

A BRIEF...

PESTEL Analysis

The following were identified as Political, Economic, Social, Technological, Environmental and Legal elements for decentralisation implementation in Zambia.

Element	Positive Development	Negative Developments
Political	<ul style="list-style-type: none"> Political stability Democratic system of governance 	<ul style="list-style-type: none"> Contradictory Pronouncements Poor monitoring and evaluation of policies
Economic	<ul style="list-style-type: none"> Stable inflation rate Specific budgetary allocation to decentralisation coordination Pipeline Projects on Decentralisation 	<ul style="list-style-type: none"> Poor disbursement of resources Poor infrastructure Low per-capital income Reduced donor support
Social	<ul style="list-style-type: none"> Active and informed Civil Society /Faith Based Organizations Cooperating Partners/Stakeholders. Informed citizenry 	<ul style="list-style-type: none"> Divergent views on decentralisation Poor participation in decision making High dependency on Government provision
Technological	<ul style="list-style-type: none"> Government Policy on ease of doing business Varied Platforms for information dissemination Efficiency in service delivery 	<ul style="list-style-type: none"> Cost of technology Technophobia and abuse of technology Counterfeit technological products
Environmental	<ul style="list-style-type: none"> Implementation of climatic resilience programmes Promotion of environmental friendly products Implementation of mitigation and low emission development programmes 	<ul style="list-style-type: none"> Poor stakeholder adherence to environmental protection policies /guidelines Reduced response to the effects of climate change
Legal	<ul style="list-style-type: none"> Amendment of the Zambian Constitution to provide for devolved system of governance Decentralisation supportive legislation 	<ul style="list-style-type: none"> Disparities and contradictions in pieces of legislation and policies Lack of a specific law on decentralisation

SWOT Analysis

The following were identified as Strengths, Weaknesses, Threats and Opportunities for decentralisation implementation in Zambia.

Strengths	<ul style="list-style-type: none"> Legal provision in the Republican Constitution Amendment Act No. 2 of 2016 Political will for decentralisation Well established decentralisation management and coordination structures
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	<ul style="list-style-type: none"> • Established institutions of learning on local governance
Weaknesses	<ul style="list-style-type: none"> • Inadequate resources devoted to decentralisation • Weak M&E for decentralisation • Multiple players with varied interests for decentralisation • Weak collaboration with the Private Sector and Civil Society Organisations
Opportunities	<ul style="list-style-type: none"> • Dedicated leadership to the reforms • Enabling Legal and Policy Environment • Best case practice on decentralisation in the region • Strong donor support for decentralisation • Government pronouncements on equitable development • Willingness of stakeholders to support decentralisation
Threats	<ul style="list-style-type: none"> • Poor macro- and micro-economic performance in the wake of increasing oil prices, low returns from exports, instability in the mining sector and onset of Covid 19 pandemic in 2020 • Resistance to change owing to many years of decentralisation attempts • High Local Authority Debt

Legal Context for Decentralisation

The decentralization process has been given prominence in the national development agenda after being embedded in the laws of Zambia. The Constitution (Amendment) Act No. 2 of 2016; Part IX Articles 147 and 148, has given full legal mandate to the implementation of the National Decentralisation Policy by devolution. In article 147 (1), the Constitution provides that the management and administration of the political, social, legal and economic affairs of the State shall be devolved from the National Government Level to the Local Government level. Further, Article 147 (2) of the Constitution provides for the Annex that lists the concurrent and exclusive functions at National, Provincial and Local Government levels. Article 148 provides that local governance shall be undertaken through substructures and that the Government shall provide adequate resources for the performance of the functions of the sub-structures.

The decentralisation legal framework is further strengthened and supported by subsidiary legislation critical for successful implementation of decentralisation as follows:

- a) **Local Government Act No. 2 of 2019:** The Act provides for an integrated local government system and gives effect to the decentralisation of functions, responsibilities and services at all levels of local government. The Act ensures democratic participation in, and control of decision making by the people at the local level; revise the functions of local authorities and provide for the review of tariffs, charges and fees within the area of a local authority. The provisions of the Act also provide for the proceedings of the council and committees and the role of traditional leadership in democratic governance.

- b) The Employment Code Act No. 3 of 2019:** The Employment Code No.3 of 2019 – The Act regulates relationships existing between employed persons and employers on the labour market. The Act also prohibits discrimination at places of work and provides for management of employment contracts for persons employed on contracts, their benefits and entitlements and protection of wages. The Act further provides for the need by employers to develop policies, procedures and codes at work places. The Act also codifies certain legislation on employment which was passed at different times into one piece of legislation.
- c) Public Finance Management Act No. 1 of 2018:** The Act provides for an institutional and regulatory framework for management of public funds and the strengthening of accountability, oversight, management and control of public funds, public assets and stores in the public financial management framework. The Act specifies responsibilities and fiduciary duties of Controlling Officers and Controlling Bodies. It further provides for the enhancement of cash management systems to ensure efficient and effective utilisation of cash for the Government and processes for efficient production of the Financial Report for the Republic.
- d) Rating Act No. 21 of 2018:** The Act provides for the levying of rates, the assessment of rateable property, plant and machinery, and for the appointment and powers of valuation surveyors. The Act further provides for the continuation of the Rating Valuation Tribunal and revises its composition, jurisdiction and powers.
- e) Service Commissions Act No. 10 of 2016:** The Act has given legal expression to the implementation of the human resources management reforms in the Public Service with a defined governance structure. The Act provides for a principled and value based decentralised human resource management system for the public service and provides for the composition, additional functions, operations and financial management of the Judicial Service Commission, Civil Service Commission, Teaching Service Commission, Zambia Correctional Service Commission, Zambia Police Service Commission and Local Government Service Commission pursuant to the Constitution. The Act further provides for the establishment of human resource management committees in Government institutions, local authorities and delegation of functions of Service Commissions to government ministries and spending agencies within the framework of decentralisation.
- f) Urban and Regional Planning Act No. 3 of 2015:** The Act provides for development, planning and administration principles, standards and requirements for urban and regional planning processes and systems. The Act establishes for a democratic, accountable, transparent, participatory and inclusive process for urban and regional planning that allows for involvement of communities, private sector, interest groups and other stakeholders in the planning, implementation and operation of human settlement development.

The Act establishes procedures for integrated urban and regional planning in a devolved system of governance so as to ensure multi-sector cooperation, coordination and

involvement of different levels of ministries, provincial administration, local authorities, traditional leaders and other stakeholders in urban and regional planning. The Act also ensures sustainable urban and rural development by promoting environmental, social and economic sustainability in development initiatives and controls at all levels of urban and regional planning. Uniformity of law and policy with respect to urban and regional planning is also assured through this Act.