the requirements for the award of the
Master of Laws Degree by the University of Zambia.

Signed S.K.C. Mumba Date 22.10.84.

Signed Date

ABSTRACT

This dissertation is a study of the legal frame-work for the integrated and decentralised system of government in Zambia. The term decentralised government as used in this study, denotes the system of local administration at provincial and district levels, which was instituted in 1981, in place of local government in Zambia.

This dissertation is divided into seven chapters. Chapter One outlines the purpose of the study, as an enquiry into the objectives of decentralisation in Zambia. Chapter One also gives the scope of the study, and the methods of data collection used in the study.

Chapter Two defines the concept of decentralisation. It discusses the theoretical approaches to decentralisation. Finally, the chapter outlines the historical context in which decentralisation has emerged in Zambia.

Chapter Three discusses the Zambian government's post independence objectives in social and economic development, in the period between 1964 and 1983. The chapter does not pretend to give a comprehensive economic analysis of these objectives. It discusses these objectives in the context of the study to show how the said objectives influenced the set up of district and provincial administrative or institutional structures.

The set up of provincial and district administrative structures that were adapted to co-ordinate the implementation of the government's social and economic objectives is examined in

Chapter Four. This chapter also discusses the suitability of the said institutional and administrative structures in co-ordinating the implementation of the government's social and economic objectives. It argues that this institutional and administrative structure was centralised, and therefore unsuitable to efficiently co-ordinate development efforts.

Chapter Five describes the Local Administration Act, 1980 as the legal framework for effecting decentralisation in Zambia.

Chapter Six critically evaluates the Local Administration Act, 1980. Attention is focussed on the main objectives of the Act, namely, integration and decentralisation.

Chapter Seven is a conclusion. It brings out the theme that the underlying motive for decentralisation in Zambia is largely political, rather than economic. It offers some suggestions and recommendations for reforming the legal framework for Zambia's decentralised system of government.

ACKNOWLEDGEMENTS

In completing this work, I obtained numerous ideas, and encouragement from several people without whom the task of writing this work would have been extra difficult.

In particular, I wish to specially register my thanks and appreciation to the following:

Dr. S. K. C. Mumba, School of Law, University of Zambia for efficiently and untiringly supervising this work. I am immeasurably grateful for his guidance, criticisms and ideas. Mr. M. L. M. Mbao, School of Law, University of Zambia for his comments and views on this work. They were both useful and profoundly inspiring. Mr. A. W. Chanda, School of Law, University of Zambia for reading parts of this work and his comments thereon. Ms. Elizabeth K. Kayola for typing this work in spite of her daily responsibilities.

Dr. C. M. Chitoshi, District Executive Secretary at Ndola District Council, deserves special mention for his views on the subject and for giving me access to various documents on the subject. The cooperation of his staff in my research was wonderful.

This work is dedicated to Vivian
for everything.

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CHAPTER ONE

INTRODUCTION

1. Nature of Study

Zambia has nine political and administrative units called provinces. The provinces are divided into a total of fifty-five districts. These districts and provinces are administered through a 'decentralised system of government'. This system has been in force since 1981, when the Local Administration Act, 1980 came into effect.

In providing the legal framework for decentralised government, the Local Administration Act, 1980 has replaced Zambia's representative local government system. The Local Administration Act, 1980, has therefore legally effected a new system of local administration which is based on the institution of the District Council, alongside the District Committee, the Provincial Committee and the Provincial Council.

2. Statement of the Problem

The purpose of this study is to examine the legal framework for the decentralised system of government in Zambia. The central focus of inquiry is on the main objectives of the system as embodied in the Local Administration Act, 1980. These are:

- (a) the integration of former organs of administration at district level (i.e. local government, central government departments and the United National Independence Party machinery) into District Councils;
- (b) the autonomy of District Councils in local administration;
- (c) the transfer of political and economic powers of central government to District Councils to allow for people's participation in local development administration.

This study will critically evaluate the extent to which the legal framework for decentralised government in Zambia has achieved the objectives above. In so doing the study will assess whether the said framework has solved the problems (reflected in the objectives) for which it was effected.

3. Sources of Information

The sources of information that are used in this study are primary and secondary. All the secondary sources and part of the primary sources were obtained from the University of Zambia library in Lusaka. Most of the primary sources, in the form of official reports and documents, were obtained from various relevant government departments and some District Councils. These sources of information were supplemented by a series of interviews on problems experienced by District Councils in the practical implementation of the Local Administration Act, 1980. These interviews were conducted by the writer in a period of one month in September 1983, in Ndola Urban District Council, Kitwe Urban District Council

and Ndola Rural District Council.

4. Methodology and Scope of Study

The objective of this study is to give a critical exposition of the legal framework for decentralised government in Zambia.

The importance of the scope of this study, nationally and internationally is beyond question. At the national level, President Kaunda has emphasised that¹

"One of the most important legislations that the House (Parliament) was able to pass ... was the Local Administration Act, (1980). This Act is an important milestone in our revolution. It is a concrete expression of our determination to take power to the people ... The new local administration set up will make it easy for decisions to be taken quickly and development programmes in each district to be drawn up more comprehensively, taking into account the wishes of the people at grass root level. There can be no real solutions to our problems of political and economic development without the fullest participation of the people."

At international level, the United Nations, in ^{the} early 1960s called upon developing countries in their search for economic development to make use of local authorities, through decentralised forms of government and thereby involve people's wide participation in administering social and technical services². In 1960, the General Assembly of the United Nations approved the subject of decentralisation as a programme of the study of problems in the implementation of decentralised forms of government³. Since then, the momentum for adopting decentralised forms of government has been carried forward.

In 1980, the Brandt Commission recommended that the development process in developing countries through self-reliance requires people's participation by adopting decentralised forms of government⁴.

The national and international urge for adopting decentralised forms of government has stimulated the writer's interest in the subject. More so, as proponents for the concept of decentralisation make the basic assumption that decentralisation allows for people's participation, and thus provides a panacea to problems of political and economic development in developing countries. An inquiry into the legal framework for Zambia's decentralised system of government will offer invaluable insight to the validity of this assumption. The writer hopes that this study will make a worthwhile contribution to the literature on the subject and to the betterment of the system of local administration in Zambia. More so for legal schools and law reformers.

The definition of the concept of decentralisation, and the approaches to the process of decentralisation are examined in Chapter Two. This chapter also gives the historical basis of decentralisation in Zambia.

In Chapter Three, this study discusses the Zambian Government's post 1964 objectives in social and economic development between 1964 and 1983. Chapter Four then discusses the administrative and institutional structure which the Government

set up between 1964 and 1980 to meet its post independence development oriented policy. The Chapter further discusses the suitability of this structure in co-ordinating the implementation of the Government's development policies. In this respect, the Chapter explores the problems that were experienced by this structure and shows why the Government opted for a new system of local administration.

Chapter Five looks at the main provisions of the Local Administration Act, 1980 which set out the framework for the system of local administration in Zambia. Chapter Six is a critical evaluation of the objectives of the Local Administration Act, 1980. It discusses the problems of the integration of the District Council, the autonomy of this institution in local administration, and the issue of whether, there has been a transfer of political and economic power to District Councils so as to allow for people's participation in development local administration.

Chapter Seven is a conclusion. The Chapter notes that while the integration of the District Council is not only incomplete, the District Council also lacks autonomous powers in development administration. Economic power is still centralised. In this regard, the chapter observes that the Local Administration Act, 1980 has merely decentralised political powers by the process of devolution. The decentralisation of political power has been necessitated by the desire on the part of the political leadership

to enhance the supremacy of the Party in local administration. Hence people's participation in local administration is a political instrument to legitimise the Party's political control at local levels throughout the country. Lastly, the chapter offers suggestions to problems of integration of the District Council, its autonomy in development local administration and people's participation in local administration.

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CHAPTER TWO

THE CONCEPT OF DECENTRALISATION

1. Introduction

This chapter examines the concept of decentralisation. It considers and discusses:

- (i) the definition of decentralisation;
- (ii) the theoretical approaches to decentralisation;
- (iii) the historical context in which decentralisation has emerged in Zambia.

2. Definition of Decentralisation

Decentralisation is a concept that is complex and multi-dimensional; it

"Covers so many and multifarious types of arrangement that it is difficult to know what is meant when it is recommended that government be decentralised."¹

The whole notion of decentralisation is about division of power, authority and functions between central government and local institutions in administrative, political and economic aspects of government². In this respect, a United Nations Working Group has defined decentralisation as the transfer of power, authority and functions of central government to local authorities whether by deconcentration or by devolution³. Deconcentration and devolution are major constituent elements of decentralisation. Both terms involve political, and legal structural changes in government

administration which affect transfer of power, authority and functions to local institutions in different but related ways⁴.

3. Theoretical Approaches to decentralisation

Deconcentration is the delegation of authority and responsibility from upper to lower levels of administration as well as from the capital to local centres of government administration. In Smith's succinct words, deconcentration involves,⁵

"The delegation of authority to make administrative decisions on behalf of the central administration to public servants working in the field and responsible in varying degrees for government policy within their territory".

Deconcentration therefore, is mainly an administrative structural change within Government administration.

Devolution on the other hand, is a constitutional or legal rearrangement within a state aimed at, or results in political and administrative autonomy to provinces or districts. Thus,

"... the authority to take certain decisions in some spheres of public policy is delegated by law to subnational territorial assemblies (e.g. local authorities)"⁶.

The approaches to decentralisation then are deconcentration and devolution. By process of the former, administrative powers, functions and authority of government are delegated within the framework of government hierarchies to local provincial and district officers of government. By process of the latter, political powers and administrative functions of government are vested on or devolved upon local authorities on an autonomous basis by a separate legal arrangement, e.g. an Act of Parliament.

4. History of decentralisation in Zambia

Two phases are important for discussing the history of decentralisation in Zambia. These are

- a. The period of British South African Company (B.S.A. Co.) rule in Northern Rhodesia, 1895 to 1924; and
- b. The period of protectorate rule by the British government, 1924 to 1964.

a. The B.S.A. Co. rule, 1895 to 1924

The British South African Company ruled the territory of Northern Rhodesia from 1895 to 1924. The Barotseland and Northern Rhodesia Order in Council of 1899 provided for the administration of Northern Rhodesia by the B.S.A. Co. The B.S.A. Co's charter of incorporation of 29th October 18⁸9 vested the governing powers for the territory of Northern Rhodesia in a Council of the Company's officials. The charter also empowered the B.S.A. Co. to make by-laws and constitute local Boards of Management in Northern Rhodesia.⁷ In 1900 the North Eastern Rhodesia Order in Council was passed. It provided for the B.S.A. Co's statutory powers of administration in Northern Rhodesia. In the same year, the North Western Rhodesia Order in Council was passed to provide for the administration of North Western Rhodesia. Thus, in the period between 1900 and 1911, the North East and the North West, parts of Northern Rhodesia were administered separately.

In 1911 North Eastern Rhodesia and North Western Rhodesia were amalgamated by the Northern Rhodesia Order in Council which revoked the North Eastern Rhodesia and the North Western Rhodesia Orders in Council. On 20th February 1924, the B.S.A. Co. rule in Northern Rhodesia was terminated.

During its period of rule in Northern Rhodesia, the British South African Company established a decentralised government by way of deconcentration. In 1902 the B.S.A. Co. established what were then called fiscal districts. A European District Commissioner was appointed as an administrative and political head of each fiscal district.⁸ The fiscal districts were subdivided into sub-districts called Native Divisions. Each Native Division was administered by a European Native Commissioner⁹ (later known as the District Commissioner).

A Proclamation which was passed in 1916 established the B.S.A. Co.'s system of direct rule over natives¹⁰. It empowered the European Native Commissioner to exercise all political and administrative powers in his district. The same Proclamation authorised the Native Commissioner to appoint tribal chiefs to administer native affairs. The chiefs were responsible inter-alia for:¹¹

- (i) the general good conduct of all natives in tribal areas;
- (ii) execution of lawful orders of magistrates or Native Commissioners.

Village headmen were responsible for village administration, i.e. 'the good order of the village'.

The B.S.A. Co.'s policy of indirect rule was mainly effected in rural areas where it was designed to secure the execution of administrative orders through tibal chiefs.

"The policy of the Chartered Company ... was one of direct rule, using existing chiefs as agencies of government, but upholding their privileges so far as these were not incompatible with company rule"¹²

In 'urban areas' the B.S.A. Co. ruled through village Management Boards. These administered village Management regulations, pursuant to a Proclamation of 1907.¹³ The village Management regulations dealt with the maintenance of health, streets and buildings. These Village Management Boards formed the embryo for local government administration in urban areas.¹⁴

b. Protectorate rule, 1924 to 1964 "

In 1924 the British government assumed responsibility for the administration of Northern Rhodesia. The status of Northern Rhodesia became that of a protectorate by virtue of the Foreign Jurisdiction Act, 1890. The Northern Rhodesia Order in Council provided the legal order for effecting protectorate rule in Northern Rhodesia.

The Northern Rhodesia Order in Council thus established the office of the Governor as the chief executive officer. It empowered him to exercise On His Majesty's behalf all powers wielded by His Majesty in Northern Rhodesia.¹⁵ These powers enabled the Governor to,

"Constitute and appoint, or authorise the appointment of, such public officers for the administration of the Territory ..."¹⁶

The British government adopted a policy of indirect rule in Northern Rhodesia. The genesis for adopting indirect rule was a series of recommendations by Commissioners who were appointed in 1924 to advise the government on the delimitation of native reserves in Northern Rhodesia. These recommendations emphasised a large measure of self-government on the part of natives in tribal areas. In 1927, a conference of administrative officers recommended the implementation of indirect rule in Northern Rhodesia.¹⁷

In order to effect the policy of indirect rule, the Governor in 1929 appointed Provincial Commissioners, District Commissioners and tribal chiefs. The Native Authorities Ordinance, 1929, and the Native Courts Ordinance, 1929 were passed to implement indirect rule in rural areas.

The administration of urban areas was regulated by the Municipal Corporations Ordinance, 1927 and the Township Ordinance, 1928. This meant that the administration of rural areas and urban areas was conducted separately.

The Native Authorities Ordinance, 1929 and the Native Courts Ordinance, 1929 provided for the administration of natives through the machinery of tribal chiefs. Chiefs who were recognised by the Governor, along with native Councils were declared as Native Authorities for their respective areas.¹⁸

Under the said Ordinances, the status of chiefs as executive and judicial authorities in tribal and customary matters was legalised. The powers of the Governor to establish and constitute Native Authorities could be exercised by the Provincial Commissioner under the Native Authorities Ordinance, 1929.¹⁹

The British system of indirect rule in Northern Rhodesia provided a decentralised provincial and district administration. Powers of administration were devolved upon the Provincial and District Commissioners, tribal chiefs and village headmen by the Native Authorities Ordinance. But the linch pin for British administration centred on the District Commissioner. As Taylor observes,

"The whole nature of the old provincial administration assumed that the man in the district would get things done on the spot, in the light of his own resources and his knowledge of legal and procedural norms. He was not expected to seek higher authority in anything except a most unusual situation. He was expected to take the necessary decision himself, and to take responsibility for it".²⁰

This observation is supported by provisions in the Native Authorities Ordinance which conferred the Provincial and District Commissioners with administrative powers. The powers of the Provincial Commissioner were concurrent with those of the District Commissioners inspite of the fact that the latter was a subordinate administrative officer.

For example Section 15 of the Ordinance said:

"Whenever in the opinion of a Provincial Commissioner or an Administrative Officer (i.e. District Commissioner) it is expedient for the good order and government of the area ... that any order should be issued ... the Provincial Commissioner or Administrative Officer may himself issue such order Whenever a Provincial Commissioner or an Administrative Officer is of the opinion that any order issued by a Native Authority should not have been issued ... he may direct the Native Authority to revoke such order or to refrain from enforcing such order, or may himself revoke such order ...".

These powers obviously indicate extensive control of Native Authorities by Provincial and District Commissioners. But the point remains that the said powers were exercisable either alternatively or concurrently by Provincial and District Commissioners. In this way, a system of decentralised administration was effective by indirect rule free from bureaucratic centralised control. A Southern Province Provincial Commissioner noted the following in his Annual Report of 1938:

"The writer, who had grave doubts when indirect rule was first laid down as a policy of Government is frankly astonished at the good progress that has been made."²¹

Trends towards centralism in rural administration began in 1947 following a meeting of Provincial Councils in that year which proposed these changes:²²

- (i) Strong central Councils be constituted composing chiefs and elected councillors to serve as a legislative and executive authority of Local Government;

- (ii) That subordinate Native Authorities then existing be abolished and replaced by executive agents of the Central Councils subject absolutely to conciliar direction.

Implementation of these proposals, first in Eastern and Southern Provinces signified a tendency towards centralised local government in Northern Rhodesia. Superior Councils were established ~~constisting~~ of chiefs and non traditional councillors. Subordinate Native Authorities were abolished. Non traditional Councillors were appointed as secretaries to Central Councils to be responsible for administration of various specific departments of Councils. This structure of administration in rural areas remained effective up until the Local Government Act, 1965 was passed by the Zambian Government.²³

Urban authorities developed along a path different from that of Native Authorities. As stated earlier in the chapter, Village Management Boards which were formed under Proclamations of 1911 and 1913 created basis for local government in urban areas. However, the growth of urban local authorities came with the enactment of the Municipal Corporations Ordinance, 1927, the Township Ordinance, 1929 and the Mine Township Ordinance, 1932.

The Municipal Corporations Ordinance incorporated then Village Management Boards.²⁴ Section 6 of the Ordinance provided for the establishment of Councils within every municipality.

Section 5(4) provided for sub-division or re-sub-division of any municipality into wards not exceeding six. Section 5(6) limited the numbers of Councillors to be elected to a Municipal Council to not less than six and not exceeding eighteen.

Pursuant to the foregoing provisions, Livingstone Municipal Council was established in 1928 and Ndola was declared a municipality in 1932.²⁵ Livingstone Municipal Council consisted of six elected Councillors and a District Commissioner appointed by the Governor. Ndola Municipal Council consisted of nine elected Councillors and three government officers, (including a District Commissioner) appointed by the Governor.

Though District Commissioners were part and parcel of urban local authorities, they did not perform any major administrative functions as in Native Authorities. The urban local system of administration was instead headed by a Mayor elected from amongst Councillors.²⁶ However, Urban local authorities were administered by a system of committees as enshrined in S.17 of the Municipal Corporations Ordinance 1927. Under this provision the council could appoint from amongst its members committees either of a general or special nature to examine and report upon any matter or to perform any act which would more conveniently be performed by a committee.

Closely associated to urban local government were Provincial Councils which were established in 1936. Provincial Commissioners chaired Provincial Councils. Provincial Councils were

constituted by technicians, one to two leading settlers, local members of the Legislative Council, one missionary and two Africans in the case of Northern Province.²⁷ Technicians were veterinary, agricultural and educational officers.

Far from being institutions of local government, Provincial Councils functioned as regional administrative bodies. Their function was to consider Provincial annual estimates for submission to government; they also made recommendations regarding roads, schools, and agricultural policy in Provinces.

Provincial Councils were phased out in 1939 in favour of a policy of centralisation. Beginning in 1943, six African Provincial Councils were set up. The new Councils integrated rural and urban administration. They consisted partly of chiefs or councillors representing Native Authorities and Africans in rural areas, and partly of members elected from the urban native advisory councils.

The African Provincial Councils performed advisory roles to government on african customary matters such as desirability of an African marriage law for the whole territory of Northern Rhodesia.²⁸

In 1946 the administrative structure was further centralised. An African Representative Council was set up for the territory of Northern Rhodesia. This Council consisted of twenty-nine members, twenty of whom were elected by the six African Provincial Councils. The other four members comprised the

Prime Minister for Northern Rhodesia and three representatives from Barotseland.²⁹ The task of the Representative Council was to advise the Governor on legislation affecting Africans.

In this arrangement, the Representative Council linked Native Authorities and Urban Councils to the Legislative Council by a chain of representation. As such, the system of representation in effect became a centralised structure. Colonel Sir Stewart Gore Brown began to advocate for a decentralised structure by re-establishing European Provincial Councils. Representatives from African Provincial Councils would then be appointed to serve on a joint Council for each Province in place of a central body in the form of an African Representative Council.³⁰

Nevertheless provincial administration as set above remained a fulcrum of the colonial system of government till 1964 when Northern Rhodesia attained independence.

5. Conclusion

Decentralisation is the process of transferring functions and powers of central government to local authorities. It may be effected either by deconcentration or by devolution. Decentralisation by deconcentration involves the delegation of functions and powers of central government to officers of government at local level to exercise such functions and powers on behalf of central government. Decentralisation by devolution involves a legal enactment vesting central government's functions and powers of administration in local authorities as autonomous bodies.

The B.S.A. Co.'s policy of direct rule was based on a deconcentration of the company's officers, i.e. European Native Commissioners, European District Commissioners. The policy of direct rule also made use of tribal chiefs as agents of the B.S.A. Co. in the administration of natives. On the other hand, the British government's policy of indirect rule was based on a dévolution of the government's administrative powers to Provincial and District Commissioners, and Native Authorities.

The British government's policy of indirect rule was applied to rural areas for the administration of natives. In urban areas the British government's administration was based on local government. As a result urban local government and native authorities developed along two separate lines until 1964 when Northern Rhodesia became independent, and changed its name to Zambia.

The next chapter will discuss the Zambian government's post 1964 objectives in social and economic development in the period between 1964 and 1983. This discussion is necessary because the government's efforts in fulfilling its social and economic objectives influenced the development of the structure of local administration from 1964 to date.

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2. U. Thoung, 'Decentralisation for Development', Journal of Local Administration Overseas 2(1963), 27.
3. United Nations, Decentralisation for National and Local Development (New York: United Nations, 1960) p.3.
4. Devolution and deconcentration as elements of decentralisation are not exclusive. Other elements of the concept include geographical location and social territory which embody a redistribution of administrative departments, facilities, personnel, and services from the capital to provinces and districts. These departments must be physically located in a geographical location or social territory in order for them to assess and respond quickly and effectively to local problems.
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6. Ibid.
7. Charter of the British South African Company 29th October 1899, clauses 3,10,25.
8. Fiscal districts were forerunners to the present provinces in Zambia.
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13. Proclamation No.1 of 1907.
14. A. Greenwood and J. Howell, 'Urban Local Authorities' in W. Tordoff (Ed) Administration in Zambia (London: Manchester University Press, 1980) p.163. Proclamations No.6 of 1911, No.11 of 1913 and No.48 of 1913 formally established village Management Boards.

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18. Native Authorities Ordinance, No.32 of 1929, Section 2,3.
19. Ibid Section 7(5).
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21. Quoted in R. Hindel (Ed), Local Government and the Colonies, p.171.
22. 'A Digest of African Local Administration', 2(March 1948) 22 Ibid, (June 1948) 24-26. Also note that in 1936 new Native Courts and Native Authorities Ordinances were passed in place of the Native Courts and Native Authorities Ordinances of 1929. But the Ordinances of 1929 merely added provisions for Native Authorities to collect their own revenue and control their own expenditure.
23. Zambia, Decentralised Government, p.5.
24. Municipal Corporations Ordinance, No.16 of 1927, Section 3.
The Townships and Mine Townships Ordinances, 1929 and 1932 respectively established Management Boards on traditional local government patterns to administer Townships and Mine Townships. The Mine Townships were established by the Governor upon request by the then Mining Corporation to accommodate mines' employees. For further detail see, G. M. Pelekamoyo, Local Autonomy and Central Control in Zambian Urban Authorities (Lusaka: University of Zambia Master of Arts Thesis, 1977) pp. 141-153.
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29. Ibid, 192
30. Ibid.

CHAPTER THREE

THE SOCIAL AND ECONOMIC OBJECTIVES OF THE GOVERNMENT AFTER 1964

1. Introduction

On attaining independence in 1964, the new Zambian government set out a range of objectives pertaining to the classical functions of government, as well as to the achievement of rapid social and economic development in the country. This chapter will examine these objectives in the context of this study, to show how the objectives influenced the institutional structure in chapter four for implementing the said objectives.

2. Objectives in classical functions of government

The classical functions of government involve defence, internal security and the provision of 'good' government in any country.

At independence in 1964, the Zambian government gave priority to objectives in the defence of the country, the maintenance of law and order within the country, and the provision of an efficient administration in the country¹. The priority given to these objectives was determined by Zambia's geopolitical position from 1964 up to mid 1970's. In this period Zambia shared its boundaries with colonial regimes of Southern Rhodesia, Angola, Mozambique, and South West Africa². The then colonial policies of these countries, together with the wars of national liberation that were waged against colonialism by indigenous peoples posed serious threats to Zambia's external and internal security.

Given this geopolitical position, the Zambian government was committed to building a strong army and air force base to maintain the country's external security³. The need to secure internal peace, law and order in the country necessitated the building of new police stations as well as extending existing police stations⁴.

3. Objectives in social and economic development

The Zambian government's post 1964 objectives in social and economic development were directed at establishing a broad economic infra structure which would lay conditions for realising rapid economic growth, and thereby raise the people's living standards⁵.

In this perspective, the main objectives of the government were inter alia:-

- (a) to diversify the Zambian economy so as to minimise the lopsided imbalance between urban and rural areas in terms of living standards and economic growth⁶. In this regard, the basic objective of government policy laid emphasis on the development of agriculture so that rural or subsistence^e farming would be transformed into market oriented commercialised farming⁷. In order to achieve this objective the government initiated a programme of Intensive Development Zones to assist peasant farmers in adopting modern agricultural practices⁸. The government also called for co-ordinated programmes for agriculture and the setting up

of agro-industries to process agricultural produce⁹. In addition, government envisaged setting up rural reconstruction centres and state farms to boost agricultural production¹⁰;

(b) to build a system of communications throughout the country by roads, railways, air services, water way transport and electricity transmission in rural areas¹¹. This objective was meant to facilitate overall growth of the rural sector by providing the rural population with easy access to social services, water supplies and transport¹²;

(c) to raise the general levels of education in the country in order to develop a wide range of specific technical, administrative, executive, professional and managerial skills among Zambians. This objective required the expansion of education and training facilities which would train many Zambians to carry out the country's development effort¹³. This objective also aimed at creating new employment prospects for Zambians, thereby setting the pace for Zambianisation in job opportunities¹⁴;

(d) to provide more and better living accommodation as a requisite for better standards of living, and to raise the general level of social welfare in the country. The significance of housing and communal services remains an important measure of the country's economic and social progress. The objective of the government in this respect is to provide better and decent housing within reach of every income group so as to contribute better family and communal health¹⁵;

(e) to enable the Zambian government to gain effective control of the commanding heights of the economy, and, to enable Zambians to participate in the management of the economy. The measures which were adopted to achieve this objective were brought about through a series of economic reforms which were instituted in April 1968¹⁶. Prior to these reforms, most business enterprises in Zambia were owned by foreign companies, such that a huge amount of profit was externalised outside Zambia. The economic reforms of 1968 therefore aimed at effecting the Zambian government's participation in industry, and the involvement of Zambians in the economic development of the country. Hence, the Zambian government through the Industrial Development Corporation (INDECO) diversified its interests in communication and industry, either by taking controlling interests or by taking a majority interest of 51 per cent in major industries, mining companies, retail and wholesale trading enterprises¹⁷. Participation by Zambians in the running of the economy was effected by giving priority in obtaining credit facilities to companies which were Zambian, or in which the state owned at least 51 per cent interests. Financial Institutions were urged to increase credit facilities to Zambian businessmen, while expatriates were *limited in their activities to prescribed areas in 10 major urban centres*¹⁸.

The foregoing objectives show concerted commitment on the part of the Zambian government to achieve rapid social and economic development. In spite of this commitment, the government's objectives in social and economic development have however not been significantly fulfilled. Agricultural production remains inadequate to the extent that agro-industrial, and commercial agricultural, development is as lopsided as to be almost non-existent¹⁹. Consequently, attempts at diversifying the country's copper based economy to agriculture, and reduction of the rural-urban gap, have been marginally realised. Domestic production has remained below projected targets, and the overall development of the Zambian economy in rural development, gross domestic product, investment and savings has been characterised by an uneven and inadequate growth performance²⁰. In the field of transport and communications, there is lack of developed transport and road infrastructure in rural areas, not to mention water transport, air services, and electricity transmission. True a network of roads has been established but the quality of the roads in rural areas is not satisfactory in that the great majority consists of unimproved earth roads²¹.

In a recent major policy report on the attainment of Zambia's economic objectives to the General Conference - the supreme organ of the ruling United National Independence Party - President Kaunda observed that,

"Since independence, we have been making efforts to change the development status of our economy The full impact of this effort has yet to bear fruit²² ...".

"We underlined the importance of agriculture and worked out a programme for the improvement of this sector. I regret to report that this message did not make a great impact on our people What we have achieved so far is very minimal indeed²³.

Several factors have been attributed for the Government's inability to achieve its projected economic objectives. These factors include lack of adequate response by the people of Zambia to the Government's call to boost agricultural production; effects of international economic recession, such as the decline of copper prices on the international market²⁴; the Unilateral Declaration of Independence in Southern Rhodesia in 1965 which led to a massive re-allocation of Zambia's financial resources in order to open new communication routes to the North by road and rail, for exports and imports, following the closure of Southern routes²⁵. But chief amongst such factors, and central to this discussion is the administrative or institutional structure which was devised to implement the Government's development programmes and projects²⁶.

4. Conclusion

This chapter has been concerned with the Zambian government's post 1964 objectives. These objectives relate to the traditional functions of government and the achievement of rapid social and economic development. By and large, the Government's objectives in social and economic development have not been satisfactorily

achieved. A major contributing factor to this effect is the institutional and administrative structure which was set to implement projects and programmes for meeting the said objectives. The next chapter will therefore deal with the set up of this structure in the period between 1964 and 1980.

REFERENCES TO CHAPTER THREE

1. Zambia, An Outline of the Transitional Development Plan, 1965 to 1966 (Lusaka: Government Printer, 1965) pp.11-12
The provision of administration is discussed in Chapter Four.
2. Of these countries, Mozambique attained its independence in 1975; Angola became independent in 1976 and Zimbabwe attained its independence in 1980. South West Africa (Namibia) is still under mandate rule by South Africa.
3. Zambia, An Outline of the Transitional Development Plan, p.12. The government allocated £3.6 million for strengthening army and air force units.
4. Ibid. For this purpose the government allocated £700,000.
5. Zambia, First National Development Plan, 1966 to 1970, (Lusaka: Government Printer, 1965) pp.v to vi.
6. Zambia, An Outline of the Transitional Development Plan, pp.31 to 40.

Zambia, First National Development Plan, pp.5-8.

Zambia, Second National Development Plan, 1972 to 1976 (Lusaka: Government Printer, 1971) p.iii.

Zambia, Third National Development Plan, 1979 to 1983 (Lusaka: Government Printer, 1979) p. 23.
7. Zambia, An Outline of the Transitional Development Plan, p. 31.

Zambia, First National Development Plan, pp. 5-8.

Zambia, Second National Development Plan, pp. iii, 35.

Zambia, Third National Development Plan, pp. iii, 23.
8. Zambia, Second National Development Plan, p. 35.
9. Zambia, Third National Development Plan, p.26.
10. Ibid., p.27. The Government had estimated that, in the field of agricultural development, real consumption levels of the rural population would have risen by 25 per cent by 1970; that by 1980 rural development would be achieved; that by 1983 the rural sector would have increased its contribution to the Gross Domestic Product; that by 1983 the rural sector would have promoted the diversification of the rural economy so that new employment would have been created in rural areas to counter rural-urban migration.

See: Zambia, An Outline of the Transitional Development Plan, pp. 31-40.

Zambia, Zambia's Guidelines for the Next Decade, Address by President Kaunda to the National Council of the United National Independence Party, November, 1968 (Lusaka: Government Printer, 1968) p. 30.

Zambia, Third National Development Plan, pp. 26-27.

11. Zambia, An Outline of the Transitional Development Plan, pp. 49 to 56.
12. Zambia, Third National Development Plan, p. 26.
13. Zambia, First National Development Plan, pp. 5, 8.
Zambia, Second National Development Plan, pp. 1, 21-22.
Zambia, Third National Development Plan, p. 22.
Zambia, An Outline of the Transitional Development Plan, p. 11.
14. Zambia, First National Development Plan, p.6.
Zambia, Second National Development Plan, pp. 1, 9.
Zambia, Third National Development Plan, p. 22.
15. Zambia, First National Development Plan, p.5.
Zambia, Second National Development Plan, pp. 27, 145-150.
Zambia, Third National Development Plan, pp. 313-316, 403.
16. Zambia, Towards Complete Independence. Address by President Kaunda to UNIP National Council 19th April 1968. (Lusaka: Government Printer, 1969).
17. G. Fortman (Ed), After Mulungushi: The Economics of Zambian Humanism, (Nairobi: East African Publishing House, 1969) pp. 60-66.
18. Ibid, pp. 52-54. The ten urban centres are: Chingola, Mufulira, Kitwe, Luanshya, Ndola, Kabwe, Lusaka, Mazabuka, Choma and Livingstone.
19. Zambia, Third National Development Plan, p. iii.
20. Ibid, pp. 1-3.
21. Zambia, Second National Development Plan, pp. 21-22.
Zambia, Third National Development Plan, p. vi.
22. Zambia Daily Mail, 24th August 1983. President Kaunda's speech to the General Conference of the United National Independence Party, 23rd August 1983.

23. Zambia Daily Mail, 25 August 1983.
24. Zambia, Second National Development Plan, p.33.
25. Ibid, pp. 21-22.
26. Zambia, Third National Development Plan, pp. 26, 32-34, 53, 78, 82, 86.
Zambia, Zambia's Guidelines for the Next Decade, p.19.
Zambia, Decentralised Government, p.27.

CHAPTER FOUR

THE INSTITUTIONAL STRUCTURE OF GOVERNMENT, 1964 - 1980

1. Introduction

The institutional structure of government in Zambia at provincial and district level, between 1964 and 1980 was represented by four different bodies. These were:- Central Government; ^{Local Government;} the United National Independence Party (the Party); and Parastatal bodies. This chapter discusses the development between 1964 and 1980 pertaining to the efforts made by the Government to reform this system of government administration, with a view to make it more appropriate for meeting the new, positive development oriented, post independence government philosophy. It concentrates on the relationship inter se between Central Government ministries and departments, Local Government, the Party and Parastatals. In this context, this chapter will discuss the suitability of this administrative structure in relation to the implementation of the Government's development objectives.

2. Structure of Government

(a) Central Government

In the period between 1964 and 1980 the Central Government was constituted by:

- (i) the Cabinet; and
- (ii) Provincial and District Government.

These two bodies will now be examined in turn.

(i) The Cabinet was composed of central ministries, and included the Vice-President of the country, as its Vice-Chairman, and the President of the country, as its Chairman¹.

The cabinet was generally responsible for formulating and implementing policies of the Government². But the institution which was created to prepare and implement development plans in 1964 was the National Development Committee of the Cabinet (N.D.C.). The N.D.C. was presided over by the Vice-President and had 6 ministers as its members³. It was directly responsible to the Cabinet in discharging its responsibilities. These responsibilities included the consideration of quarterly reports on development in the country, annual reviews of the rate of capital and recurrent expenditure, the 'physical' execution of development plans and removal of obstacles to the implementation of development plans⁴. The N.D.C. therefore worked closely with central ministries, particularly, the Ministry of Finance and Central Statistical Office. Nonetheless, individual ministries retained responsibility for the actual execution of development plans.

Below the N.D.C, the Central Planning Office (C.P.O) was set up as a secretariat to the N.D.C. The function of the C.P.O. was to examine development programmes and projects that were submitted to the N.D.C. by various ministries. The C.P.O assessed the value of these projects in the light of the country's resources and made its recommendations to the N.D.C, which in turn made final recommendations to cabinet⁵.

The C.P.O. worked in conjunction with sector committees, whose members were drawn from ministries and the C.P.O. The function of the Sector Committees was to investigate in advance problems that were likely to obstruct the implementation of development plans and recommend pre-emptive or remedial action to the N.D.C.⁶

In 1971, the Central Planning Office became a department of the Development Planning Division⁷. As such, it was now the main development administrative institution of the Government, which was responsible for⁸, inter alia

1. advising Cabinet on all economic policies, planning and organisational matters relating to the economic and social development of the country;
2. preparing for Cabinet the strategy and objectives of social and economic development, in order to guide ministries, provinces and parastatal organisations in the preparation of the national development plans for specific periods;
3. preparing, in co-operation with ministries, parastatals, provinces and the private sector, Annual Reviews, medium term and long term national plans of social and economic development. These were submitted to Cabinet for consideration and approval.

In this structure, the main constraint to the satisfactory preparation and implementation of development plans was the status and authority of the Central Government's own

administrative institution. Between 1972 and 1976, the Central Planning Office was run as a department of the Ministry of Development Planning and National Guidance, and the Ministry of Planning and Finance. Its authority was limited:

"the fact that the planning function was submerged into other portfolios meant that, even within ministerial policy directions, the planning function played a secondary, subservient role. It was, to say the least, difficult for the Planning Office to exert any authority over other ministries and agencies of the Government. The result was that co-ordination became extremely difficult, and at times, impossible ... distortions crept into the plan(s), with unplanned projects being implemented at the expense of approved projects, often at great cost to the economy ... the status (authority) of the Planning Office prevented it from even offering adequate advice to the relevant decision-makers, and made it impossible for its full influence to be used⁹."

Given this situation, the Government adopted measures to strengthen the development planning and implementation machinery. It set up the National Commission for Development Planning to oversee the development of the economy¹⁰. The National Commission for Development Planning is now responsible for, project evaluation, and progress reporting on the implementation of development plans. Its main purpose is to facilitate the flow of information in the development planning process by monitoring progress on development efforts. Thus, it co-ordinates the work of project preparation and evaluation in central ministries to ensure that the projects in question conform with Government policy on development. It finally recommends to the Cabinet for remedial action in the implementation of development projects, where it deems such action as appropriate¹¹

(ii) Provincial and District Government

From 1964 to 1980, the institution of Provincial and District Government represented the Central Government at field level, in districts and provinces.

In 1964 Central Government ministries set up field departments at provincial and district levels. These departments assumed functions that were formerly performed by Provincial and District Commissioners, and, also performed functions of Central Ministries at field level¹². The headquarters of these departments, nevertheless, were based in Lusaka.

The responsibility for co-ordinating the performance of the functions of Central Government ministries in provinces and districts, to ensure that they conformed, with Central Government policy was vested in Provincial and District Government. From 1964 to 1980, the institution of Provincial and District Government therefore represented the Central Government at field level in districts and provinces¹³.

Between 1964 and 1968, Provincial and District Government was headed, in each province, by a Provincial Under Minister. The Provincial Under Minister was directly responsible to the President and Cabinet¹⁴. The Provincial Under Minister was generally responsible for provincial administration, particularly the communication and implementation of Central Government policy on development¹⁵ in the province. But the main institution which was created to administer the implementation of development

programmes and projects at provincial level, was the Provincial Development Committee (P.D.C). The P.D.C. was chaired by the Provincial Under Minister. The main function of the P.D.C was to examine reports from Provincial Officers of Central Ministry departments in the provinces, on the progress and difficulties that these departments encountered in the implementation or execution of development programmes. As such, the P.D.C. was charged with the task of identifying, investigating and solving problems that arose in the execution of development plans.¹⁶

District administration, on the other hand, was the responsibility of the District Secretary, in the period between 1964 and 1968. Apart from being responsible for conducting census of the population, registration of births, deaths, and marriages, the District Secretary was responsible for communicating the Central Government policy to government departments in the District. For this purpose, the District Secretary was the senior Civil Servant, and the Chief Government Co-ordinating Officer in the District. His responsibility in this regard, was to ensure that the work of government departments in the District conformed with the policy of the Government in the implementation of development plans. The institution of the District Development Committee (D.D.C) under the chairmanship of the District Secretary was formed as a counterpart of the P.D.C to monitor the progress on the execution of district development projects in the district. The D.D.C was also responsible for identifying and solving problems that arose in

the implementation of development plans in the district.¹⁷

However, in 1967, the Chairmanship of the D.D.C. was removed from the District Secretary's office, and was entrusted to the Regional Secretary of UNIP.¹⁸

The institutional and administrative structure of the Government between 1964 and 1968 was centralised, especially with respect to the decision making process in development policy. In acknowledging this fact, President Kaunda argued that this policy of centralisation of power and responsibility into the Central Government in 1964 was deliberate to allow the Central Government to guide radical changes in the social and economic development of the country.¹⁹

The consequential effect of the policy of centralisation was that civil servants in departments of central ministries in districts were responsible in the execution of projects to their ministerial headquarters in Lusaka. The District Secretary worked vertically out of the district to the Provincial Underminister, and the latter to his ministerial headquarters and cabinet, where decisions affecting the implementation of development plans were made. This gave rise to local feelings of frustration in dealing with development matters, such that the implementation of development plans lagged behind schedule, agricultural production was sluggish while living standards in rural areas remained low.²⁰ For instance an Underminister who was in charge of Eastern Province in 1966 observed that,

"... I see nothing but confusion. Some heads of departments have no idea about what is supposed to be done. While centralisation is good, I think that ... decentralisation will facilitate the implementation of the (development) plan. I am convinced there are capable men and women in the provinces to carry out development projects. Why for instance, should we wait for money for a good one year for a simple health centre ... Let money be released and let us in the Provinces see to the building programme. The bottleneck ... is Lusaka and if this tendency goes on what we intend to accomplish will in actual fact be thrown in our faces".²¹

In fact President Kaunda conceded that the centralised structure of the Central Government 'wasted too much time on paper work and useful manpower'.²²

In view of the problems above, in 1968, President Kaunda instituted administrative reforms which were aimed at decentralising the administrative structure of the Central Government.²³ The machinery of the Central Government was deconcentrated as follows:

1. A Cabinet Minister was appointed to head provincial administration in each province. A provincial secretariat of civil servants was also established in each province to provide the Cabinet Minister with technical and administrative services. The provincial secretariat was headed by a Permanent Secretary for the province, while its members were, an Under Secretary and an Assistant Secretary. The Provincial Cabinet Minister assumed the administrative responsibilities that were formerly held by the Under Minister; including the chairmanship of the P.D.C.

In addition, the Cabinet Minister was assigned the task of initiating and formulating development policies in the province. President Kaunda explained that under this new structure,

" ... Cabinet may have to meet once or twice a month to decide only on major policy matters. The rest, (Cabinet) Ministers will have to carry on in their own respective area of operation. If they cannot make decisions ... they must resign"²⁴

2. A District Governor, a full time official of UNIP, was appointed to head district administration. The District Governor thus became the chairman of the D.D.C. He also assumed the responsibility of co-ordinating and supervising the activities of government departments in districts to ensure the implementation of district development plans. The responsibility of the District Governor in this connection was to bring about rapid economic development in the district. For this reason, the District Governor was given authority to initiate policy and take decisions 'on the spot' on matters of local development.²⁵ The functions of the Central Government at district level would be limited to providing economic infrastructure, e.g. major roads, schools and hospitals.²⁶
3. The administrative reforms of 1968 also created Village and Ward Committees at village level, as institutions for local participation. The Registration and Development of Villages Act, 1971, was enacted to formally establish the institutional structure of Village and Ward Committees. The purpose of these Committees was to initiate self-reliance on the basis of self-help projects

in villages. They were therefore required to work with the office of the District Governor to stimulate local development. But the Ward and Village Committees were also designed to provide a machinery for interaction through the District Governor between Central Government administration and local people. They were essential to establish,

"effective channels of communication between the man in the village and his government in Lusaka".²⁷

The basic objective of the 1968 administrative reforms was to increase the capacity and efficiency of the Central Government in implementing development plans and to involve people's participation in the development of the country. On this basis, the decentralisation of the administrative and institutional structure of the Central Government was to enable the machinery of government to be close to local situations in order to decide on priority requirements in the development of the country. The decentralised structure of the Government was hence projected to facilitate the identification of development problems and the economic potential of areas, under the leadership of the Provincial Cabinet Minister the District Governor, and village and ward officials.²⁸

However, in a rather paradoxical sense, the post 1968 administrative reforms administrative structure of Government was a centralised hierarchy of authority. Thus at provincial level, the Government was represented by the Provincial Cabinet Minister, the Permanent Secretary, the Under Secretary and the Assistant Secretary. At district level, the administrative

structure was composed of the District Governor, the Regional Secretary, and the District Secretary. Below district administration were the village headman and the ward chairman. Low placed officials worked vertically along the hierarchical line of authority to the Provincial Cabinet Minister who provided the administrative link between Provincial and District Government and the Cabinet.

It became evident at a fairly early stage that the 'decentralised' structure of Provincial and District Government was not working well. President Kaunda called the structure a 'tremendous concentration of power at the centre'.²⁹ In January 1971 a Working Group under the Chairmanship of Mr. Simmance, who was then the Staff Development Training Officer at Cabinet Office, was appointed to examine ways of improving the working structure of Provincial and District Government. In its report in 1972, the Simmance Group stated that the creation of the posts of the Cabinet Minister and the District Governor at provincial and district levels respectively, had not improved Provincial and District Government:

"The hierarchy of decentralised authority is not really an authority at all. There has been decentralisation of the day to-day control of minor operations but decision making powers are, in the main, as closely vested in Lusaka as they were before. The participatory organs of Government from village to ward, to district and provincial level exist largely for the expression of opinion and not for deciding what is to be done"³⁰.

Due to the hierarchy in the decision making process, development plans and the identification of development problems at local levels were channelled vertically to the centre, rather than being dealt with at the local level. Development projects assessed by the D.D.C. were forwarded to the P.D.C. Decisions of the D.D.C. on such projects were therefore subject to review by the P.D.C. The P.D.C. itself was subjected to control by the Cabinet to which it made recommendations. It was unable to decide on local development policy and issues, such that it lacked the necessary effect for implementing development programmes.³¹ The planning process for the country was still firmly concentrated at the centre while it remained weak at local levels.³² District Development Committees as local organs for participation in development were merely consulted and requested to make suggestions for development in their areas.

"These suggestions were taken into consideration at the Provincial Development Committee and wherever possible, were included in their (P.D.Cs) recommendations to government".³³

The obvious consequential effect of the centralised Provincial and District Government was that decisions and actions on local development programmes which ought to have been made at local levels were referred to, and made at higher levels of government authority. The needs and requirements of local people were largely ignored. This negated the purpose of decentralisation in that there was a gap between the needs of local people and what the Government perceived of, as the needs of the people.³⁴

b. Local Government

Local Government in Zambia was introduced in 1965. It replaced the pre-independence dual system of Native Authorities and Urban Local Authorities.³⁵ The Local Government Act, 1965 established a system of representative Local Government which was based on City Councils, Municipal Councils, Township Councils and Rural Councils as Local Authorities, for city, municipal, townships and rural areas, respectively.³⁶ These Councils were the administrative bodies of their respective Local Authorities. They were therefore created as corporate bodies with perpetual succession, and were constituted by elected and appointed councillors.³⁷ City and Municipal Councils were headed by Mayors, while Rural and Township Councils were headed by Chairmen. Both Mayors and Chairmen were elected by Councillors from amongst themselves in their respective Councils.³⁸

The day to day administration of the Councils was conducted by means of Committees. Standing and Occasional Committees of the Councils were established to examine and report on any matter to the Council, or perform any function delegated to them by the Councils.³⁹

The functions that were assigned to Local Government were limited. The Local Government Act, 1965 stipulated the functions of Local Authorities in two categories:

- (i) Functions that were assigned to, and authorised to be exercised by all the Councils, as laid down in Part I of the schedule to the Act;
- (ii) Functions that were specifically assigned to particular Councils. Part II of the schedule to the Act stipulated the functions that were assigned to City and Municipal Councils only. Part III of the schedule to the Act stipulated the functions that were assigned to Township Councils only, and Part IV of the schedule to the Act laid the functions that were authorised to be exercised by Rural Councils.

In category (i) all the Councils of various Local Authorities were authorised to perform civic functions such as establishing and maintaining streets, bridges, and waterways; preparing and administering schemes for the encouragement of community development.

In category (ii) parts ii and iii of the schedule to the Local Government Act, 1965 authorised the City, Municipal, and Township Councils to, inter alia establish and maintain services for the generation, distribution and supply of electricity in their respective localities and provide housing. Rural Councils were required to, protect crops; provide storage and preservation facilities for agricultural produce; establish and maintain grazing grounds for animals; establish local forests and woodlands; and also establish rural mail service for postal articles.

But Local Authorities also carried out certain additional functions, quite apart from those stipulated in the Local Government Act, 1965. For instance, they were required to, control and manage markets; promote and safeguard public health standards so as to prevent outbreaks of disease; and acted as licensing authorities for various business concerns.⁴⁰

The nature of the functions assigned to Local Authorities shows that up until 1980, Local Government in Zambia was disregarded as a development, policy making or implementation, institution.⁴¹ This observation is also seen in the fact that between 1964 and 1968, Local Government existed separately from Provincial and District Government which was the main institution for implementing the Government's development policy. One probable reason for this disregard was the fear, on the part of the Central Government, of competition from Local Government in the administration of the country as a whole. Especially so, as Local Government provided a forum for political competition by the opposition party of the African National Congress against the ruling Party (UNIP) in the period of the multi-party system in Zambia (i.e. 1964 to 1972). As Local Government provided an alternative to the Central Government, it became the centre for political bickering between the two major political parties. For instance, in the case of The People v Livingstone Municipal Council, Ex parte Simioti,⁴² the applicant, Mr. Simioti, had applied for a Trade Licence to the Municipal Council of Livingstone. The applicant, then received a letter from the UNIP Regional Secretary, who was also a Councillor of the Livingstone Municipal Council, which objected

to the grant of a licence to the applicant on grounds that the applicant was a supporter of the opposition party of the African National Congress. This shows the extent of political competition between the two political parties in the control of Local Government.

It has also been argued that the growth of Parastatal bodies in providing social services contributed to less emphasis on the role of Local Government in development.⁴³ This argument can only be valid after the economic reforms of 1968 when Parastatals largely developed.⁴⁴

The administrative reforms of 1968 did not substantially affect the scheme of Local Government. The reforms sought to bring the operation of Local Government under Provincial and District Government. A new Ministry of Provincial and Local Government was formed to effect the new structure of Provincial and Local Government. Under this structure, the responsibility for supervising Local Authorities was vested in the Provincial Cabinet Minister and the District Governor.⁴⁵ In so doing, the administrative reforms of 1968 emphasised the role of the Party and Central Government departments over Local Authorities in development administrative policy.

(c) The Party (UNIP)

At independence in 1964, the Party formed the first indigenous Zambian Government, when it defeated the African National Congress which then was also a major political party.

The Party immediately set on to building an extensive political network to consolidate its political rule and administration. Provincial Underministers were therefore designated as administrative and political heads in the provinces. Their political functions involved fighting election campaigns for the Party, communicating the Party's policies to the people and co-ordinating the organisation of the Party in the province.⁴⁶

While the Party had established political control of provincial administration in 1964, through the Provincial Underminister, it still lacked an administrative political institutional structure at provincial level. At district level, the Party had not yet established any form of political control, as district administration was under a politically neutral civil servant, i.e. the District Secretary.

The Party's desire to politicise Provincial and District Government precipitated a policy of centralism to enable it to gain political control over this structure. Hence the Party's Regional Secretary was appointed in 1967 at district level, in order to gain formal political control over civil servants in district administration. But the authority of the Regional Secretary over the District Secretary largely depended on the strength of the Party in respective districts.⁴⁷

The administrative reforms of 1968 enabled the Party not only to effectively control Provincial and District Government (especially district administration), but also to involve itself in the development process. President Kaunda then disclosed,

"We must involve the masses of our people in the day-to-day activities of their government. To achieve this means involving the Party in a number of development projects very seriously ... time is now when we should integrate more the Party and Government,"⁴⁸

In view of this objective, the Party established Provincial Political Committees (P.P.C.) under the chairmanship of the Provincial Cabinet Minister. District Political Committees (D.P.C) were also established under the chairmanship of the District Governor. These Committees were assigned the role of organising the Party, preserving law and order and initiating development policies in districts and provinces.⁴⁹ The P.P.C and the D.P.C as organisational structures of the Party were to work closely with village and ward development committees to mobilise the people

"behind their government in order to foster a spirit of national unity and co-operation ..."⁵⁰

In this set up, the development committee network was designed to provide the vertical link between the village community, the District administration and the Central Government for expressing local needs and the enforcement of central goals.⁵¹

The tense political atmosphere in the early 1970s, however, resulted in the development committee network being turned primarily into an instrument of control and management.⁵² But this is hardly surprising. A basic political objective of the 1968 administrative reforms was to provide effective leadership to provinces and districts in such a way that Provincial Ministers, District Governors, Regional Secretaries, Ward and Village leaders would be 'eyes' of the Central Government and the Party. As President Kaunda said,⁵³

"It is extremely important for all leaders at every level of the Party and government ... to be on the look out for any forces that are intended to disrupt orderly progress of the nation".

The 1968 administrative reforms in effect provided the Party with a political institutional structure for politicising provincial and district administration which it had previously lacked. Hence the 'decentralisation' measures, were effected in such a way as to enable the Party to retain firm control of Provincial and District Government from the centre:

"I define this decentralisation in centralism as a measure whereby through the Party and Government machinery, we will decentralise most of your Party and Government activities while retaining effective control of the Party and Government machinery at the centre in the interest of unity ...".⁵⁴

That the Party favoured the policy of retaining firm political control of Provincial and District Government is shown by the fact that the Government rejected the Simmance proposals which had recommended the non politicisation of Provincial and District Government, as a way of improving its working structure.⁵⁵

The underlying theme of the administrative reforms of 1968 was to achieve the political supremacy of the Party:

"time has come when we must accept the supremacy of the Party openly",

declared President Kaunda.⁵⁶ This declaration was made in view of the fact that the United National Independence Party commanded an overwhelming majority in the National Assembly. Because of this factor, in the case of The People v The Speaker of the National Assembly, ex parte Nkumbula,⁵⁷ The Speaker of the National Assembly

refused to recognise the African National Congress as the official opposition party in that it only had 23 seats, compared to UNIP's 86 seats, in the National Assembly. The Speaker argued that in the event of the resignation of the UNIP Government, the African National Congress would neither have formed a quorum to execute the business of Parliament nor would it have formed a Government.

The Party however achieved its ideal of political supremacy when it established a One Party State in Zambia in 1972.⁵⁸ As a result of the policy of the supremacy of the Party, in 1976, Members of the Central Committee - UNIP's top political administrative body - were appointed as political and administrative heads of provinces.⁵⁹ The Party also appointed Provincial Political Secretaries to exclusively deal with the organisation of the Party in the provinces. This process finalised the Party's control of Provincial and District Government.

(d) Parastatals

As already stated in Chapter Three, soon after independence, the Zambian Government through the economic reforms of 1968 sought to secure control of the country's economy from foreign enterprises for purposes of development. Parastatals therefore grew after 1968 as the main institution through which the state offered basic social and economic needs and services to the people.⁶⁰

Because of the importance of the Parastatal sector in the economic and social development of the country, representatives of Parastatals were members of the District Development Committee, as well as the

Provincial Development Committee. This was aimed at ensuring that the operations of Parastatals in districts and provinces conformed with provincial and district development plans.⁶¹

But the growth of Parastatals after 1968 meant that some of the basic functions that Local Authorities were assigned to, were taken over by Parastatals. For instance the Zambia Electricity Supply Corporation assumed the functions of City, Municipal, and Township Councils in generation and supplying electricity. The Zambia National Housing Authority assumed responsibility over major housing developments like housing schemes and designs, though Local Authorities continued to provide urban housing. The National Agricultural Marketing Board assumed the functions of Rural Councils in agriculture, and the storage and preservation of agricultural produce. Finally the Posts and Telecommunications Corporation undermined the functions of Local Authorities in providing mail services.

3. Suitability of the Institutional and Administrative Structure of Government

The Post 1968 administrative reforms Provincial and Local Government structure was constituted by three distinct bodies - the Party, Central Government departments and Local Authorities. Alongside this structure were Parastatal bodies.

The immediate difficulty which beset this structure was one of co-ordinating the activities of these bodies to ensure their

conformity with development programmes. Underlying this difficulty was the absence of clear and precise delineation of the powers, responsibilities and functions of provincial, district and Local Authority heads. Consequently, instances of conflict of responsibilities and duplication of functions between these three bodies were a common occurrence. A former Town Clerk put it thus:

"This system ... causes duplication of functions, responsibilities and authority ... As things stand presently, there is ... need to define these officers[†] (Provincial Members of the Central Committee and District Governors) functions in relation to the functions of other officers (heads of Local Authorities) in the corridors of power"⁶²

In spite of the Member of the Central Committees[†] overall administrative authority in the province, the accountability of provincial government heads of department regarding their work remained the responsibility of particular central ministries in Lusaka. Neither the Provincial Member of the Central Committee, nor the Provincial Permanent Secretary sufficiently exercised supervisory authority over officers of Central Government departments in the province. Provincial administration was therefore restricted in decision making as it had no final responsibility for any particular policies and, little for the actual implementation of projects within the province.⁶³

District administration experienced similar problems. The supervisory responsibility of the District Governor over the District Secretary and Central Government officers in effect brought about a conflict of authority between the District Governor and the District Secretary. The latter was acknowledged by district civil servants

as the senior Government officer responsible for co-ordinating and supervising their work. The District Governor was looked upon by district civil servants as a politician who interfered in civil service matters over which he had no authority. On his part, the District Governor alleged that the District Secretary did not provide the Governor with the assistance and support that he required in district administration.

"Tension and sometimes open clashes have been the result,"⁶⁴

District civil servants therefore remained vertically accountable to their central ministries in Lusaka, and not to the District Governor.⁶⁵

Local Authorities presented a refined, but significant problematical technicality in Provincial and Local Government. As creatures of statute, Local Authorities carried out only a limited number of functions as specified by the Local Government Act, 1965. The administration of Local Authorities was also regulated by the Act. Local Authorities could not therefore undertake any activity which fell outside their statutory powers. Thus, neither the District Governor nor the District Secretary exerted their administrative authority or control over Local Authorities.

The Local Government Act, 1965 consequently fell out of favour as being foreign oriented in operation, and in its ultimate economic and social purposes.⁶⁶ The Act was further said to be limited for the Zambian revolution:⁶⁷

"Clearly the old notion of local government as being concerned with dustbins and street cleaning is dead. A new conception of local government as district government with legislative, commercial, industrial, economic, agricultural and other duties has taken place."⁶⁸

Parastatals on the other hand remained completely outside the structure of Provincial and Local Government. As corporate bodies, the operations of Parastatals were regulated by their governing bodies to whom they were responsible.⁶⁹

The administrative problems which the Provincial and Local Government structure experienced led to an appointment of another Working Party, to review the structure and make recommendations for a decentralised system of local administration.

The Working Party, in its report in 1978, recommended that the three structural organs, (i.e. the Party, Central Government Departments and Local Authorities,) in district administration should be integrated into a new body called the District Council which would have statutory authority over the affairs of the whole district.⁷⁰ The basis of this recommendation was predicated on the need to realise the ideal of the supremacy of the Party in district administration. Thus,

"The nature of our political system is that the Party is supreme. It is the highest policy-making body in the land. Consequently, whatever institutions exist in districts should be regarded as structural extensions of the Party and therefore bound to carry out Party policies ..."⁷¹

On the strength of the recommendations by the Working Party, the Government in 1980, enacted the Local Administration Act, 1980 to provide a legal framework for an integrated and decentralised system of local administration at district and provincial level.

4. Conclusion

At independence in 1964, Zambia initiated a process of administrative reform which required the establishment of new lines of authority in its institutional and administrative machinery, in order to meet the country's post independence development requirements.

The institutional and administrative structure which the Government set up between 1964 and 1980 was constituted by Central Ministries (Cabinet) Provincial and District Government, Local Government, the Party and Parastatals. Between 1964 and 1968 Central Government ministries were responsible for formulating and implementing the national development policy. Provincial and District Government existed as a special machinery of central Government responsible for the implementation of development policies by central ministry departments in provinces and districts. Local Government existed separately, and mainly administered civic functions. The Party machinery was closely associated with Provincial and District Government.. The Provincial Underminister was thus the political and administrative head of the province. But the Party lacked an institutional administrative machinery both at provincial and district level. The Parastatal sector mainly developed after the 1968 economic reforms and was responsible for providing basic social and economic services for the overall development of the country. The Parastatal sector was therefore represented on D.D.Cs and P.D.Cs so that its role in social and economic development conformed with district and provincial plans.

Between 1964 and 1968, the administrative structure of Central Government became highly centralised and bureaucratic, with the result that development plans lagged behind schedule. The Government therefore decided to deconcentrate the machinery of the Central Government by appointing Provincial Cabinet Ministers, Provincial Secretariats and District Governors. Cabinet Ministers and District Governors were made responsible for development policy initiation and implementation in provinces and districts without reference to Central Government. Central Government ministries were made responsible for overall planning, national policy and provision of specialist services like economic infrastructures on a national basis. Local Authorities were brought under the supervision of Provincial and District Government.

The administrative reforms of 1968 also created Provincial Political Committees and District Political Committees for the Party under the chairmanship of the Provincial Cabinet Minister and the District Governor respectively. This provided the institutional administrative structure for the Party's control and politicisation of provincial and district administration. In addition Village and Ward Committees were formed as institutions for local participation. But these committees were linked to the Party's Committees so that in essence, they became instruments of the Party's political control which provided links of command and communication from the grassroot to district administration to provincial administration, and to Central Government.

In light of the above, the administrative reforms of 1968 represent a gradual extension of political control by the Party in districts and provinces. This process was finalised at national level when Zambia became a One Party State in 1972. The Party then became the supreme political institution in the country, and the Party's Members of the Central Committee were appointed as political and administrative heads of provinces.

The post 1968 structure of Provincial and Local Government was centralised and beset by administrative difficulties. The Provincial Member of the Central Committee lacked administrative responsibility over Provincial heads of Central Government departments as these remained responsible to their central ministries. The District Governor also lacked responsibility over the District Secretary and civil servants in Central Government departments who also remained responsible to their central ministries. The Party's political institutions were not supported by receptive standards of administration by civil servants who qualified the committees as being political and irrelevant to their work. Local Authorities confined their operations to their powers under the Local Government Act, 1965 and, too remained responsible to their central ministry, rather than to provincial and district administration.

Given this situation above, the three organs that constituted Provincial and Local Government, i.e. the Party, Central Government departments and Local Authorities, practically functioned separately with different policies and programmes. There was no co-ordination in the activities of these organs in the implementation of development policies.

The solution was to integrate the three organs into one institution which would be vested with statutory powers of local administration at district level. To this end, the Local Administration Act, 1980 was enacted to provide the legal framework for an integrated and decentralised system of Local Administration.

The next chapter will examine the provisions of the Local Administration Act, 1980 which set out the framework for an integrated and decentralised system of local administration.

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3. Zambia, An Outline of the Transitional Development Plan, p.16.
4. Zambia, First National Development Plan, p.17.
5. Zambia, An Outline of the Transitional Development Plan, p.16.
6. Ibid p.18.
7. The Central Planning Office assumed the functions of the N.D.C. and the Sectoral Committees.
8. Zambia, Second National Development Plan, p.192.
9. Zambia, Third National Development Plan, p.51.
10. Ibid, pp.52-53.
11. The National Commission for Development Planning has two units - the Project Preparation and Evaluation Unit, and the Progress Reporting Unit. The former synthesises project preparation and evaluation from early stages of preparation to completion. The latter organises periodic tours of projects under implementation, identifies problems of project implementation and suggests remedial action to such projects.
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13. Zambia, Decentralised Government, p.20.
14. Ibid p.25.
Zambia, An Outline of the Transitional Development Plan, p.18. Note that from 1964 to 1968, Provincial and District Government was a central ministry with headquarters in Lusaka.
15. Zambia, Second National Development Plan, pp.17-19.
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29. K. D. Kaunda, Part 11 of Humanism in Zambia and A Guide to its Implementation (Lusaka: Zambia Information Services, 1974) p.36.
30. Zambia, Report of the Working Party on Decentralisation, (Lusaka: Government Printer, 1972) p.127.
31. Ibid
32. Zambia, Third National Development Plan, pp. 33-34, 53, 78.
33. Zambia, Second National Development Plan, p.vii.
34. Zambia, Third National Development Plan, p.83.

35. The Local Government Act 1965 replaced the Native Authorities Ordinance, 1929, and the Municipal Corporations Ordinance 1927.
36. Local Government Act, SS. 3, 7.
37. Ibid. SS 10, 11, 13, 15.
38. Ibid S.20.
39. Ibid S. 35(1)
40. Public Health Act, Cap. 535, S.6; Markets Act, Cap. 473, S.4; Trades Licensing Act, 1968, S.15.
41. For instance, in 1968 when President Kaunda announced the economic reforms, Local Authorities were only assigned the task of running markets and providing cheap food.
42. (1969) Z.R 53. The Livingstone Municipal Council subsequently rejected Mr. Simioti's application, whereupon Mr. Simioti sought an order of mandamus to compel the Council to hear and determine his application according to law.
43. A. Greenwood and J. Hawell, "Urban Local Authorities" in W. Tordoff, Adminstration in Zambia pp. 176 - 177.
44. This point is discussed further in the chapter 6.
45. Cabinet Circulars, No. 13, of 1969; No. 24 of 1970.
46. Zambia, Decentralised Government, pp 24-25.
47. Ibid pp. 25-26.
48. Zambia, Zambia's Guidelines for the Next Decade, p.19.
49. Zambia, Address by President Kaunda to the Opening of the First Session of the Second National Assembly, p.4
50. Zambia, Village Productivity Committees and Ward Development Committees, p.21.
51. Ibid, p.9.
52. B. C. Chikulo, "Decentralisation in Centralism:- An Analysis of the Zambian Situation", (1964-1981) Seminar Paper, 11th January, 1984, p.11.
53. Zambia, Zambia's Guidelines for the Next Decade, p.23.
54. Ibid. p.19.
55. Zambia, Decentralised Government, P.29.
56. Zambia, Zambia's Guidelines for the Next Decade, p.20.

57. (1970) Z.R 97.
The applicant, Mr. Nkumbula, who was then leader of the African National Congress then sought an application for an order of mandamus to compel the Speaker to recognise him and his party as the official opposition to UNIP. The court held that the Speaker was under a statutory duty to recognise ANC and its leader as the Opposition Party.
58. The Constitution (Amendments) Nos. 3, 4, 5 were passed on 8 December to legally effect the institution of the One Party State on 13th December 1972. The Constitution of Zambia, Cap 1 specifically provides in Art. 4(1) that, "There shall be one and only one political party or organisation in Zambia, namely, the United National Independence Party".
59. Provincial Cabinet Ministers were subsequently withdrawn from provinces in 1978.
60. Zambia, Third National Development Plan, p. 415. B. G. Fortman, (Ed) After Mulungushi, pp. 58-60. Thus by 1978, there were a total of 112 parastatal organisations. Parastatals in Zambia fall in two categories - Statutory Boards or Corporations which are established by statutes; Public Companies controlled by the Government which are incorporated under the Companies Act, Cap 686. The Parastatal sector covers service, industrial and commercial enterprises in the mining, energy, transport, tourism, finance, agriculture trade, industry and construction sectors.
61. Zambia, Decentralised Government, p.42.
62. Zambia Daily Mail, 24th November, 1976. Mr. Pelekamoyo, the former Town Clerk of Lusaka City Council complained that "We are too many leaders doing the same job". W. Tordoff, (Ed) Administration in Zambia, pp. 192-193.
63. C. Gertzel, "Administrative Reform in Kenya and Zambia", p.201.
64. Ibid p.202.
65. Zambia, Decentralised Government, p.42: "There is a case of a Forest Officer who was adamant about following his superior officer's directives consistent with the Forestry Department's functional task of conserving forest resources and refused to accept the Committee's (D.D.C) recommendation that part of the forest land in the area be used in the resettlement scheme ... the Forestry Department's vertical control won out at the expense of development in the district".
66. C. M. Chitoshi, "Decentralised System of Local Administration", Ndola City News Magazine, 1982 p.6.

67. Zambia, Decentralised Government, p.49.
68. Times of Zambia, 17th January 1981.
69. Zambia, Decentralised Government, p.42.
70. Ibid p.50.
71. Ibid, p46.

CHAPTER FIVE

THE LOCAL ADMINISTRATION ACT, 1980

1. Introduction

The Local Administration Act was enacted in 1980, and came into force on 1st January 1981.¹ The purpose of the Act is to provide a legal framework for an integrated and decentralised local administration system. In this regard the Act purports to integrate Party, Government, and Local Authority structures into new institutions of local administration at district and provincial levels.² These institutions are:-

- (a) The District Council;
- (b) The District Committee;
- (c) The Provincial Council;
- (d) The Provincial Committee.

This chapter will examine the establishment of these institutions, their composition, and functions under Local Administration Act, 1980.

2. Institutions of Local Administration

(a) The District Council

The Local Administration Act, 1980, establishes the District Council as a primary institution of local administration for every district. City or Municipal Councils, Township Councils, Rural Councils, and Mine Townships are therefore abolished.³ The Act, however, makes special provision for the existence of specified residential areas.⁴ Under this provision, the Act empowers the

minister, in his discretion and at the request of any registered employer, to declare (by statutory notice) a specified residential area for employees of such an employer within the locality of a District Council. This provision was inserted to cater for mining companies to continue administering Mine Townships as specified residential areas for their employees.⁵ Administration of a specified residential area may revert to a District Council upon a directive from the minister that a specified residential area should cease to exist.⁶

A District Council is established as a corporate body, with perpetual succession and a common seal. It is capable of suing and being sued in its corporate name.⁷ This means that a District Council has legal personality. As a legal person, it exists autonomously, and can conduct its own affairs but in a manner specified by the Local Administration Act, 1980. It conducts its business through meetings of its members or councillors;⁸ or it may establish standing and occasional committees consisting of some of its councillors. Such committees may examine and report on any matter that the District Council may assign to them.⁹

Membership of the District Council is composed of the following:-¹⁰

- (i) the District Governor as chairman of the District Council;
- (ii) the District Political Secretary;
- (iii) two District Trustees appointed by the Provincial Committee and approved by the Central Committee;
- (iv) all chairmen of ward committees in the District;

- (v) all Members of Parliament in the District;
- (vi) one representative from each of the mass organisations operating in the District;
- (vii) one representative from each of the trade unions operating in the District;
- (viii) one representative from each of the security forces in the District;
- (ix) one chief elected by all chiefs of the District.

Members of the District Council are called councillors. Their tenure of office varies. Those referred to, in clauses (iii), (iv), and (ix) serve as councillors for a period of three years, after which they are still eligible to be re-appointed or re-elected as Councillors. The tenure of the rest of the Councillors is at the pleasure of their appointing authorities.¹¹ There are three qualifications which must be satisfied before a person becomes a Councillor of the District Council:-¹²

- (i) one must be a member of the Party;
- (ii) one must qualify for election to the National Assembly in terms of Article 68 of the Constitution of Zambia;
- (iii) one's membership to the District Council must receive prior approval of the Central Committee of the Party.

These requirements do not, however, apply to Councillors referred to, in clauses (i) to (vi) above.¹³

The District Governor, as chairman of the District Council, is the head of Party and Government administration in the District. His office is therefore vital to the integration of the structures and

functions of the Party, Central Government, and Local Government. He is specifically charged with the responsibility for:¹⁴

- (i) overall administration and supervision of the day to day functions of the District Council;
- (ii) efficient and proper operations of all public institutions and parastatal organisations in the District;
- (iii) performing all functions which are assigned to him by the President of the Republic of Zambia or the Secretary General of the Party or by resolution of the District Council.

Functions which a District Council is required to discharge under the Local Administration Act, 1980, are numerous and extensive.¹⁵ They include, inter-alia:

- (i) administration of the district in political, economic, scientific and technological, social and cultural, and, defence and security, fields;¹⁶
- (ii) to ensure that district administration achieves effective decentralisation through the transfer of power in the fields mentioned above in pursuance of the objectives of One Participatory Democracy under humanism;¹⁷
- (iii) to effect integration of the primary organs of the Party and other organs of local administration in the district;¹⁸
- (iv) to serve as the final authority (except where the Local Administration Act, 1980 provides otherwise) to whom all organs of local administration shall be answerable in respect of matters relating to local administration;¹⁹

- (v) to formulate long-term and short-term district development programmes within guidelines stipulated by the overall Party policies and programmes i.e. within fields listed in clause (i) above.²⁰

The District Council discharges its functions through an administrative machinery known as a District Secretariat.²¹

The latter is composed of, a District Executive Secretary, a Political Secretary, an Administrative Secretary, a Legal Secretary, a Security Secretary, a Social Secretary, a Financial Secretary, a Development Secretary, and a Commercial Secretary.²² Functions of a District Secretariat are:-²³

- (i) to co-ordinate Government functions in the district;
- (ii) to carry out the day to day administration of the council, including, inter-alia, the implementation of Party and Government policies and programmes of work in the district;
- (iii) to prepare annual reports, other than political reports on the activities of the district for submission to the Council;
- (iv) to prepare annual estimates of revenues and expenditure of the district for submission to the council;
- (v) to prepare district development plans and programmes for submission to the council;
- (vi) to consult provincial organs of the Party and Government, or, where necessary, the appropriate national organs of the Party and Government directly; such consultation may be on any technical matters pertaining to the administration of, or, the implementation of any development project or programme, in the district;

(vii) to be responsible for the proper administration of the Council so as to achieve effective decentralisation in the district.

Members of the District Secretariat have specific functions assigned to their office.²⁴ The District Executive Secretary is the head of the District Secretariat and the Chief Executive Officer of the District Council.²⁵ He is responsible for general supervision and co-ordination of the operations of the District Secretariat.²⁶ The Political Secretary is in charge of overseeing matters relating to Party organisation, information and public relations, public functions, meetings and trade union affairs in the district.²⁷ The administrative secretary has responsibility for the day to day general administration of the district, e.g. staffing and transport. The Legal Secretary provides legal advice and legal services to the Council. He is also responsible for administration of Courts in the district. The Security Secretary is responsible for all security services in the district, especially the Police, National Service and Prisons. The Social Secretary is in charge of providing district residents with social services and amenities, i.e. pre-school and adult literacy, health, community development, social welfare, housing, sports and co-ordinating religious and cultural affairs. The Financial Secretary is responsible for all financial matters of the District Council e.g. budget preparation. The Development Secretary is responsible for development activities, such as,

district planning, agriculture and water development, exploitation of natural resources, tourism, co-operatives, communications and public works in the district. The Commercial and Industrial Secretary is responsible for all commercial and industrial activities in the district. He oversees price controls, operations of parastatals and private enterprises, and issues trading licences.

The Local Administration Act 1980 empowers a District Council to prepare and adopt its own annual estimates of revenue and expenditure.²⁸ These estimates are approved by the Office of the Prime Minister.²⁹ The money appropriated by Parliament to the Prime Minister's office at the beginning of every year is therefore inclusive of estimates for District Councils.³⁰ But in addition to this, Government may make grants or loans of money directly to a District Council. Government may, however, attach terms and conditions to the manner in which such grants or loans may be used.³¹

A District Council is also authorised to obtain money from sources other than Government. This money may be obtained by means of a loan, bank overdraft, mortgage or issuing of stocks or bonds. Provided that such other source is not a foreign Government or foreign organisation.³²

Finally, a District Council is empowered to make regulations or by-laws for its locality. The by-laws may impose a levy, or, they may provide for the peace, order and good administration

of the Council's area.³³ The by-laws must not conflict with or derogate from provisions of any other written law.³⁴ A by-law is not effective until it is confirmed by the Minister. In this respect, the Minister has a wide discretion; he may refuse to confirm a by-law, or may confirm only part of it.³⁵ He is also empowered to amend or revoke any by-law made by a Council. In this event, the Minister is required to give reasonable notice to a Council of his intention, and, afford the Council of an opportunity to be heard.³⁶ The Minister is further empowered to make regulations (for a District Council) whose effect is same as that of by-laws made by a District Council.³⁷

(b) The District Committee

The District Committee is established under S.81 of the Local Administration Act, 1980. It consists of:-

- (i) The District Governor as chairman;
- (ii) The District Political Secretary as Vice-chairman;
- (iii) One representative from each of the Security Forces in the District;
- (iv) Two District Trustees appointed by the Provincial Committee and approved by the Central Committee;
- (v) One representative each, from the Women's League, and the Youth League.

The institution of the District Committee incorporates Party organisation into local administration at district level.³⁸

Thus, some of the District Committee's functions pertain to activities concerning organisation of the Party and its functionaries.³⁹ The District Committee, however, has far

reaching functions relating to local administration. It is empowered to:-⁴⁰

- (i) guide and supervise all development activities in the district, and to consider proposals for district development plans;
- (ii) encourage the people of the district to work hard in a spirit of self-reliance;
- (iii) do every other thing or act which is in the best interests of the Party, the Government and the residents of the district;
- (iv) submit quarterly progress reports to the Provincial Council on district development programmes; security and the enforcement of law and order, in the district; and the operation of the Party, the Government, and public institutions and organisations in the district;
- (v) submit development plans to the Provincial Council for approval.

It is apparent from these functions that the District Committee plays an extensive role in local administration. It exercises a guiding and supervisory role over political and development activities in the district.⁴¹

(c) The Provincial Council

The Provincial Council is established under S.85 of the Local Administration Act, 1980. Its membership is derived from provincial and district officials. It is composed of⁴²

- (i) the Member of the Central Committee for the province as chairman;
- (ii) the Provincial Political Secretary as Vice-chairman;
- (iii) the District Governor in the province;
- (iv) the District Political Secretaries in the province;
- (v) Members of Parliament in the District;
- (vi) the District chairmen of the Women's League and the District chairmen of the Youth League in the province;
- (vii) one representative from, each of the mass organisations operating in the province;
- (viii) one representative from, each of the Trade Unions in the province;
- (ix) one representative from, each of the Security Forces in the province.

Constituted as such, the Provincial Council is an institution of provincial government. It co-ordinates policies and programmes of districts in the province, within the framework of an overall provincial development policy.⁴³ Its functions are prescribed as:-⁴⁴

- (i) reviewing development programmes in the province;
- (ii) approving development plans prepared by the Provincial Committee;
- (iii) formulating programmes for the enforcement of law and order in the province;
- (iv) ensuring the efficient functioning of the Party, the Government and other public institutions and other organisations in the province;

- (v) submitting to the appropriate national organs of the Party and Government such development plans, reports, or, recommendations on provincial projects as may be required.

The administrative machinery of the Provincial Council is the Provincial Secretariat. The latter is composed of the Permanent Secretary for the province and the provincial heads of government departments in the province.⁴⁵ The function of the Provincial Secretariat is to provide

"the technical and administrative machinery necessary for servicing the national organs of the Party and the Government at Provincial level".⁴⁶

(d) The Provincial Committee

The Provincial Committee is established under S.87 of the Local Administration Act, 1980. It is the provincial counterpart of the District Committee. Members of the Provincial Committee are:-

- (i) the Member of the Central Committee for the Province as chairman;
- (ii) the Provincial Political Secretary as Vice-chairman;
- (iii) one representative from each of the security forces in the province;
- (iv) one representative, each from the Women's League and the Youth League;
- (v) one other person nominated by the Central Committee of the Party.

Functions of the Provincial Committee involve organising and supervising political and development activities at provincial level. It is specifically charged with:-

- (i) organising the Provincial Conference of the Party;
- (ii) supervising the work of, the District Committees, other primary organs of the Party and Government, public institutions in the province;
- (iii) explaining and publicising Party policies and programmes in the province;
- (iv) guiding district, and other primary organs of the Party, on ways and means of strengthening the Party in the province. To mobilise people, public institutions and organisations in the province for work under the leadership of the Party.
- (v) reviewing development and financial reports from District Committees;
- (vi) Co-operating with District Committees in the enforcement of law and order and the safeguarding of defence and security in the province.

3. Conclusion

This chapter has examined the legal and institutional framework of local administration as provided by the Local Administration Act, 1980. The purpose of the Act is to decentralise, and integrate the structures of, local administration. The institutional structure created by the Act in this respect is at two levels, namely, district,

and, provincial. At district level, the Act creates the District Council and the District Committee. The former is the primary organ of district administration while the latter performs a supervisory role over political and development activities in the district. At provincial level, the Act creates the Provincial Council and the Provincial Committee. The former is the main institution of provincial government administration both politically and development wise. The latter plays a supervisory role over activities of the District Committee.

In the next chapter we discuss problems of implementation of the Local Administration Act, 1980.

REFERENCES

1. Statutory Instrument No. 171 of 1980, The Local Administration Act (Commencement) Order 1980.
2. Zambia, Parliamentary Debates, (29th July - 22nd August 1980) Col. 847.
3. The Local Administration Act, No. 15 of 1980.
 - S.3(1) For the purposes of local administration, there is hereby established for every District in which -
 - (a) a municipal council, township council or rural council was established under the Local Government Act; or
 - (b) a mine township was declared under the Mine Township Act;

a council which shall be known by the name by which the District was known immediately before the commencement of this Act.
 - (2) The Minister may, by statutory order, establish for every new District a council to be known by such name as may be assigned thereto in the order.
4. Local Administration Act, S.6.
5. Zambia, Parliamentary Debates (25th November - 5th December 1980) Col. 304.
Times of Zambia, 13th January 1981.
6. Local Administration Act, S.6(9)
Even if the administration of specified residential areas does not come under that of the District Council, the Act under S.6(4) (5) requires a District Council to approve sanitation measures and social services or amenities provided by an employer in a specified residential area. Under S.6(6) of the Act, a District Council may make grants from its general revenues to an employer where the council considers that such a measure is desirable in the interests of public health or of good order and government in a specified residential area. Under S.6(7) of the Act, if an employer wishes to borrow money for purposes of maintaining a specified residential area, he requires a written consent of the Minister, and the District Council within whose locality the specified residential area is established.
7. Local Administration Act, S.7.

8. Ibid, Part IV.
9. Ibid, S.47(3).
10. Ibid, S10(1)
11. Ibid, S13(1)(2)
12. Ibid, S12(1)
13. Ibid, S.12(2) A possible explanation is that these officers owe their membership of the District Council to offices which they hold under Art.38 of the Constitution of UNIP. The difficulty with this explanation is the position of Women's and Youth Leagues which are designated mass organisations under Art.59 of the Constitution of UNIP. But Art. 85 of the Local Administration Act, 1980 mentions the chairmen of the Women's League and the Youth League, along with a representative from a mass organisation as members of the Provincial Council.
14. Local Administration Act, S.15. In the absence of the Governor, the District Political Secretary performs the Governor's role and functions.
15. Ibid, S.45, Part I of the schedule. These functions are stipulated in 74 clauses. We will list only those functions that pertain to effecting an integrated and decentralised system of local administration, i.e. clauses 1 to 6 of Part I of the schedule to the Act. Note that District Councils also perform additional functions under the Public Health Act, Cap. 535, the Markets Act, Cap.473. By S.6 of the Public Health Act, District Councils as local authorities are authorised to safeguard and promote public health standards to prevent the occurrence or outbreak of disease. By S.4 of the Markets Act, District Councils are authorised to control and manage markets.
16. Ibid, clause 1.
17. Ibid, clause 2.
18. Ibid, clause 3.
19. Ibid, clause 4.
20. Ibid, clause 6.
21. The Local Administration Act, S.2.
22. Ibid, Statutory Instrument No.3 of 1981, The Local Administration (District Secretariat) (Member's functions) Order 1981.
23. Local Administration Act, S.83, Part III of the schedule.

24. Statutory Instrument No.3 of 1981.
25. Local Administration Act, Ss. 2, 83.
26. The Office of District Executive Secretary combines that of the former town or rural clerk with that of the former District Secretary. This is why the District Executive Secretary is the Council's Chief Executive Officer and head of all civil servants in the district.
27. Note that the Political Secretary does not hold the office of a District Political Secretary. The former is a civil servant while the latter is a Party official.
28. Local Administration Act, S28(1)
29. Ibid, Amendment No.3 of 1982. Prior to this amendment, estimates of expenditure for District Councils were approved by Parliament. For detail, see Zambia National Assembly Bill, No.29, 1982.
30. Zambia, National Assembly, Debates (18th March, 1982).
31. Local Administration Act, S.29.
32. Ibid, S.35.
33. Ibid, Ss.52(1), 56.
34. Ibid, S.60.
35. Ibid, S.62.
36. Ibid, S.63.
37. Ibid, S.64.
38. Constitution of UNIP, Article 38 establishes the District Committee as an organ of the Party.
39. Local Administration Act, S.82, Part II of the schedule, clauses 1, 2, 4, 5, 6, 7, 8, 11.
40. Ibid, clauses 3, 9, 10, 12, 13.
41. In comparison, under the old UNIP Constitution, the role of the Regional Committee was limited to giving active support to the programmes of the Party and Government in development. See, Constitution of UNIP, S.20(4)(g).

42. Local Administration Act, S.85.
43. NIPA, Decentralisation, P.29.
44. Local Administration Act, S.86, Part IV of the schedule.
45. Ibid, S.89.
46. Ibid, Part VI of the schedule.

CHAPTER SIX

THE IMPLEMENTATION OF THE LOCAL ADMINISTRATION ACT, 1980

1. Introduction

The Local Administration Act 1980, has provided a new legal and institutional framework for local administration in Zambia. The implementation of this Act underlies calls for effecting an integrated, autonomous and decentralised system of local administration which will encourage people's participation in running their own affairs.¹

The chapter will discuss the implementation of the Local Administration Act, 1980, with emphasis on the following objectives of the Act:

- (a) integration of local administration;
- (b) autonomy of District Councils in the system of local administration;
- (c) the transfer of power to the people to allow for their participation in local administration.

2. The Implementation of the Objectives of the Local Administration Act, 1980

(a) Integration of Local Administration

The integration of local administration refers to the merger of Local Government, Provincial and District Government at district level, and the Party machinery into the District Council as a new statutory organ of local administration.²

Since 1981, however, when the Local Administration Act 1980 came into force the integration of the Party, Local Government and Central Government departments has posed significant problems.³ This is seen by examining the manner in which these organs have sought to be integrated.

(i) The Party Integration

1. Membership of the District Council

The integration of the Party in local administration is reflected in the requirement that all members or councillors of the District Council must be members of the Party.⁴ This provision aims at ensuring that Councillors,

"identify themselves first and foremost, with the Party whose policies they will be required to implement. Besides it is the only way that the supremacy of the Party can be asserted".⁵

2. Chairmanship of the District Council

The District Governor, as chairman of the District Council, combines his political responsibility as head of Party organisation, with his civic responsibilities as head of local administration at district level.⁶ Hence the office of the District Governor combines and replaces the offices of former Mayors or chairmen of local authorities.

3. District Committees

The District Committee is an integral part of the District Council. Its entire membership is constituted in the District Council.⁷ Its activities relate mainly to supervision of Party organisation in the District.⁸ In this respect, the final stage in the integration of the Party into local administration

was achieved when the new Constitution of UNIP established both the District Committee and the District Council as organs of Party organisation at District Level.⁹ In this way, the District Council or the local administration system for that matter, administers both civic and political responsibilities.

(ii) Local Government (Local Authorities) Integration

The integration of local authorities into local administration is at three levels:

1. the merger of the office of the Town Clerk (in former City or Municipal Councils) with that of the District Secretary, into the newly formed District Secretariat.¹⁰ Thus former Town Clerks and District Secretaries are either District Executive Secretaries or Administrative Secretaries of District Councils.¹¹ Also, all former employees of local authorities, in exception of those who constitute the District Secretariat, are employees of District Councils.¹²
2. the merger, in certain cases, of former Township Councils and former Rural Councils and the office of the former District Secretary into new District Councils. In such cases, the former District Secretary is the District Executive Secretary of the new District Council.¹³ Two obvious problems have been experienced.¹⁴ First, long distances between the merged institutions (i.e. Bomas and local authorities) has made it difficult to effectively co-ordinate the affairs of the district. Second, there is lack of adequate office accommodation

at District Council headquarters to house all the relevant departments, and the staff involved in the provision of services in the district.¹⁵

3. Mine Townships have posed a very serious problem of integration. Even at very early stages, the Local Administration Bill, 1980 met stiff opposition from Members of Parliament, who represented Mine Townships, the Mine Workers' Union (M.U.Z.) and the Zambia Congress of Trade Unions (Z.C.T.U.). The basis for opposition was that the integration of Mine Townships into District Councils would result in loss of Mine employees' cheap services, and cheap housing charges. All of these services were provided by the Mining Company to Mine Townships at subsidised rates. The Government compromised this opposition by providing for the existence of specified residential areas to accommodate employees of a registered employer under S.6 of the Local Administration Act,¹⁶ 1980.

In spite of S.6 of the Local Administration Act, 1980, Mine Townships have not been declared as specified residential

areas. This is due to the fact that the Mining Company has title deeds to Mine Townships, and the Local Administration Act, 1980, does not provide for the transfer of title deeds to the State. The administration of Mine Townships from the Mining Company is made possible by the

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In spite of S.6 of the Local Administration Act, 1980, Mine Townships have not been declared as specified residential areas. They exist under the administration of Management Boards as previously set up under the Mine Township Ordinance, 1932.¹⁷ The independent administration of Mine Townships from the system of local administration is made possible by the fact that the mining company has title deeds to Mine Townships.¹⁸ The Mine Townships are therefore a property of the mining company. This however, is not the obstacle to integration of Mine Townships. The reasons for the non integration of Mine

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Townships are practical and political. Practically the mine workers do not want to fall under local administration as they would lose their recreational facilities, cheap housing rent and other 'fringe benefits' which the mining company provides in Mine Townships.¹⁹ As such, the issue of integrating Mine Townships is politically sensitive to the Government. Thus, in 1976, when the Government appointed a Working Party to make a feasibility study of integrating Mine Townships, the Mine Workers threatened that if integration was imposed against their will, they would wage against the Government, a struggle on the lines of the fight against the colonial Federal Government.²⁰

This threat by the mine workers was reflected in the stiff opposition by the MUZ and ZCTU to the Local Administration Bill. As a result of this opposition, the top leaders of the MUZ and the ZCTU were subsequently expelled from the Party in January 1981, when the Local Administration Act, 1980 came into force. This led to a massive strike by mine workers. In order to avert the crisis, President Kaunda announced on 12th January, 1981 that the Party had given 'concessions' to the privileges of mine employees in the Mine Townships:

"I am bending over this one", said the President.²¹

The ownership of the Mine Townships by the mining company is not an obstacle to their integration. Since 1976, the mining company has indicated willingness to divest itself of the responsibility of administering the Mine Townships.²² The integration of Mine Townships is desirable for purposes of a

uniform system of local administration. Ultimately, the integration of Mine Townships into local administration will depend on the political skill of the Government in dealing with the interests of mine workers.

(iii) Government Departments

The integration of government departments in local administration underlies the Government's policy of decentralisation that local administration should be the responsibility of the local people, rather than that of central ministries in Lusaka. In accordance with this policy, the Government envisaged that the District Council, as a statutory body will exercise its authority

"over the affairs of the district and the whole district administration will be answerable to the council, whose decisions on district affairs shall be final and binding except in matters of local importance which shall be referred to provincial headquarters".²³

In integrating government departments in local administration, the objective of the Local Administration Act, 1980 is to enable or authorise the District Council, through the District Secretariat to administer and supervise functions of government departments independently of their central ministries in Lusaka.²⁴

But the integration of government departments as portrayed above is seemingly impracticable. District Councils have neither the money nor the personnel to fund and man the operations of government departments in districts.²⁵ Moreover, such integration would require a fundamental change in the entire structure of the Government; Central ministries which have

departments and field officers in districts would become obsolete and therefore unnecessary since the administration of these departments would then be the responsibility of the District Council.

In view of the foregoing, it is considered that the integration of government departments in local administration logically and meaningfully refers to the co-ordination of the administration of these departments by the District Council in order that their activities conform to local requirements. This would serve the establishment of the District Secretariat, both as the District Council's executive authority, and as the administrative body for co-ordinating the functions of government departments in the District.²⁶ Presently, in addition to being the District Council's executive authority, the District Secretariat performs functions that were previously performed by the District Secretary, i.e. Census, the registration of births, deaths, marriages and clubs, and licensing.²⁷

However, officers of the District Secretariat, (i.e. the District Executive Secretary, the Administrative Secretary, the Social and Cultural Secretary, the Development Secretary, the Industrial and Commercial Secretary, the Legal Secretary, and the Defence and Security Secretary) are civil servants employed and controlled by the Central Government through the Provincial and Local Government Administration Division in the Prime Minister's office. This means that the administrative machinery of the District Council is controlled by the Government.²⁸ On its part, the

Government sees the need for the District Secretariat to be staffed by public officers under its control on grounds that District Councils are unable to employ their own District Secretariat staff. The Government expects that when District Councils are financially able to employ their own secretariat staff, they will assume complete control of the said staff.²⁹

(b) Autonomy of District Councils

A cardinal principle underlying the decentralised system of local administration under the Local Administration Act, 1980, is that District Councils are autonomous institutions.

Prime Minister Lisulo assured Parliament that,

"... matters of local administration will no longer be the subject of direct or indirect coercive influence from Lusaka, but will be the primary responsibility of the local people themselves. ... under (the) new decentralised system of local administration, District Councils will now have sufficient statutory powers to discharge their functions without prior reference to, or approval of, ministries or other departmental headquarters in Lusaka".³⁰

Quite contrary to this assurance, District Councils are not autonomous institutions. Several reasons are adduced in support of this observation:-

- (i) As stated above, the District Secretariat, which is the District Council's administrative machinery is controlled by central government, through the Provincial and Local Government Division in the Office of the Prime Minister in Lusaka. District Councils are therefore administratively controlled by central government.

- (ii) Since the coming into force of the Local Administration Act, 1980, circulars purporting to give instructions or directives from the Provincial leadership, and the Provincial and Local Government Administration Division have been sent to District Councils.³¹ Such directives have been justified on the premise that

"... there is still need for the activities of the (District) Councils to be co-ordinated. Some of the circulars are intended to outline the Party and its Government's policies, which are directives, while others are administrative and are essentially advisory in nature.

This practice conflicts with the principle of autonomy of District Councils in local administration. As the Parliamentary Committee on Local Administration put it,

"... if these (District) Councils have to be genuine autonomous bodies, they should be given chance to make independent decisions. Circulars from the Provincial and Local Government Administration should, therefore, be only advisory and not directives".³²

The justification by the Government of issuing directives to District Councils on the ground that such directives outline Party and Government policy does not hold substance. The District Governor, who is chairman of the District Council, is a very senior official of the Party. He is not only the head of Party administration at district level, but he is also a member of the Party's highest and supreme-policy making organs.³³ He is therefore well acquainted with the Party and its Government's policies and programmes.

(iii) The Local Administration Act, 1980, vests the Minister with extensive powers of control over District Councils. These include powers of the Minister to make regulations for District Councils as well as those authorising him to approve or confirm by-laws made by District Councils.³⁵ These powers are similar to those which were vested in the Minister under the Local Government Act, 1965.³⁶ Yet one of the reasons for rejecting the Local Government Act, 1965 was that Local Authorities must have more freedom to pursue their activities; that the Minister's powers

"... to decide whether Local Councils shall have certain powers ... is contrary to the principles of participatory democracy which Zambia pursues"³⁷

But the Local Administration Act, 1980 paradoxically retained the Minister's extensive powers over District Councils. Just as the Minister's powers restricted the freedom of Local Councils under the Local Government Act, 1965, the same powers have undermined the autonomy of District Councils under the Local Administration Act, 1980.

(iv) The autonomy of District Councils in local administration largely depends on the ability of District Councils to finance their own operations. It is trite that District Councils have limited and inadequate sources of finance.

"... apart from the former City and some Municipal Councils, the majority of District Councils, and rural District Councils in particular, have negligible sources of income to finance development programmes"³⁸

Sources of finance for District Councils are inter alia personal levy, loans, water and service charges, house rents and rates on property.³⁹ Personal Levy is a negligible source of income for District Councils,

"... because the leviable population is small. Some District Councils have imposed levies and licences on fish, dogs, traditional beer, but this source is inadequate".⁴⁰

Revenue from water and service charges, and house rents is not maximised owing to District Councils' inefficiency in collecting the revenue charges. The financial plight of District Councils could be somewhat alleviated if they maximised efficiency in revenue collection.⁴¹ The worst defaulters to paying rent to District Councils are government ministries and departments which owe District Councils large amounts of money. But government counter claims that District Councils owe it even larger amounts of money in unremitted revenues that District Councils collect from licence fees for liquor, motor vehicles and water rates on behalf of government.⁴²

Rates on property are a reliable source of revenue for District Councils. Unfortunately, this source of revenue is not fully utilised due to interference from central government. Quite often, the minister exercises powers under the Rating Act⁴³ to disapprove some rates on property that are charged by District Councils. In some cases, the minister has exempted leviable property from paying rate charges.⁴⁴ This has largely contributed to diminishing District Councils' revenue from rates on property.

As a way of raising revenue, District Councils have undertaken to operate commercial ventures, most of which were run by local authorities. These commercial ventures include school uniform manufacturing firms, commercial farms and public transport fleets. Unfortunately, District Councils' commercial activities incur heavy financial losses and cannot at present adequately supplement the income of District Councils.⁴⁵

District Councils incur financial losses in commercial activities mainly due to the fact that financial indiscipline or mismanagement is rampant in District Councils. This ranges from misappropriation of funds to general incompetence of the finance personnel employed by District Councils to operate commercial ventures.⁴⁶ A survey of District Councils by the Parliamentary Committee on Local Administration observes that,

"District Councils did (do) not have many properly trained internal auditors, which also (weakens) internal controls. The weakness in internal controls (results) into losses of money, stores, and other assets, uncollected and unaccounted for, revenues, unrecovered staff advances and loans, unretired special imprests and improper and inadequate maintenance of accounting and financial records."⁴⁷

Another reason advanced by District Councils for incurring financial losses in their commercial enterprises is that their employees are paid wages that are relatively higher than those paid in the private sector. This means that District Councils have to divert their investment capital to pay their employees' wages.

An outcome of District Councils' inability to generate sufficient revenue from their own sources is that they have to depend on finance from central government for their development.

"A good number of District Councils (are) not able even to pay salaries and wages to their staff without grants from central government."⁴⁸

Two observations may be made with respect to central government finance to District Councils:

1. although the Local Administration Act, 1980 empowers District Councils to prepare and adopt their own estimates of revenues and expenditure, the amount of such estimates is controlled by central government. In this regard a directive from the Provincial and Local Government Division on the preparation of District Councils' estimates of revenue and expenditure for 1984 stated that,

"The Division has ... allocated the estimated Government financial support to district councils. You are, therefore, advised to ensure that the Government grant levels reflected in your 1984 budgets should not exceed the amounts indicated in this circular minute."⁴⁹

2. the Local Administration Act, 1980, empowers the government to make grants to District Councils, "on such terms and conditions as it may determine."⁵⁰ The effect of this provision is to negate the autonomy of District Councils in the manner in which they utilise grants from the government. As a District Council Financial Secretary correctly observed,

"As long as we continue to look to central government for funds, the independence (of District Councils) would be in jeopardy. The old saying of 'he who pays the piper calls the tune' will come into play."⁵¹

(c) Transfer of Power to the People

The question of transferring power to the people underlies the concept of participatory democracy in Zambia's official ideology of humanism. In this context, participatory democracy is viewed as a

"... type of democracy in which citizens participate not only through their freely elected representatives but also by their direct involvement in the decision-making process. ...".⁵²

The Local Administration Act, 1980 is the legal mechanism by which the government in Zambia has sought to transfer its powers of administration to the people at local level, through the institution of the District Council. It is this institution which is designed to facilitate and accommodate people's participation in local administration.⁵³

A scrutiny of the Local Administration Act, 1980, together with the Constitution of UNIP shows that powers vested in District Councils are essentially political. Under the Party Constitution (i.e. Constitution of UNIP) the District Council, the District Committee, the Provincial Committee and the Provincial Council, are all local organs in the structural organisation of the Party.⁵⁴ In this respect, the Constitution of UNIP in Art.21 states that,

"The structural organisation of the Party shall be based on the following democratic principles:

- (c) a decision of a superior organ shall be binding upon subordinate organs;."

This provision quite clearly means that powers of the District Council are subordinate to those of the Provincial Committee and the Provincial Council.

The Local Administration Act, 1980 reflects this provision. It is not questionable that the Local Administration Act, 1980 empowers the District Council to administer the district and formulate the district's development plans or programmes.⁵⁵

But it is the District Committee which the Local Administration Act, 1980 empowers to consider proposals for district development plans and which guides and supervises all development activities in the District. The District Committee is further empowered to submit district development plans to the Provincial Council "for approval".⁵⁶ This is so because the Provincial Council and the Provincial Committee are superior organs to the District Council. Thus, the Provincial Member of the Central Committee, who is superior in terms of political rank to the District (Governor) Council Chairman, is Chairman of both the Provincial Council and the Provincial Committee.⁵⁷ The subordination of District administration to provincial authorities is marked by the powers of the Provincial Committee to:-⁵⁸

- (i) supervise activities of District Committees by reviewing development and financial reports from District Committees;
- (ii) plan, guide and supervise all development activities in the province;

(iii) consider proposals for provincial development plans.

The overall supremacy of the Provincial Council in local administration is marked by its powers to approve provincial development plans that are prepared by the Provincial Committee. The Provincial Council in turn submits the development plans, reports or recommendations on provincial development projects to national organs of the Party and its Government.⁵⁹

The powers wielded by the Provincial Council make it inevitable for Government to allocate money for provincial development projects to Provincial authorities, which in turn re-allocates the money to District Councils.⁶⁰ In respect of this practice, the Eastern Province Annual Report observes that though the authority and responsibilities of District Councils have been decentralised since the Local Administration Act, 1980, came into force, economic power remains centralised:

"District Councils (have) no authority to vary projects even if they (are) of paramount importance to them. Though the system (decentralisation) was legalised by statute, it left some people more skeptical about its successful implementation."⁶¹

This observation makes it apparent that what has been decentralised under the Local Administration Act, 1980, is political power. Under the Constitution of UNIP, the District Council, apart from being an organ of the Party's organisation, also constitutes the Party's District Conference.⁶² The District Conference is

"the supreme organ of the Party and the highest authority at District level."⁶³

This means that as a political organ, the District Council, qua the District Conference is the highest political authority at district level. In this way decentralisation of political power has been effected. President Kaunda has admitted as much;

"Now that the transfer of political power to the people has been achieved through the Local Administration Act, the Party and Government efforts would be concentrated on transferring economic power to the people our attention should now be directed to the devolution of economic power because political power has entered an important stage."⁶⁴

It is evident that the transfer of political power to District Councils has been equated to the transfer of power to the people. This is based on the assumption that the broad membership of the District Council embraces wide representation of people from various sectors of the Zambian community.⁶⁵

But it is precisely on this premise that the terms "power to people" and "participatory democracy" vaguely and illusively express the ideal of people's freedom of participation in local administration.⁶⁶ As Members of Parliament correctly observed, the appointment of councillors to District Councils denies the people a basic and essential ingredient of participation - that of choosing their representatives to the District Council.

The only direct electives to the District Council are Ward Chairmen, who are elected in terms of the Constitution of UNIP⁶⁸ and therefore become Councillors by virtue of their

Party Office.⁶⁹ This set up is based on the recommendation that,

"Because it is Ward Chairmen elected in the first place as Party leaders who will sit on district councils as Councillors, then there is no need to have any local government elections."⁷⁰

However, Ward Chairmen are only elected by members of the Party who live in the Ward.⁷¹ A Ward is an organ of the Party that is constituted by Branches.⁷² Branches are constituted by Sections and the latter are composed of villages or localities "of up to twenty-five houses, where there are at least five members of the Party".⁷³

Wards, Branches and Sections are not only local organs for the organisation of the Party; they also form an institutional structure for people's participation at grassroot level. They are administered by Committees⁷⁴ headed by local Party officials. The latter are responsible for local party organisation, planning and implementation of local development programmes.⁷⁵

"For meaningful development in the District, the basic unit of development must be the Ward and not the District as a whole or the District Headquarters as such.... This is because we want to take development to the people as a whole ... Therefore all efforts must be directed at the Ward."⁷⁶

The membership of Ward Chairmen to the District Council provides the link between District administration and grass-root participation in local administration.

Since Ward Chairmen are not elected on the principle of adult universal suffrage, the extent of people's participation in grassroots administration is restricted to members of the Party. Notwithstanding this aspect, even amongst Party members, grassroots participation to a large extent remains theoretical owing to the non existence of the institutional participatory structure. The last Party elections for Sections, Branch and Ward Committees were held in 1980,⁷⁷ then, in preparation for the coming into force of the Local Administration Act, 1980. In these elections, many posts at Section, and Branch levels were left vacant;⁷⁸

"There were, however, many posts not filled at the Section Level ... The main reason for the disappointing results was due to lack of interest on the part of Party members to hold posts at lower levels."⁷⁹

3. Conclusion

The main features of the Local Administration Act, 1980 that seek to implement a decentralised system of local administration are:

- (i) the integration of the Party, Local Government and Government organs into District Councils;
- (ii) autonomy of District Councils in local administration; and
- (iii) transfer of power to the people to allow for their participation in local administration.

However, only the machinery of the Party has been effectively integrated into District Councils. The autonomy of the District Councils in local administration is undermined by the Provincial

organs i.e. the Provincial Committee and the Provincial Council. The transfer of power to District Councils has infact meant the transfer of political power with the consequence that people's participation in local administration is restricted to the institutions of the Party and its members.

1. Zambia, Parliamentary Debates, (29th July to 22nd August 1980) Lusaka, Col.847.
2. Ibid.
3. Interview with the Ndola Urban District Council Local Administrative Officer (Mr. Mumpa), Ndola, 19/9/83.
4. Local Administration Act, S.12.
5. Zambia, Decentralised Government, P.53.
6. Local Administration Act, Ss. 10, 15; Constitution of UNIP, Arts. 35 to 39.
7. Local Administration Act, Ss. 10, 81.
8. Ibid Part II of the schedule, clauses 1, 2, 4, 5, 6, 7,8.
9. The current Constitution of UNIP was adopted by the 9th General Conference of the Party on 24th August 1983.
10. Local Administration Act, S.83; Statutory Instrument No.3 of 1981.
11. Gazette Notice No.2533 of 28th September, 1983.
12. Infact, Town Clerks did not initially know what their role in the new system of local administration would be - Times of Zambia, 9th January 1981. President Kaunda had to assure Town Clerks and employees of local authorities of their jobs in District Councils - Times of Zambia 12th January 1981.
13. For instance, Mansa District Council was formed out of merging the former Mansa Township Council, Mansa Rural Council and the former District Secretary's office. Similarly, Kabwe Rural District Council was created from Kapiiri Mposhi Township Council, Mukuni Rural Council based at Chibombo and the District Secretary's office in Kabwe. See, Zambia, Report of the Committee on Local Administration, (1982) pp. 10, 13.
14. Ibid, pp. 3-4.
15. Chizera District Council in North-Western Province is a case in point. As a new District Council, it has completely no office accommodation. Zambia Daily Mail 28th December, 1983.
16. Times of Zambia, 10th January 1981.

Zambia, Parliamentary Debates, (25th November to 5th December 1980) Col. 58-62.

Local Administration Act, S.6. In explaining an amendment to the Local Administration Bill by instituting clause 6, Prime Minister Lisulo assured Members of Parliament and Labour Leaders that the "status quo in the Mining Township will not be adversely affected by the coming into force of this Bill". See Zambia, Parliamentary Debates, (25th November - 5th December, 1980) Col. 58.

17. Interview with the legal officer at Kitwe District Council, 26/9/83, Kitwe. The Legal Officer confirmed that the Mine Townships in Kitwe District, i.e. Nkana East, Nkana West and Wusakile are administered by the Zambia Consolidated Copper Mines Ltd. These Mine Townships are therefore not administered by Kitwe District Council. Note, however, that the Local Administration Act, 1980, repeals the Mine Township Ordinance 1932.
18. NIPA, Decentralisation, p.9.
19. Zambia, Parliamentary Debates, (25th November to 5th December, 1980) Col.58.
20. Zambia Daily Mail, 24th January, 1976.
21. Times of Zambia, 13th January, 1981.
22. A. Greenwood and J. Howell, "Urban Local Authorities", in W. Tordoff, Administration in Zambia, p.166.
23. Zambia, Decentralised Government, p.50.
24. Local Administration Act, S.83, Part III of the schedule.

Zambia, Parliamentary Debates, (29th July - 22nd August 1980) Col. 849.
25. Interview with the Development Secretary, Ndola District Council, 21/9/83.
26. Zambia, Decentralised Government, p.53.
27. Statutory Instrument No.3 of 1981.
28. Personnel Circular No. B.8 of 1981, Conditions of Service, the Public Service Commission (Delegation) Directions, 1981.

Statutory Instrument No.4 of 1981, The Public Service Commission (Delegation) Directions, 1981.

Zambia, Report of the Committee on Local Administration (1982) p.4.
29. Zambia, Action Taken Report, p.2.
30. Zambia, Parliamentary Debates, (29th July - 22nd August 1980) Col. 849.

31. Zambia, Report of the Committee on Local Administration (1982) p.5.

See also Times of Zambia, 23rd February 1984; The Provincial Political Secretary for Copperbelt Province, Mr. Martin Mubanga directed that since District Councils on the Copperbelt had banned street vendors who provided cheap food, the Councils should establish alternative sources of cheap food.
32. Ibid, p.6.
33. Constitution of UNIP, Arts. 44(4)(a); 46, 48(1)(d).
34. Zambia, Opening of the First Session of the Second National Assembly (Government Printer, Lusaka, 1969) p.3.
35. Local Administration Act, Ss. 62, 64, 65, 66.
36. Local Government Act, 1965, Ss. 87, 88, 89, 91.
37. Zambia, Decentralised Government, p.12.
38. Zambia, Report of the Committee on Local Administration, p.7.
39. M. Mschili, Role of Financial Secretary, paper presented at the National Institute of Public Administration 1983.
40. Zambia, Report of the Committee on Local Administration, p.7.
41. Ibid. For instance in 1981 Livingstone District Council was owed a total of K375,714.73 (in 1981) in uncollected revenue.
42. Ibid, p.12. Livingstone District Council in 1981 was owed K199,171.03 by Government alone. In the same year, Serenje District Council was owed K1,840.00 by Government in unsettled water bills. But the District Council owed government K19,081.00 unremitted revenue - see Zambia, Report of the Committee on Local Administration, (Government Printer, Lusaka, 1983).
43. Rating Act
44. Zambia, Report of the Committee on Local Administration, (1982) pp.7-9. In Kalulushi District, the Minister exempted from rate charges the only leviable property.
45. Ibid. See also Ndola District Council Annual Report, (1982) Kitwe District Council, Minutes of the Plans, Works and Development Committee, 1982, p.1.557.
46. Ibid.
47. Ibid, Report of the Committee on Local Administration (1983) p.2.

This state of affairs has resulted into a total of K1,786,686.00 in respect of 863 transactions involving only 17 District Councils, being payments in 1981 that were either unvouched or inadequately vouched. To prevent such financial irregularities, Statutory Instrument No.38 of 1984, The District Councils (Financial) Regulations has been passed to regulate accounting responsibilities and financial controls of District Councils.

48. Ibid, Report of the Committee on Local Administration (1982 pp. 4, and 7.
49. Provincial and Local Government Administration Division, Circular No. 22 of 1983, 1st August 1983.
50. Local Administration Act, S.29(1)
51. M. Mschili, Role of Financial Secretary, p.5.
52. K. D. Kaunda, Part II of Humanism in Zambia, p.12
53. Zambia, Parliamentary Debates, (29th July to 22nd August 1980 Col.849. Then Prime Minister Lisulo, told Parliament that, "In fulfillment of this commitment (i.e. participation) provision is made for District Councils to ensure that (local administration is carried out in such a manner as to achieve effective decentralisation and transfer of power ... in pursuance of the objectives of One Party Participatory Democracy The Bill will give people at district level political and legal strength upon which to build their self-reliance for the execution of local projects".
54. Constitution of UNIP, Chapter 111.
55. Local Administration Act, 1980, S.3, Part I of the schedule, clauses 1 and 6.
56. Ibid Part II of the schedule, clauses 3, 10, 12, 13.
57. Ibid, Ss. 85, 87; Constitution of UNIP, Arts. 37, 38, 40, 54.
58. Ibid, Part V of the Schedule, clauses 2, 4.
59. Ibid, Part IV of the schedule, clauses 1, 2, 5.
60. Zambia, Lusaka Province Annual Report (Government Printer, Lusaka, 1983) p.4.

Ibid, Eastern Province Annual Report (Government Printer, Lusaka, 1983) p.3.

Ibid, Copperbelt Province Annual Report (Government Printer, Lusaka, 1983) pp. 2-3.

Ibid, North-Western Province Annual Report (Government Printer, Lusaka, 1983) pp. 1-2.

61. Ibid, Eastern Province Annual Report, p.5.
62. Constitution of UNIP, Article 35: "In every District there shall be:-
 - (a) a District Conference;
 - (b) a District Council;
 - (c) a District Committee.

The composition of the District Conference in Art.36 of the Constitution of UNIP is the same as that of the District Council both in terms of Art. 37 of that Constitution, and S.10 of the Local Administration Act, 1980.

63. Ibid, Art. 39(1)
64. Times of Zambia, 17th January 1981.
65. Zambia, Report of the Committee on Local Administration, (1982) p.5.
66. NIPA, Organisation for Participation in Rural Development in Zambia. Report of the Second Phase of the Research Project, Administration for Rural Development in Zambia (1978) p.10.
67. Zambia, Parliamentary Debates, (29th July to 22nd August, 1980) Member of Parliament for Luwingu East, Mr. Chalwe suggested that the chairman of the District Council should be elected that ward chairmen should not be councillors to District Councils by virtue of their Party offices. He declared: 'This is undemocratic; it deprives citizens of their right to elect councillors' at col. 852-853. Member of Parliament for Kalomo, Mr. Siafwa declared that the Local Administration Act, 1980 takes power away from the people by "Disenfranchisement. When we ... copy a few pages from the Party Constitution and say 'decentralised government', what are you decentralising?" See Parliamentary Debates (25th November to 5th December 1980) at Cols 43, 45.
68. Constitution of UNIP, Art 34(1).
69. Local Administration Act, S.10(1)(d).
70. Zambia, Decentralised Government, p.59.
71. Constitution of UNIP, Art. 34(1)(a). Prior to the amendment of the Constitution of UNIP, Ward chairmen were only elected by Party officials in the Ward. The amendment altered this requirement so that all members of the Party in the Ward now elect the Ward Chairman.
72. Ibid, Arts. 31 to 33.
73. Ibid, Art.23.

74. Ibid, Arts. 24, 27 and 32.
75. Zambia, Decentralised Government, p.59
76. Address by President Kaunda to the Workshop on Decentralised Local Administration in January, 1981.
77. Section, Branch and Ward elections are currently being organised to be held on March 9th, 1984. Preliminary indications are that some Party Officials in certain areas have not stood for Local Party Committees' elections. "There is general apathy here", said a Party official - Times of Zambia, 5th March 1984.
78. Zambia, Eastern Prvince Annual Report, p.2.
Ibid, Copperbelt Province Annual Report, p.3.
Ibid, Nothern Province Annual Report, (1980) p.1.
79. Ibid, Southern Province Annual Report, (1980) p.1.

CHAPTER SEVEN

CONCLUSION, SUMMARY AND RECOMMENDATIONS

The concept of decentralisation in Zambia is inseparably connected to the notion of participatory democracy. Participatory democracy is itself an ideological component of development effort under the national ideology of Humanism. Therefore, decentralisation is officially seen as,

"... a means of achieving and consolidating Zambia's humanist socio-economic and political goal of participatory democracy ...".¹

However, measures of decentralisation show a gradual extension of political control by the ruling United National Independence Party over political administrative institutions at provincial and district levels. In this regard, two stages are significant in the process of decentralisation in Zambia. These are;

1. decentralisation by deconcentration, from 1964 to 1980;
2. decentralisation by devolution, from 1981 to date, (1984).

1. Decentralisation by deconcentration, 1964 to 1980

Before independence in 1964 Zambia had a fairly decentralised system of government at provincial and district levels. The functioning of this system depended upon the offices of the District and Provincial Commissioners, who were administratively responsible for districts and provinces, respectively.

This structure was abolished soon after independence; the new UNIP government initiated a process of reform, which was

designed to facilitate the implementation of the young state's economic and social objectives. At district level, functions that were previously performed by the District Commissioner were attributed to special central government departments whose ministerial headquarters were based in Lusaka.² These departments were placed under the supervision of the District Secretary, a senior civil servant at district level, who was in charge of district administration. As such the District Secretary was the Chairman of the District Development Committee, which was responsible for initiating and implementing development plans at district level. At provincial level, an Under Minister was appointed to be the political and administrative head of the province. Administrative responsibilities of the Under Minister included, inspection, and speeding up, of the implementation of development plans in the province. For this reason, the Under Minister chaired the Provincial Development Committee which was responsible for identifying, investigating and solving any problems that arose in implementing development plans. Political functions of the Junior Minister involved the monitoring of UNIP's political interests in provinces, such as fighting elections against the then opposition party of the African National Congress, communicating government policy and co-ordinating the organisation of UNIP.

This structure marked the centralisation of provincial and district administration. But the point to note is that through this structure, the UNIP government began to assume political control of provincial administration. But district administration

which was headed by a politically neutral civil servant, remained without political control by UNIP. Consequently in 1967 UNIP attempted to assume initial control of district administration by appointing its official - the Regional Secretary - as Chairman of the District Development Committee. The District Secretary instead became secretary to the District Development Committee. Even then, the position of the Regional Secretary did not bring about UNIP's desired politicisation of district administration. The extent to which UNIP established political control over district administration, varied from district to district and very much depended,

"on the strength of local United National Independence Party Organisation, and the competence and attitude of the Regional Secretary. In some areas, the District Secretary was largely independent, in other areas he could scarcely act without the prior knowledge and consent of the Regional Secretary".³

Alongside the institution of Provincial and District Government was the system of representative Local Government. The Local Government system was established under the Local Government Act, 1965, and replaced the colonial system of Native Authorities and Urban Authorities. Local Government was itself constituted by Rural, Township, Municipal and City Councils which were headed by elected, chairmen, for Rural and Township Councils and Mayors, for Municipal and City Councils. The Local Government system was controlled by the Ministry of Local Government from 1964 to 1968. It had no formal link with Provincial and District Government in this period. Its functions were limited to

providing civic services like housing, sanitation and environmental health services, water supply, maintenance of streets and roads which fell under Council jurisdiction.

In 1968, the Government announced administrative reforms which were aimed at decentralising Central Government administration in provinces and districts. The main ostensible reason for introducing the administrative reforms was that Provincial and District Government was centralised and bureaucratic, such that it 'wasted too much time on paper work and useful manpower'. As a result, Provincial and District Government was unable to implement development plans on schedule. Provincial and District Government therefore had to be 'decentralised' to increase its capacity and efficiency to implement development plans effectively and also enable local participation in development. Mainly the decentralisation measures involved the appointment of District Governors and Cabinet Ministers to be administrative and political heads of districts and provinces respectively. These measures also sought to bring the operation of Local Government under Provincial and District Government. For this purpose a new ministry of Provincial and Local Government was created. The administrative structure in provinces and districts then became known as Provincial and Local Government.

The 'decentralisation' measures of 1968/69 however added significance to increased central political controls by UNIP over district and provincial administration. Cabinet Ministers became chairmen of the newly formed Provincial Political Committees, and District Governors became chairmen of the new

District Political Committees. These Committees were charged with the responsibility of organising the United National Independence Party as well as that of initiating the development policies in provinces and districts. But it is through these committees that UNIP sought to underpin its control of district and provincial administration.

"Thus while the centralisation measures (of 1968/69) emphasised the role of provincial and local government in development, they also provided for greater central control by strengthening the direct links of command and communication between centre, province and district. Both Cabinet Minister and District Governor became personal representatives of the President. The District Governor was the crucial addition in 1969 as the direct agent of the executive at district level."⁴

Through the District Governor, UNIP sought to exert its control over civil servants in the district.

Below district administration were created village and ward committees as institutions for grassroot participation in self-reliance. The Registration and Development of Villages Act, 1971 legally effected these institutions. In essence, village and ward committees provided effective channels of communication between grassroot administration and central government. It is on this basis that these committees became instruments for UNIP's political control.⁵

In 1972, Zambia became a One Party State, with a presidential system of government (under the leadership of UNIP as the only political party. Through the institution of the One Party

system of government, UNIP gained absolute political control and proclaimed itself as the supreme political institution in the country. For this purpose, the Constitution of UNIP became annexed to the Constitution of the Republic of Zambia. And in pursuance of the policy of Party supremacy, UNIP deconcentrated its top political administrative body - Central Committee - by appointing Members of the Central Committee as political and administrative heads of provinces. As a result, Provincial Cabinet Ministers were subsequently withdrawn in 1978.

The post 1968 administrative structure of Provincial and Local Government machinery, was still centralised. The 1968 administrative reforms had merely involved the deconcentration of government officers and the delegation to these officers of functions and responsibilities of the Central Government. But the Central Government retained firm control of provincial and district administration, i.e. 'decentralisation within centralism'.

The main defect in the structure of Provincial and Local Government between 1968 and 1980, was that it lacked the ~~delineation~~ of power, responsibility and functions between provincial, district, and Local Authority heads. While the Member of the Central Committee exercised overall political and administrative authority in the province, he lacked responsibility in the accountability of provincial government officers. The latter remained responsible to central ministries in Lusaka. At district level the District Governor similarly lacked responsibility over the District Secretary and government departments in the district. Local authorities remained under

the administration of Mayors and Chairmen as provided by the Local Government Act, 1965, so that neither the District Governor nor the District Secretary could exercise administrative authority over them.

The lack of the delineation of power, responsibility and functions of the bodies that constituted Provincial and Local Government led to conflict of interests and duplication of functions between the Party (as represented by the Member of the Central Committee and the District Governor) Local Authorities, and departments of the Central Government in provinces and districts. Programmes and activities of these bodies could not be co-ordinated in such a way as to conform with the development policy of the province or the district. The machinery of the Party, as the political and administrative authority of the system of Provincial and Local Government was unable to assert its control over Local Authorities and Central Government departments. This meant that the supremacy of the Party in local administration was not fully established. The District Governor as head of the Party machinery at district level lacked adequate powers to effectively control the operations of local authorities and civil servants. The solution was to confer the Party machinery, through the District Governor, statutory powers establishing a legal framework for local administration through which the Party machinery could effectively assert its political and administrative control in local administration. This legal framework would integrate the Party, Central Government departments and Local Authorities in local administration.

2. The Local Administration Act, 1980

The Local Administration Act, 1980 has sought to implement a decentralised system of government by the process of devolution. It has established a legal framework which confers the Party machinery with political and administrative powers over local authorities and civil servants in local administration. For this purpose, the Local Administration Act, 1980, has created the institutions of the District Council, the District Committee, the Provincial Committee and the Provincial Council, all of which are organs of the Party.

Of these institutions, only the District Council and the Provincial Council are novel creatures of the Local Administration Act, 1980. District Committees and Provincial Committees previously existed as District Political Committees and Provincial Political Committees. The District Council is the main

council is the main
institution for local administration. It is through the District
Council that Central Government's political and administrative
have been purported to be transferred to the people at

coincidental that the amendments to the constitution of UNIP in August 1983 affected the District Council, the District Committee, the Provincial Committee and the Provincial Council as structural organs of the Party at local level.

In conferring Party organs with political and administrative powers in local administration, the Local Administration Act, 1980 has largely served political interests. In this connection the Local Administration Act, 1980 must be read together with the Constitution of UNIP.⁷ Provisions of the Local Administration Act, 1980 and the Constitution of UNIP relating to the establishment and composition of organs for local administration are pari-materia. But the Constitution of UNIP established an additional organ, called the District Conference which is 'the supreme organ of the Party and the highest authority at District level'. The composition of the District Conference is the same as that of the District Council. This means that the District Council in its capacity as the District Conference is the highest political authority at district level. In this way, political authority has been decentralised. The Local Administration Act, 1980 has served as an instrument for sanctioning the legality of the existence of the Party's local administrative machinery, and for effecting the Party's ideological outlook and policies at local levels as reflected in the Party's Constitution. The Local Administration Act, 1980 is henceforth a political legal instrument which legitimates the Party's supremacy and political control of local administration.

In spite of its political achievement, the Local Administration Act, 1980, has not adequately effected solutions to problems of the integration of Central Government departments and Mine Township into the Party's administrative machinery (i.e. District Councils). The autonomy of District Councils in development local administration remains vexing, while the issue of participation is limited to the Party's organs and its members.

On the issue of integration of government departments, the Local Administration Act, 1980 has established a District Secretariat. This is an administrative machinery of the District Council through which government departments are supposed to be integrated. So far the main obstacle to integrating government departments is that District Councils have neither the manpower nor the necessary financial resources to administer the operation of government departments. As such, government departments operate independent of District Councils, and are therefore controlled by their central ministries in Lusaka. The establishment of the District Secretariat is not helpful towards the process of achieving integration. This is due to the fact that the staff of the District Secretariat is constituted by civil servants who are employed and controlled by central government. On the other hand, the problem posed by the integration of Mine Townships into District Councils is that mine employees do not want to lose the services and benefits which the mining company offers them in Mine Townships. Mine Townships thus exist separately from District Council administration in areas where such Townships are situated in the locality of District Councils.

The existence of the foregoing problems, concerning the integration of District Councils means that the Local Administration Act, 1980 has served to merely establish the legal basis and authority of the Party machinery over Mine Townships and civil servants in government departments. It is this legal authority over other institutions which the Party machinery as represented by the District Governor lacked prior to the coming into effect of the Local Administration Act, 1980.

The autonomy of District Councils in development local administration is non-existent. Owing to the fact that the sources of revenue for District Councils are inadequate to fund their own operations, (more so to pay their own staff in certain cases) the economic power of District Councils in terms of finance is controlled by central government. Although the Local Administration Act, 1980 confers on the District Council powers of local administration and formulation of district development plans, the same Act does not empower the District Council to approve and administer its own development plans. Development plans that are formulated by the District Council are merely proposals that are subject to consideration by the District Committee. The District Committee forwards these proposals to its immediate superior body - the Provincial Committee - which in turn sends them to the Provincial Council for approval. Whereas the power to administer development programmes lies with the District, and Provincial, Committee, the power to approve development plans lies with the Provincial Council.

This procedure is a direct result of the recommendation contained in the proposals for decentralisation, that

"the District Council shall be directly responsible to the Provincial headquarters to which it will send all types of district reports".⁸

Apart from being responsible to provincial headquarters, the District Council is subordinate to provincial administration. As a Party organ it is bound by the provision in the Constitution of the Party that a decision of a superior body is binding upon subordinate organs. Consequently, the purported autonomy of the District Council is subject to directives from both provincial administration and central government.

In short, although the Local Administration Act, 1980, creates the District Council as a corporate, and therefore, autonomous body, it is subject to a series of controls by the Party, through its provincial organs. This control is facilitated by the Local Administration Act, 1980's provision relating to development, and by the Constitution of the Party.

- The question of people's participation in running their own affairs largely remains political. It involves political processes such as joining local level organs of the Party (i.e. sections, branches, and wards), attending political rallies, electoral campaigns and voting in elections for the Party's sections, branches, and wards. The institutional framework for participation is limited to the Party's membership through its organs i.e. section committees, branch committees, ward committees, District Councils, District Committees,

Provincial Committees, and Provincial Councils. This contrasts the definition of participatory democracy, as stated by President Kaunda himself:

"the type of democracy in which citizens (not only members of the Party!) participate not only through their freely elected representatives ...".⁹

This definition has seemingly been qualified, in the context of the Local Administration Act, 1980. As Patrick Ollawa puts it,

"more concisely, political participation within the context of Zambia's One-Party system can be defined as all those kinds of behaviour or activities of the citizens which the Party considers relevant to the legitimation of its rule and the implementation of its policies and decisions".¹⁰

The Local Administration Act, 1980, represents legal legitimation of the Party's rule and the implementation of its policies and decisions in local administration.

3. Suggestions and Recommendations

The system of local administration, as presently constituted, is in the writer's opinion unlikely to succeed, especially with respect to the implementation of development policy.

The writer therefore makes the following suggestions and recommendations for the reform and improvement of the system.

(a) Integration of District Councils

- (i) The idea of integrating Central Government departments into the District Council undermines the concept of decentralisation. District Councils have neither the

financial power, nor the manpower to finance and administer Central Government departments. It is unforeseeable in the long future that District Councils will acquire the necessary finance and manpower to administer Central Government departments. This means that the operations of Central Government departments and the civil servants of these departments will for a long time remain under the control of Central Government. This is in view of the fact that, according to the Government, the integration of Government departments will only be effected when finances are available for District Councils to undertake the exercise.

But the whole idea of integrating Central Government departments into District Councils is that the operations of these departments must be co-ordinated by District Councils to be in line with local needs and development requirements. What is therefore required is the transfer of the powers of Central Government ministries to District Councils to enable them to supervise the local operations of Central Government departments in districts. It is this power which the District Governor lacked in the Provincial and Local Government structure.

The Local Administration Act, 1980, should therefore provide District Councils with powers to supervise the operations of local Central Government departments to ensure that these departments operate in fulfillment of local requirements. This supervision can be effected through the District Secretariat through which the integration of Central Government departments was supposed to have been effected.

For instance departments of public works, forestry and water affairs can be supervised by the Development Secretary; district hospitals, primary health care units, district educational offices, primary and secondary educational institutions can be supervised by the Social and Cultural Secretary; police, mobile, and prison units can be supervised by the Defence and Security Secretary.

However, certain Central Government departments, i.e. civil aviation, central hospitals, high institutions of learning and agencies like parastatal bodies must remain under the exclusive control and supervision of Central Government owing to their complexity in terms of their operation and significance in the process of national development.

(b) Autonomy of District Councils

District Councils are created as corporate bodies under the Local Administration Act, 1980. As autonomous bodies, they must, without undue interference, make and implement their own decisions in development local administration. In this regard the following steps are suggested;

- (i) Circulars from the Provincial and Local Government Division (i.e. Central Government) must be advisory on issues of policy. The practice of 'directing' District Councils either by central government, or by the provincial leadership must cease forthwith.
- (ii) For purposes of accountability, the District Secretariat must be employed by the District Council. The money used by central government to pay officers of the District Secretariat must be paid to District Councils to enable them to make appointments.

to the District Secretariat.

- (iii) District Councils must have adequate financial resources so that they are not entirely dependent on aid from central government. Thus, revenues collected by District Councils on behalf of central government must not be remitted to central government so that it is utilized by District Councils. Consequently, central government must write off debts owed to it by District Councils in unremitted revenue.

But District Councils require to improve their efficiency in revenue collection. There is no 'devine' prescription on this aspect other than hard work on the part of District Councils. Steps must be taken for training of accountancy personnel to strengthen internal financial controls in District Councils. This will in the long run go a long way to prevent financial indiscipline and losses in District Council commercial ventures.

(c). Transfer of Power to the People and their Participation in Local Administration

Transfer of political power to the people in local administration must be accompanied by deconcentration of central government's economic power to District Councils. It is suggested that:-

- (i) Participation in grassroot administration must not be limited to Party members and its participatory organs. Every citizen must participate whether it be in election of local leaders or otherwise.
- (ii) District Councils must be allowed to utilize grants from government for projects that are based on priority in view of local requirements. Hence S.29 of the Local Administration

Act, 1980 must be amended to allow for flexibility in District Councils' use of government grants.

(iii) The practice of central government to allocate money for development projects to Provincial Councils, which re-allocate this money to District Councils must be abandoned. Central government must allocate the said money directly to District Councils in order to facilitate efficiency in executing development programmes. Provincial Councils must exist merely to co-ordinate the formulation of Provincial development policies, by District Councils in given provinces. This would ensure uniformity in the development policies of various District Councils as the basis for overall provincial development policy.

(iv) The role of District Committees and Provincial Committees in local administration is difficult to appreciate. Both committees derive their membership from District Councils and Provincial Councils respectively. Their functions in local administration in so far as they relate to guiding, supervising all development activities in districts and provinces, and considering proposals for district development plans should be performed by the District Council as the primary organ of local administration. It is therefore suggested that District Committees and Provincial Committees should limit their functions to the organisation of the Party. This will cut down bureaucracy in the structure of local administration and give prominence to the District Council in local administration.

It is hoped that these suggestions and recommendations will contribute to the reform and improvement of the system of *local administration*.

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1. Zambia, Decentralised Government, p.45.
2. NIPA, Administration for Rural Development in Zambia, p.16.
3. Zambia, Decentralised Government, p.26.
4. C. Gertzel, Administrative Reform in Kenya and Zambia, in A. H. Rweyemamu and G. Hyden, A Decade of Public Administration in Africa, p. 195.
5. In areas where the opposition party of the African National Congress enjoyed political dominance, UNIP was apprehensive about the prospect of establishing an effective network of village and ward committees.

B. C. Chikulo, "Decentralisation in Centralism - An Analysis of the *Zambian Situation*" (1964-1981)
(Seminar Paper, 11th January 1984, unpublished)
p.11.
6. Zambia, Decentralised Government, p.51.
7. This seems to be the intention of the government in enacting the Local Administration Act, 1980, when Members of Parliament pressed for certain amendments (e.g. the election of the District Council Members) the Prime Minister argued that such proposed amendments were tantamount to amending the Constitution of UNIP. He said, "so this Bill, as far as possible, must conform to the Party Constitution if we do anything to the contrary, we will be amending the Constitution, thereby creating conflict between what the Constitution of the Party says and what the Bill says ...". See Zambia, Parliamentary Debates, (25th November to 5th December, 1980). Col.272.
8. Zambia, Decentralised Government, p.51.
9. K. D. Kaunda, Humanism in Zambia and A Guide to its Implementation, p.10.
10. P. E. Ollawa, Participatory Democracy in Zambia. The Political Economy of National Development, (Arthur H. Stockwell Ltd, Devon 1979) p.43.

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