

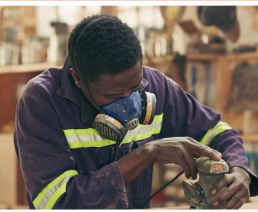


Republic of Zambia

OFFICE OF THE PRESIDENT
CABINET OFFICE

THE NATIONAL DECENTRALISATION POLICY

“Realising Local Development through Citizen Participation”



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THE NATIONAL DECENTRALISATION POLICY

Realising Local Development through Citizen Participation

Office of the President
Cabinet Office
Lusaka, Zambia

MARCH, 2023



FOREWORD



The National Decentralisation Policy in Zambia is premised on our aspiration to attain the status of a prosperous middle-income nation by 2030. Through this revised Policy, the Government envisions ***“Citizen-driven local governance within a unitary State for sustainable development”***. Citizen and community participation in local governance is a key pillar for our country’s socio-economic transformation agenda.

The National Decentralisation Policy was last reviewed in 2013. Since then, a number of developments have taken place that have also necessitated the revision of the 2013 Policy. Among the developments, are the amendment of the Constitution of Zambia in 2016 and the enhancement of community participation in local development in 2022.

This Policy, therefore, provides a clear strategic direction for the implementation of decentralisation in Zambia. It prioritises community engagement, citizen-driven local development and inclusiveness in the implementation of programmes. Further, the Policy empowers the citizens to hold their representatives accountable for service delivery and local development. Additionally, the Policy prioritises the strengthening of subnational institutions, and the improvement of relationships at all levels of governance.

This National Decentralisation Policy endeavours to build on the successes of past implementation and seeks to address previous implementation challenges.

Our collective effort towards realising a devolved system of governance is critical. We should, therefore, take-up the challenge to elevate this country to a level where citizens can freely participate in matters of national development.

Hakainde Hichilema
PRESIDENT OF THE REPUBLIC OF ZAMBIA

March, 2023

ACKNOWLEDGEMENTS



The development of the revised National Decentralisation Policy ensured the aspirations of stakeholders at the national, provincial, and district levels were incorporated through various consultative forums.

I wish, therefore, to acknowledge the line Ministries, Local Authorities, Members of Parliament, and representatives of Traditional Leaders, Constituency Development Fund Committees as well as Ward Development Committees, who contributed to the successful formulation of this Policy. I also recognize the contribution from the Local Government Association of Zambia, private sector, academia, research institutions, and civil society organisations. The Multi-Sectoral Technical Team, which facilitated the formulation of this Policy, also deserves acknowledgment.

Furthermore, I would like to express my gratitude to our Cooperating Partners for their financial support and invaluable technical assistance to this process.

Government welcomes the participation of all stakeholders to ensure the successful implementation of this Policy.

A handwritten signature in blue ink, appearing to read 'Patrick K. Kangwa', written in a cursive style.

Patrick K. Kangwa
SECRETARY TO THE CABINET

March, 2023



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WORKING DEFINITIONS

Autonomy:	Means independence in decision-making and in the execution of such decisions within a given framework.
Capacity:	Refers to a combination of resources, systems and authority that permits an organisation to achieve its goals.
Citizen:	Means a citizen of Zambia.
Community:	Entails a group of people with shared interests living in one place, a ward, district, province or country.
Council Area:	Refers to the District for which a council has been established under the Local Government Act.
Council:	Refers to the locally elected representative governing body of a Local Authority.
Decentralisation:	Means the transfer of responsibilities, authority, functions as well as power and appropriate resources to provincial, district and sub-district levels.
Deconcentration:	Refers to the transfer of functions and resources to lower-level units of the same administrative system while authority over decision making and use of such resources remains with the centre (i.e. from the headquarters of an institution or administrative system to the lower levels.) in the case of Government administration, this would entail the transfer of functions performed at headquarters of the ministry to the provincial, district and / or a sub-district offices, while power and authority are retained by the centre.
Delegation:	Refers to the transfer of functions and resources to a subordinate authority with capacity to act on behalf of the superior authority without a formal transfer of authority in the same structure. Example is when an office of lower level is assigned to perform some duties or tasks by the higher office. However, the lower office will still be required to consult the higher office on matters that require decision making.
Devolution:	Entails a form of decentralisation where there is a transfer of rights, functions and powers or an office from the central government or State institution to a subnational authority or the bringing of a service that is provided at central government level to, or opening of a branch of a public office or institution at a sub- national level.
District:	Refers to a specific geographical area in a province declared under the Provincial and District Boundaries Act.

Local Authority:	Means a council and its secretariat.
Local Development:	Refers to the mobilisation of human, economic, socio-cultural, political and natural resources for the improvement and transformation of livelihoods and communities at the local level.
Local Governance:	Entails the governance processes and institutions at the subnational level which includes governance by and with Local Authorities, civil society and other relevant actors at the local level.
Local Government:	Means governance at the local level.
Provincial and District Administration:	Refers to administrative arrangements for carrying out Central Government functions at the Provincial and District levels.
Subnational Level:	Means an administrative division of government at the Provincial or District level.
Sub-structure:	Refers to a district, ward or village.
Ward:	Means a unit into which a district is divided for the purpose of electing councillors.



ACRONYMS

8NDP	Eighth National Development Plan
AIDS	Acquired Immunodeficiency Syndrome
CDF	Constituency Development Fund
CSOs	Civil Society Organisations
CDFC	Constituency Development Fund Committee
DCs	District Commissioners
DDCCs	District Development Coordinating Committees
GRZ	Government of the Republic of Zambia
HIV	Human Immunodeficiency Virus
HRM	Human Resource Management
HRMC	Human Resource Management Committee
IDP	Integrated Development Plan
IFA	Inter-governmental Fiscal Architecture
LA	Local Authority
LED	Local Economic Development
LG	Local Government
LGEF	Local Government Equalisation Fund
LGSC	Local Government Service Commission
MEL	Monitoring, Evaluation and Learning
MPs	Members of Parliament
MPSAs	Ministries, Provinces and Spending Agencies
PFM	Public Financial Management
ROs	Responsible Officers (ROs)
WDCs	Ward Development Committees

SECTION ONE: INTRODUCTION

Zambia's aspiration to have a fully decentralised and democratically elected system of governance within a Unitary State dates back to the independence period in the 1960s. The country has sought to implement a governance system that endeavours to facilitate the participation of citizens in decision-making towards improved service delivery and enhanced local development.

In 2002, the country adopted the first National Decentralisation Policy, which was later revised in 2013. The 2013 Policy recognised the critical role of traditional leaders in national development and the vital role of the district in facilitating development and service delivery while promoting citizen participation. It provided for Mayors and Council Chairpersons to be elected by universal suffrage in the Council Areas. Another key feature of the 2013 Policy was the establishment of a new decentralised structure of governance backed by legislation comprising four levels, namely the National, Provincial, District and Sub-district levels.

In pursuit of the country's desire to decentralise her governance system, Zambia signed the African Charter on the Values and Principles of Decentralisation, Local Governance, and Local Development in 2015. In 2016, decentralisation was entrenched in the Constitution of Zambia through the (Amendment) Act, No. 2 of 2016, thereby cementing Zambia's resolve towards a devolved system of governance.

Key milestones achieved during the 2013 Policy implementation, included the election of Mayors/Council Chairpersons by universal suffrage, and the establishment of the Ward Development Committees (WDCs) and Constituency Development Fund Committee (CDFC) by legislation to strengthen citizen participation in local development. The role of traditional leaders in local governance was also strengthened through their participation in the House of Chiefs, in Councils, and in the Constituency Development Fund and Ward Development Committees. Another achievement was the increased allocation of human and financial resources to the lower levels for enhanced service delivery and local development. Government also decentralised some of its functions to the district level and the Local Authorities, bringing services closer to the people.

Notwithstanding these achievements, the Government has not yet fully devolved its functions and responsibilities from the national level to Local Authorities and other subnational structures in line with the Constitution and Vision



2030. Further, some existing laws and policies are not yet aligned with the constitutional provisions on decentralisation. In addition, the country is yet to achieve equity in the allocation of resources to the subnational level.

This Policy, therefore, provides a comprehensive framework to actualise decentralisation by devolution, which is critical for citizen participation in achieving sustainable local development and enhanced service delivery. In this regard, the Policy identifies and addresses the challenges that were experienced during implementation of the previous Policy. It also takes into account the significant developments and changes that have taken place in the socio-economic and political environment. The revised Policy provides a broader scope for addressing emerging issues and enhancing citizen participation at the local level.

The Policy is divided into five sections. Section One has the Introduction, while Section Two provides the Situation Analysis for key areas including the legal, governance, administrative and fiscal dimensions of decentralisation. The Third Section outlines the Vision and Rationale for the Policy as well as underlying Guiding Principles. Section Four presents the Policy Objectives and the Measures required for achieving these objectives. Section Five outlines the Implementation Framework for this Policy.

SECTION TWO: SITUATION ANALYSIS

2.1 Background

Zambia's history with decentralisation dates back to her independence in 1964. In 1965, the Local Government Act, No. 30 was enacted. The Act established Local Authorities, of which 24 were urban authorities and 43 were rural councils, and assigned over 60 functions to be discharged into their jurisdictions. The Act further abolished the Native Authorities which were established to serve the colonial Government. In 1971, the Government enacted the Registration and Development of Villages Act, No. 30, which created the Ward Development Committees and Village Development Committees. These structures became the focus for local development.

In 1980, the Local Administration Act, No. 15 was enacted. At the national level, the Ministry of Decentralisation was created in the Office of the Prime Minister, assisted by a Minister of State. The Act further merged central and local Government administration with the ruling party structures to improve coordination and eliminate duplication between the Party committees and local Government committees. However, the merging was not fully implemented, as only the roles of the District Secretary and the District Governor were integrated. Local offices of Government departments at that level continued to report vertically to their provincial headquarters and subsequently to National headquarters.

The reintroduction of multi-party democracy in 1991 brought changes to the country's decentralisation agenda. The Ministry of Decentralisation was transformed to the Ministry of Local Government and Housing. The enactment of the Local Government Act, No. 22 of 1991 separated the party structures from Government structures, and repealed and replaced the Local Administration Act, No. 15 of 1980. Further, in 2002, the Government adopted its first ever Decentralisation Policy which was revised in 2013. In 2016, the Constitution of the Republic of Zambia was amended through the enactment of the Constitution of Zambia (Amendment) Act, No. 2. The Act enshrined a devolved system of governance in the Constitution under Article 147.

2.2 Legal Context

The Constitution of Zambia (Amendment) Act of 2016 stipulates that, while Zambia remains a unitary state, the country must implement a devolved system of governance to deepen democracy and promote sustainable, equitable, social



and economic development at the local level as well as foster national unity. Article 147 of the Constitution recognises two levels of Government, the national and local government levels. These levels of government vary in jurisdiction, as the Constitution has prescribed exclusive national level functions, concurrent national and provincial level functions, and exclusive local government functions. The local government system is comprised of democratically elected councils.

The Constitution positions local government as an autonomous level of government with powers to formulate and implement by-laws and policies. It further prescribes that the Local Authority shall administer the district and oversee programmes and projects in the district. The Provincial Administration is an extension of national government, established for the purposes of administering and coordinating the implementation of Government policies and programmes in the province.

Furthermore, the Constitution provides for decentralisation by devolution, which entails the transfer of rights, functions and powers for local government exclusive functions from central government or State institution to the Local Authority. It also entails the bringing of a service of concurrent national and provincial functions to be performed at the district level.

The national government level remains responsible for providing national policy and legal framework, as well as overall regulation for the implementation of devolved functions.

Although the Constitution establishes the basis for decentralisation by devolution, a number of laws are yet to be fully harmonised to facilitate implementation. For instance, several pieces of sectoral legislation assign functions listed as local government exclusive functions in the Constitution to the national government and its agencies. Further, implementation of the National Decentralisation Policy has lacked specific legislation to facilitate an effective and coordinated approach to the implementation process.

2.3 Decentralised Governance

People's participation in democratic governance at the local level is key for a devolved governance system. To this effect, the existing legal framework for decentralisation provides for the promotion of citizens' participation in democratic governance and accountability of Local Authorities.

Significant progress has been made to promote a decentralised governance system since 2016. This has been achieved through the introduction of directly

elected Mayors/Council Chairpersons by universal suffrage within the district boundaries. This has enhanced the local democratic space for civic engagement and downward accountability. At the district level, however, the mandates of the Local Authority and Office of the District Commissioner require further clarity. While the Constitution assigns the responsibility for administering the district and overseeing the implementation of programmes and projects to Local Authorities, the Planning and Budgeting Act, No. 1 of 2020 assigns the office of the District Commissioner the responsibility to coordinate district development programmes. This situation tends to lead to conflicts in some districts and frustrates the implementation of programmes.

At the sub-district level, significant progress has been achieved in enhancing citizen participation in decision-making through the enactment of the Local Government Act of 2019, which established the Ward Development Committees (WDCs). Consequently, all of the 1,858 WDCs countrywide were fully operationalised in 2022. This structure is key to facilitating community-led development. However, community participation through these structures has been negatively impacted through the weak capacities and politicisation of the operations of the WDCs by various interest groups. There is need to strengthen capacities of WDC and ensure that their operations are de-politicised in order to promote community participation in projects identification, and decision-making.

Furthermore, most Local Authorities need strengthened capacity to effectively mobilise and engage stakeholders and the community, particularly women, youths and the vulnerable, in programme implementation and public service delivery.

Despite the establishment of enhanced governance mechanisms at the subnational and substructure levels, citizen and community awareness about their civic rights and duties remain very low to enable them to effectively participate in decision-making and local development.

2.4 Administrative Decentralisation

Administrative decentralisation involves the transfer of functions to the lower levels, promoting local economic development planning, and strengthening of human resources management and institutional capacity at the local level. These are critical elements of the national decentralisation process in Zambia.



2.4.1 Sector Devolution

The Constitution provides for devolution by way of transferring functions to a subnational authority or opening a branch to a public office or institution to bring a service to the subnational level. As responsibilities and functions are devolved from the centre and provincial capitals to Local Authorities and other structures at the subnational level, Ministries and their subordinate agencies will assume new roles and functions of a supporting, supervisory and regulatory nature.

The 2013 National Decentralisation Policy prioritised the transfer of functions to Local Authorities and other subnational structures. Cabinet Office Circular Number 10 of 2014 was issued to commence the devolution of functions from Central Government to Local Authorities. Although the circular specified the devolution of 15 functions to Local Authorities between 2015 and 2017, only Community Management of HIV/AIDS and TB was devolved in 2017. In addition, the management of district aerodromes was also devolved to the Local Authorities in 2018. Further, Government deconcentrated some selected functions to the district level, while some of its agencies delegated their functions to selected Local Authorities. For instance, vehicle licensing, base taxes, consumer protection and company registration have been delegated to some Local Authorities.

Notwithstanding the achievements, there has been a slow pace of devolution attributed to political economy issues, inadequate capacity in some Local Authorities, conflicting legislation and the lack of a specific enabling legislation to guide the devolution process.

2.4.2 Planning and Local Economic Development

In 2015, the Government enacted the Urban and Regional Planning Act No. 3 to provide a framework of principles and guidelines for coordinating urban and regional development, which ensures environmentally sustainable development. In this regard, Integrated Development Planning was adopted as a principal strategic instrument for operationalising national development priorities at the district level. Further in 2000, the National Planning and Budgeting Act was enacted to provide a national planning framework. The framework recognised Integrated Development Plans (IDPs) as a critical long-term planning tool at the district level.

The IDPs are premised on community participation involving traditional leaders, the private sector, interest groups and other stakeholders in the planning and implementation process. Ward Development Committees provide the institutional arrangement for community engagement in setting local investment priorities and facilitating grassroots economic activity. In 2022, the Government enhanced the Constituency Development Fund (CDF) by providing additional resources for implementing community-driven projects by WDCs as provided in IDPs.

Despite the Urban and Regional Planning Act of 2015 providing for IDPs as the principal developmental framework in the district, their development has been slow. The small number of IDPs developed is attributed to inadequate capacity in some districts. Further, the use of multiple planning tools at the local level has resulted in some Local Authorities not prioritising IDPs. It is worth noting that the absence of IDPs has resulted in uncoordinated implementation of development programmes at the local level. It has also compromised the ability of Local Authorities to effectively identify and forecast local own-resource mobilisation for local development.

2.4.3 Human Resource Management and Institutional Capacity

Human resource management and institutional capacity are key to the effective implementation of decentralisation. In 2013, the Government embarked on a robust transformation of the human resource management system in the Public and Local Government Services. The transformative agenda included addressing issues in employee performance, inculcating a culture of ethical conduct, strengthening institutional capacity and implementing a decentralised human resource management system.

The Constitution established several Service Commissions in 2016, including the Local Government Service Commission. Further, the Service Commissions Act No. 10 of 2016 was enacted to provide for the delegation of some functions of the Service Commissions to Human Resource Management Committees (HRMCs) and Responsible Officers (ROs).

Despite the enactment of legislation in 2016, the implementation of the Human Resource Management Reforms by the Service Commissions only commenced in 2020. The implementation of the decentralised human resource management system has implications on the roles and responsibilities of Service Commissions as oversight institutions. It also has implications on Ministries and subnational structures as implementers of delegated functions. This requires the capacity strengthening and change management process of the Commissions, Ministries and subnational structures to achieve the desired objectives of the reforms.



In addition, the process of devolving functions to Local Authorities shall require the transfer of employees from the Public Service to the Local Authorities. This process requires a review and alignment of the organisational structures for Local Authorities as they take on new responsibilities. At present, organisational structures for town, municipal and city councils do not address the competitive advantage of districts.

2.5 Fiscal Decentralisation

Fiscal Decentralisation involves transferring some authority over expenditure responsibilities and financing from national to subnational government units. It entails a shift of expenditure responsibility, revenue mobilisation, and resources from central government to lower levels of government. It aims to ensure that functions devolved to Local Authorities and other subnational structures are matched by the resources required to carry out these functions. Fiscal decentralisation is implemented through four distinct pillars namely: expenditure assignments; revenue assignments; intergovernmental transfers; as well as borrowing and debt management in the Local Authorities.

2.5.1 Expenditure Assignments

The Constitution provides for specific functions to be performed at national, provincial and local level. It also prescribes exclusive functions to be performed by the Local Authorities. In addition the Constitution stipulates that adequate resources should be allocated to the assigned functions at every level. This is in line with the principle of finance follows function. However, actualization of this principle has been slowed due to delayed devolution of selected functions to the Local Authorities.

2.5.2 Revenue Assignments

Revenue assignments relate to the attachment of revenue sources needed to fund expenditure functions. The sources of funding include user fees and charges, local taxes and levies, intergovernmental transfers and capital borrowing. The focus of Government in previous policies has been on identifying the specific structure of local own-source revenues, which accrue to the Local Authorities, and which Local Authorities have some legal and administrative control. Government also embarked on the process of identifying a new local government revenue base arising from the expanded devolved functions and from the already assigned revenue streams.

Aside from these efforts, the mobilisation of own source revenues by Local Authorities is hampered by the erosion of the revenue base, including inadequacies in legislation related to property rating, weak Local Authority capacities and a slow pace of digitisation.

2.5.3 Intergovernmental Transfers

Government has been implementing a transfer system which involves three grants to the Local Authorities, namely the Local Government Equalization Fund, Grants in Lieu of Rates and Matching Grants. In addition, the Government has also provided for the Constituency Development Fund to be channelled through the Local Authorities for Constituencies. However, the system does not fully follow the universal principles of intergovernmental transfers which include the principle of vertical and horizontal equity. Vertical equity sharing mechanism of national resources between central government and local government is yet to be fully realised.

Horizontally, Grants have been distributed to Local Authorities without consideration of Local Authority operating conditions and performance, or as a reward to Local Authorities that adhere to good governance, transparency and accountability practices in the execution of their works.

2.5.4 Borrowing and Debt Management

National and local governments borrow for short-term cash management and to fund long-term capital investments. Government has made important strides in the area of local-level borrowing and debt management. The adoption of the Local Government Act, No. 2 in 2019 provided prescriptions on sources of borrowing and instruments to be used by Local Authorities. Furthermore, a Local Authority debt management strategy was adopted in 2021 to address the rising debt levels.

Despite these developments, the level of indebtedness remains high and unsustainable. The debt for all Local Authorities was estimated at K3.7 Billion as of the 31st March, 2022. Statutory obligations accounted for the largest share at 84.4 percent, while personnel-related debt was at 10.5 percent, with the balance being explained by debt to suppliers of goods and services and other debtors. The high debt level has been attributed to inadequate capacities of the Local Authorities to raise their own source revenue and weak financial management controls. Other issues relate to the unplanned recruitment and high turnover of employees in the Local Authorities as well as the stiff penalties Local Authorities have to pay to the National Pension Scheme Authority (NAPSA).



2.5.5 Financial Management and Accounting

During implementation of past policies on decentralisation, significant strides were made among Local Authorities in the strengthening of financial management capacities, as well as in the harmonisation of accounting, planning and budgeting systems and their alignment to Central Government standards. However, the required autonomy and accountability frameworks safeguarding the increased resources to be managed by Local Authorities have not yet been fully developed.

SECTION THREE: VISION, RATIONALE, AND GUIDING PRINCIPLES

3.1 Vision

The vision of this Policy is:

“Citizen-driven local governance within a unitary State for sustainable development”.

3.2 Rationale

The country’s aspiration for a devolved system of governance is centred on the promotion of citizens’ rights to participate in local governance and development. Previous attempts to actualise this aspiration have been negatively impacted by several factors which include constraints in the legislative framework, political economy, and weak capacity at various levels.

To achieve Government’s vision, this Policy aims to realise socio-economic transformation and community empowerment for improved livelihoods whilst recognising the need to promote peoples’ rights and space to effectively participate in sustainable local development.

The Policy focuses on the transfer of rights, functions and powers or an office from the central government or state institutions to a subnational authority, as well as bringing services provided at central government level to, or opening a branch of a public office or institution, at a subnational level in line with the Constitutional provisions. Through this Policy, the Government also seeks to fully devolve exclusive functions of the Local Authorities currently performed by the Central Government to the Local Authorities with matching resources. Selected concurrent national and provincial functions shall be transferred to the district level, accompanied by appropriate resources.

In this regard the Policy and its implementation plan shall address the implementation challenges identified so far and provide stronger impetus for decentralisation.



3.3 Guiding Principles

The implementation of this Policy shall be guided by the following principles:

- (i) **Good Governance:** Shall promote democratic, effective and coherent governance systems and institutions. It shall also promote the participation of citizens in decision-making and the transparent and accountable application of public resources.
- (ii) **Equity:** Shall promote the fair distribution and application of national resources to enable sub-structures to undertake their assigned mandates for the benefit of the community.
- (iii) **Subsidiarity:** Shall ensure that governmental decisions and functions are performed at the lowest feasible level, and that Local Authorities shall cooperate with Central Government and other Local Actors to achieve increased efficiency and effectiveness in public action for the delivery of public services.
- (iv) **Constitutional Jurisdiction:** Shall promote respect for exclusion and concurrent functions of each level of government.
- (v) **Co-operative Governance:** Shall ensure that the decentralisation of powers, functions and resources, and the interactions among different levels of government, shall be undertaken in a coordinated and cooperative manner.
- (vi) **Sustainable Local Development:** Shall promote social and economic development that will contribute to the national and local economies, while taking into account current and future environmental conditions, including climate impacts.
- (vii) **Inclusiveness:** Shall promote the participation of citizens in the governance system and decision-making. Affirmative action, non-discrimination and the consideration of cross cutting issues shall be promoted in the implementation of local development programmes and service delivery.

SECTION FOUR: POLICY OBJECTIVES AND MEASURES

To achieve the Government's Vision, the following policy objectives and measures shall be pursued:

4.1 Decentralised Governance

Objective 1: To promote inclusive citizen and community participation in democratic governance at the local level to enhance local development.

Policy Measures

Government shall:

- i. Strengthen platforms for community engagement at the local level.
- ii. Promote the participation of communities in local affairs.
- iii. Strengthen capacities of provinces, districts, Local Authorities and Wards in effective community engagement, development planning, coordinating and managing service delivery.

4.2 Administrative Decentralisation

Objective 2: To devolve functions from the national to the subnational and substructure levels to enhance efficiency in the delivery and access to public services.

Policy Measures

Government shall:

- i. Transfer decision-making authority, functions and resources from the centre to the districts, Local Authorities and the lowest level possible.
- ii. Re-align institutional capacities, structures and systems to support the administration and management of devolved functions at lower levels.
- iii. Strengthen national and subnational structures for effective coordination and efficient delivery of devolved services.



Objective 3: To develop and manage human resources in order to enhance individual and institutional performance.

Policy Measures

Government shall:

- i. Realign organisational structures of the Local Authorities.
- ii. Harmonise the terms and conditions of service across public and local government services.
- iii. Establish a decentralised, merit-based human resource management system at all levels.
- iv. Promote change management in Public and Local Government Services.
- v. Develop and implement human resource capacity strengthening programmes

Objective 4: To promote participatory integrated development planning in order to achieve inclusive, sustainable and climate-resilient local development.

Policy Measures

Government shall:

- i. Promote inclusive formulation and implementation of sustainable Integrated Development Plans.
- ii. Promote the mainstreaming of HIV/AIDS, gender, disability, climate change and other emerging issues in Integrated Development Plans.
- iii. Promote public-private partnerships for local-level development among Local Authorities and other subnational structures.

4.3 Fiscal Decentralisation

Objective 5: To enhance financial capacities at the local level in order to support implementation of devolved functions.

Policy Measures

Government shall:

- i. Strengthen financial resource sharing and allocation mechanisms between central and local government.
- ii. Strengthen Local Authority capacities for mobilising own source revenues.
- iii. Review and implement the framework for intergovernmental transfers to address vertical and horizontal inequity.

Objective 6: To promote prudent financial management and accountability in Local Authorities and subnational structures in order to enhance service delivery.

Policy Measures

Government shall:

- i. Strengthen Local Authority Financial Management and Accounting.
- ii. Harmonise accounting policies, practices and systems across Local Authorities.
- iii. Strengthen Local Authority Debt Management and Sustainability Capacity.

4.4 Policy Coordination and Legal Arrangements for Decentralisation

Objective 7: To develop a comprehensive policy and legal framework that supports the effective implementation of a devolved system of governance and local development.

Policy Measures:

Government shall:

- i. Strengthen coordination mechanisms for implementation of decentralisation.
- ii. Harmonise legislation in line with the Constitution.
- iii. Develop decentralisation-enabling legislation.



SECTION FIVE: IMPLEMENTATION FRAMEWORK

The successful implementation of the National Decentralisation Policy depends on establishing an appropriate institutional arrangement, legal and regulatory framework, resource mobilisation, financing and effective monitoring and evaluation.

5.1 Institutional Arrangements

To ensure the successful implementation of the National Decentralisation Policy, the following institutions will support the process as outlined in the Table below:

No.	Institution	Roles/ Responsibilities
1	Cabinet Office	• Lead institution in providing leadership and direction in the implementation of this Policy.
		• Oversight role
		• Capacity Building of Institutions at National, Provinces, and District levels.
		• Promote digitisation of Public Service and Local Government systems.
2	The Ministry responsible for Finance	• □ Mobilise and provide financial resources.
		• Provide public financial management policy direction, set standards, monitor compliance with PFM procedures and resource use.
		• Organise and supervise financial audits of LAs.
		• Undertake monitoring and evaluation in the implementation of the policy.
		• Capacity Building of MPSAs.
3	The Ministry responsible for Local Government	• □ Provide local governance policy direction.
		• Provide administrative and technical guidance.
		• Support and monitor organisational reform of LAs.
		• Organise administrative inspection of LAs.
		• Capacity Building for LAs.
4	The Ministry responsible for Justice	• Promote the principle of subsidiarity.
		• Facilitate the development, and enactment of legislation to support implementation of the Policy.

No.	Institution	Roles/ Responsibilities
5	Sector Ministries	• Provide sector specific policy direction.
		• Set standards for functional devolution and service delivery.
		• MEL in functional devolution and service delivery.
		• Capacity Building for LAs, Provincial and District Departments for devolved service delivery.
6	Service Commissions	• Set standards and provide guidance on issues relating to human resource management.
		• Delegate functions and regulate the performance of human resource functions by HRMCs.
		• Organise and supervise HRM audits of LAs.
		• Capacity Building of HRMCs, ROs and LAs related to decentralised human resource management functions.
7	Public Service Management Division	• Provide strategic technical support and guidance on all human resource management matters.
8	The Provincial Administration	• Oversee, facilitate, and coordinate the implementation of this Policy in their respective Provinces through the Provincial Development Coordinating Committee. Undertake MEL
9	District Administration	• Manage concurrent functions for the national and provincial level public sector functions.
		• Coordinate the District Development Coordinating Committee (DDCC) in collaboration with the Local Authorities.
		• Support and undertake MEL at local level.



No.	Institution	Roles/ Responsibilities
10	Local Authorities	• Administer the district in accordance with the Constitution.
		• Oversee implementation of the devolved functions.
		• Monitoring, evaluation and learning (MEL) related to LA reform and the progress of implementing the Policy.
		• Formulate by-laws for the effective and efficient administration of the District.
		• Capacity Building of councillors, LA employees, WDC and CDFC members, and local civil society regarding LA reform, local governance/ accountability, local development and service delivery.
		• Administer the Constituency Development Fund.
		• Support WDCs to carry out their functions.
11	Statutory and Regulatory Institutions	• Delegate provision services to Local Authorities
		• Regulate the provision of services by Local Authorities
12	Ward Development Committees (WDCs)	• Provide a platform and advocate for inclusive citizen and community participation in decision-making and spearheading local development in respective Wards.
		• Communicate to local leaders and communities on LA reform and local governance.
		• Ensure that selected community projects are aligned with the IDP.
13	Legislature	• Provide oversight, checks and balances to the implementation of the policy.
		• Enact laws to support implementation of the policy.
14	Other Oversight Institutions (Auditor General, Public Protector and Anti-Corruption Commission)	• Provide oversight and support services to mitigate against mal-administration and corruption at all levels.
		• Promote transparency and accountability in the utilisation of public resources at all levels.

No.	Institution	Roles/ Responsibilities
15	Traditional Leadership	• Mobilise communities to participate in the dissemination of information and implementation of the Policy.
		• Participate in Council, CDFC and WDC affairs through their representatives.
		• Promote and contribute to local sustainable development.
16	Cooperating Partners	• Provide financial and technical support towards the implementation of this Policy.
		• Support for MEL at all levels.
		• Invest in LA systems, infrastructure and human resource and institutional capacity.
17	Private or Business Sector	• Complement Government efforts on decentralisation in the implementation of the Policy.
		• Participate in local economic development and social responsibility in partnerships with LAs.
		• Participate in Public Private Partnerships with the LAs.
18	Non-Governmental Organisations/ Civil Society Organisations	• Complement Government efforts in governance, accountability, transparency and monitoring performance of devolved functions.
		• Promote community mobilisation and participation in local governance and local development.
		• Participate in MEL.
		• Capacity building for LA staff, WDCs and community leaders/activists in local governance and local development.
		• Champion accountability for the implementation of the policy.
19	Trade Unions	• Sensitise employees on decentralisation policy and programmes.
		• Participate in change management programmes.
		• Champion accountability for the implementation of the policy.



No.	Institution	Roles/ Responsibilities
20	Academia and Research Institutions	• Conduct evidence-based research on decentralisation.
		• Capacity Building in local governance and local development.
		• Contribute to MEL.
		• Capacity Building for Central Government, LAs, and civil society on devolution, local governance and local development.
21	Associations of Local Authorities and Professional Bodies	• Promote and protect the interests of LAs, including advocacy for their autonomy, and access to adequate resources.
		• Provide a platform for networking and knowledge and information sharing to enhance the performance of LAs.
		• Capacity building for LAs.
22	Media	• Dissemination of policy information.
		• Champion accountability.
		• Promote community participation.
		• Provision of quality, accessible and accurate information on decentralisation.

5.2 Legal Framework

The Constitution of Zambia (Amendment) Act, No. 2 of 2016 and other pieces of legislation support implementation of this Policy. However, existing legislation needs to be reviewed and aligned to the Constitution to strengthen the Policy's implementation. Specific legislation also needs to be developed and enacted to harmonise, coordinate and enable implementation of this Policy. Legislation that shall require to be reviewed include the following:

- (a) Local Government Act No. 2 of 2019;
- (b) The Constituency Development Fund Act No. 11 of 2018;
- (c) Public Finance Management Act No. 1 of 2018;
- (d) Public Procurement Act No. 8 of 2020;
- (e) Service Commissions Act No. 10 of 2016;
- (f) Public Private Partnership Act No. 14 of 2009;
- (g) Business Regulatory Act No. 3 of 2014;
- (h) Electronic Government Act No. 41 of 2021;
- (i) Personal Levy Act (Cap 329 of the Laws of Zambia);
- (j) Chiefs Act Cap 287 of the Laws of Zambia;
- (k) Lands Act No. 184 of the Laws of Zambia;
- (l) Industrial and Labour Relations (Amendment) Cap. 269 of the Laws of Zambia;
- (m) National Road Fund Agency Act No. 13 of 2002;
- (n) Public Roads Act No. 12 of 2002;
- (o) Road Traffic Act No. 8 of 2022;
- (p) Rating Act No. 21 of 2018;
- (q) National Pension Scheme Authority Act No. 40 of 1996;
- (r) National Health Insurance Act No. 2 of 2018;
- (s) National Planning and Budgeting Act No. 1 of 2020;
- (t) Employment Code Act No. 3 of 2019;
- (u) Urban and Regional Planning Act No. 3 of 2015.
- (v) Electronic communications and Transactions Act No. 4 of 2021
- (w) Information and Communication Technology Act No. 15 of 2009
- (x) Inland Waterways Act Cap 466



5.3 Resource Mobilisation

The implementation of this Policy requires sustainable financing to successfully achieve its objectives. The Government shall mobilise financial and technical resources through the annual budget, Local Authorities own source revenue, contributions through community participation and support from the Private Sector and Civil Society Organisations. Additional support shall also be mobilised through the Cooperating Partners.

5.4 Monitoring and Evaluation

5.4.1 Monitoring

The implementation of this Policy shall be monitored by the Cabinet Office in collaboration with the Ministries, Local Authorities and other key stakeholders. Tracking and reporting of progress on the implementation of the Policy will be actualised through the Implementation Plan and a Monitoring and Evaluation framework. Bi-annual and Annual Monitoring Progress Reports shall be prepared and shared with stakeholders.

5.4.2 Evaluation

The Policy shall be evaluated periodically in line with its implementation plan. The mid-term review will focus on progress made after five years of Policy implementation, and shall inform implementation of the remaining plan period. A final-term review shall be undertaken after 10 years. The final evaluation shall focus on the impacts/outcomes of Policy implementation.

ANNEXES: SCHEDULE OF LIST OF FUNCTIONS AT THE NATIONAL, PROVINCIAL AND DISTRICT LEVELS

FIRST SCHEDULE:

LIST OF EXCLUSIVE NATIONAL FUNCTIONS (Provided by the Constitution)

1. Elections
2. Foreign and international affairs
3. Budget
4. Taxation, including customs and excise
5. Airports, other than district airports
6. Casinos, racing, gambling and wagering, excluding lotteries
7. and sports pools
8. Disaster management and public emergency
9. National parks, national botanical gardens and resources
10. National forests
11. Passports and National Registration
12. Prisons
13. Refugees
14. Registration of Births and Deaths
15. Wildlife
16. Water resources management
17. Energy and hydro electricity
18. Petroleum and lubricants
19. Public roads
20. Defence, security, maintenance of law and order
21. Citizenship and immigration
22. Public enterprises
23. Regulation of commerce and manufacturing
24. Road traffic regulation
25. Land, mines, minerals and natural resources
26. Census and statistics
27. Traditional leadership
28. National archives
29. National libraries
30. National museums
31. Tertiary Education



SECOND SCHEDULE:

LIST OF CONCURRENT NATIONAL AND PROVINCIAL FUNCTIONS

1. Cultural matters
2. Health services
3. Industrial promotion
4. Language policy and the regulation of official languages
5. Parliamentary Business
6. Legislative procedures and processes
7. Pollution control
8. Property transfer tax
9. Public transport
10. Public works only in respect of the needs of provincial administration
11. Provincial spatial planning and development
12. Soil conservation
13. Tourism, trade and commerce
14. Investment
15. Telecommunication

THIRD SCHEDULE:

LIST OF CONCURRENT NATIONAL AND PROVINCIAL FUNCTIONS TO BE DEVOLVED TO THE DISTRICT LEVEL

1. Administration of Justice
2. Legal affairs
3. Administration of forests
4. Agriculture
5. Animal control and diseases
6. Consumer protection
7. Education at all levels, excluding tertiary education
8. Environmental management
9. Housing
10. Industrial promotion
11. Nature conservation
12. Population development
13. Public procurement
14. Soil conservation
15. Urban and rural development
16. Welfare services
17. Industrial and labour relations

18. 1Resettlement
19. Tourism and Trade
20. Investment

FOURTH SCHEDULE:

LIST OF EXCLUSIVE LOCAL AUTHORITIES FUNCTIONS (Provided by the Constitution)

1. Pollution control
2. Building regulations
3. Child-care facilities
4. Electricity
5. Firefighting services
6. Local tourism
7. District airports, Aerodromes and Airships
8. District planning
9. District health services
10. District public transport
11. District public works only in respect of the needs of Districts in the discharge of council's responsibilities to administer
12. Functions specifically assigned to them under this Constitution or other law
13. Levies, tariffs and tolls
14. Pontoons, ferries, jetties, piers and harbours, excluding the regulation of international and national shipping and matters related thereto
15. Storm water management systems in built-up areas
16. Trading
17. Water and sanitation services, limited to potable water supply systems, and domestic waste-water and sewage disposal systems
18. Veterinary services, excluding regulation of the veterinary profession
19. Vehicle licensing
20. Abattoirs
21. Ambulance services
22. Archives
23. Libraries
24. Liquor licencing
25. Museums
26. Local spatial planning
27. Cultural matters
28. Recreation and amenities
29. Sport



30. Roads and traffic automation and maintenance
31. Amusement facilities
32. Billboards and the display of advertisements in public places
33. Cemeteries, funeral parlours and crematoria
34. Local cleansing
35. Control of public nuisances
36. Control of undertakings that sell liquor to the public
37. Facilities for the accommodation, care and burial of animals
38. Fencing and fences
39. Licensing of dogs
40. Licensing and control of undertakings that sell food to the public
41. Local amenities
42. Local sport facilities
43. Markets
44. Local parks and recreation
45. Local roads
46. Noise pollution
47. Pounds
48. Public places
49. Refuse removal, refuse dumps and solid waste disposal
50. Street trading
51. Street lighting
52. Traffic and parking
53. Gardens and landscaping



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