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Graduate School of Development Studies

**AN ASSESSMENT OF THE CAPACITIES OF THE ZAMBIAN
PARLIAMENT IN POLICY MAKING**

A Research Paper presented by:

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DEDICATION

I dedicate this paper to my darling wife - Rosemary Sandra Chimbini, my children – Taonga, Chimbini, Veliano, Zeliya and Patience, my parents – Modesta and Adrias Phiri as well as my brother Veliano Phiri of blessed memory.

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TABLE OF CONTENTS

DEDICATION.....	i
ACKNOWLEDGEMENTS.....	ii
TABLE OF CONTENTS.....	iii
LIST OF FIGURES	v
ACRONYMS AND ABBREVIATIONS	vi
A. REASON FOR WRITING ON THE GIVEN TOPIC	1
(i) Relevance and Justification of the Study	1
(ii) Research Hypotheses	3
(iii) Research Questions.....	3
B. THEORETICAL AND ANALYTICAL FRAMEWORK.....	4
(i) The Legislature	4
(ii) The Executive (the Government).....	14
(iii) The Civil Society and Interest Groups in Democracies.....	17
(iv) Theories in Assessing the Capacities of the Zambian Parliament in Policy Making	18
C. PROBLEMS FACED.....	24
(i) Policy Making Role in the Constitution of Zambia	24
(ii) Role of the Attorney General Vis a` Vis Signing of International Agreements	24
D. THEORY IN PRACTICE – EXAMPLE OF THE EMPLOYMENT AND LABOUR LAW VIS A` VIS WORKERS' RIGHTS ISSUE.....	25
(i) Concerns Expressed by Employers and Foreign Investors over Retirement and Retrenchment Packages.	25
(ii) Reaction of Employees, Civil Society and Trade Unions to the Government undertaking to revisit the Employment and Labour Laws.....	26
(iii) The role of the International Financial Institutions (IFIs) in the revisiting of the Employment and Labour Laws	27
(iv) The invocation of Workers' Rights in revisiting the Employment and Labour Laws	29

E. CRITICAL ANALYSIS OF THE ASSESSMENT OF THE	34
ZAMBIAN PARLIAMENT IN POLICY MAKING	34
(i) Policy Making Role of the Parliament as enshrined in the Constitution of Zambia.	34
(ii) Policy Making Role of the Zambian Parliament Vis a` Vis the Executive as enhanced by the civil society/media.	35
(iii) Influence of the Zambian Parliament in the reviewing of the employment and Labour laws.....	36
(iv) Role of the Zambian Parliament Vis a` Vis Civil Society, Media and general citizenry in Zambia's Foreign Mission Policy with regard to International Legal Obligations.	37
(v) The Role of the Civil Society, Media and General Citizenry Vis a` Vis Zambian Parliament in the Budget Process	38
(vi) Practical Case Illustrating Zambian Parliament Fitting Heywood Models Two and Three to Policy Making.	40
(vii) Invocation of the International Human Rights Obligations in Strengthening the Role of the Zambian Parliament in Policy Making	41
(viii) Weaknesses of the Zambian Parliament in Policy Making Vis a` Vis Operations of the Human Rights Commission and Anti-Corruption Commission	42
F. CONCLUSIONS AND RECOMMENDATIONS	44
(i) Findings.....	44
(ii) Recommendations.....	45
(iii) Possible Further Areas of Associated Research.....	46
BIBLIOGRAPHY	48
APPENDIX	52

LIST OF FIGURES

Figure 1: Separation of powers.....	4
Figure 2: Parliamentary System of Government.....	8

ACRONYMS AND ABBREVIATIONS

- ACC Anti-Corruption Commission
- AFRONET Inter-African Network for Human Rights and Development
- CRC Constitution Review Commission
- FDD Forum for Democracy and Development
- FODEP Foundation for Democratic Process
- FRA Food Reserve Agency
- FTUZ Free Trade Union of Zambia
- GRZ Government of the Republic of Zambia
- HIPC Highly Indebted Poor Countries Initiative
- HP Heritage Party
- HRC Human Rights Commission
- ICESCR The International Covenant on Economic, Social and Cultural Rights.
- IFIs International Financial Institutions
- IMF International Monetary Fund
- IND Independent Member of Parliament
- MMD Movement for Multi-Party Democracy
- MPs Members of Parliament
- NAMBORD National Marketing Board
- NGOs Non-Governmental Organisations
- PF Patriotic Front
- SACCORD Southern African Centre for Constructive Resolution of Disputes
- SAPs Structural Adjustment Programmes
- UK United Kingdom
- UNIP United National Independence Party
- UPND United Party For National Development
- US/USA United States of America
- USAID United States Agency for International Development
- WB World Bank
- ZAMTROP Zambia Intelligence Secret Account in the Office of the President
- ZCTU Zambia Congress of Trade Union
- ZFE Zambia Federation of Employers
- ZRP Zambia Republican Party

A. REASON FOR WRITING ON THE GIVEN TOPIC¹

(i) Relevance and Justification of the Study

Thirteen years after Zambia reintroduced multi-party politics (became the third Republic), the Constitution of Zambia still do have some problems which need addressing particularly with regard to policy making role of the Parliament (Wiseman, 1995:208). This is depicted by continued amendments which characterise the third republic. The Constitution of Zambia No. 17 of 1996 section 3 states that, "*except as provided under this act, the Constitution of Zambia Act, 1991, and the Constitution schedule thereto, are amended in so far as they form part of the laws of Zambia*"(National Assembly of Zambia, 1996: 9).

In line with the above provision, the study will advocate for the fine tuning of the language in the Constitution with regard to Parliament's role of policy making so that the language is made explicit as part of parliament's mandate. This is because legislation is after all policy making (Heywood, 1997:325) unlike in the current Zambian Government understanding where the role is solely attributed to the executive wing of government. The Constitution of Zambia states categorically that "*the Cabinet shall formulate the policy of the Government and shall be responsible for advising the President with respect to the policy of the Government and with respect to such other matters as may be referred to it by the President*"(Government of the Republic of Zambia, 1999:3). Policy making is, therefore, seen herein as a preserve of the executive wing of government only.

According to Heywood (1997:400), policy is a general plan of action adopted by an individual, group, business or government which also implies that a formal decision has been made, giving official sanction to a particular action. However, public policy, as the point of reference in the paper, is seen as the formal or stated decisions of government bodies. A policy is formulated after a policy process has taken place. Heywood (ibid) advances that a

¹ It is worthwhile to note that the structure of this whole paper departs significantly from the traditional research structure as approved by the Institute of Social Studies because the author of the paper felt that the nature of the topic of this research demands a structure which will effectively and clearly bring out the assessment of the capacities of the Zambian Parliament in policy making without delving into unnecessary repetitions which would have otherwise been the case.

policy process is the mechanism through which public (government) policy is made and it involves a linked series of actions and events as well as inputs and outputs.

There is usually tension between the executive and the legislature on the issue of who should initiate and formulate policy. The executive argues that they have been mandated by the Constitution as policy initiators and formulators. On the other hand, the legislature also argues that by engaging in law making, they are also initiating and formulating policies.

According to Heywood (1997:302), law is a set of public and enforceable rules that apply through-out a political community and is usually recognised as binding. He emphasises that law establishes a framework to which all conduct and behaviour conform, thereby applying equally to all members of society be it private citizens or government officials. He pointed out that the central purpose of law and indeed law making, is to protect citizens or individuals from abuse of one's liberty by others.

In the foregoing perspective, the study will venture to show that, tension arising from this understanding as, who should initiate and formulate policy, is unnecessary, as both the executive and the legislature do engage in policy making (Judge, 1990:1). It is in this context that the language in the Constitution with regard to policy making should be fine tuned so that parliament is equally mandated explicitly as a policy making body by virtue of being a law making body. This will even enhance the checks and balances² of both these organs of state as they will aim to outdo as well as complement each other, thereby, perfecting policy making role (Judge, 1990: viii – ix). In fact, tension arising from competitive and collaborative ventures of both the institutions is healthy for a true democratic state.

Further, the research will also address other internal and external forces impacting on the capacities of parliament in policy making role in order to establish the strengths and weaknesses in the capacities of parliament in policy making. Additionally, it is worth to note that the research topic of this study has become important at this point because it is being realised that the Constitution Review Commission which was put in place by the current

² The concept of 'Checks and Balances' refers to internal tensions within the governmental system that result from institutional fragmentation and quite essential and healthy for the performance of any government as a whole (Heywood, 1997:315).

President of Zambia, in the year 2002, is in sitting with the view of yet again amending the Constitution of Zambia. Therefore, this study is well timed because the problems, findings and recommendations with regard to the topic in hand will be forwarded to the Commission for consideration and possible inclusion.

(ii) Research Hypotheses

The basic hypotheses of this research are as follows;

- (a) The effective policy making role of the Zambian Parliament is influenced and enhanced by the operation and reaction of the civil society groups and the media.
- (b) The effective policy making role of the Zambian Parliament is influenced by the dictates of the World Bank (WB), International Monetary Fund (IMF), bilateral and multilateral co-operating partners.
- (c) The Zambian Parliament is becoming effective in the representative, oversight and scrutinising functions due to the onset of parliamentary reforms which have promoted interface between the Zambian Parliament and the electorates in the development of policy.

(iii) Research Questions

Based on the above hypotheses, the study will answer the following basic research questions;

- (a) Does the Zambian Parliament appear to be marginalised when it comes to policy making role?
- (b) Does the example of the employment and labour law in Zambia illustrate the limitation of parliament in policy making role or not?
- (c) What empirical issues are there to show that the Zambian Parliament has become effective in its role of policy making as a result of the onset of parliamentary reforms?

B. THEORETICAL AND ANALYTICAL FRAMEWORK

In order to understand how the Zambian Parliament operates with regard to the strengths and weaknesses of its capacities to policy making, the paper shall base itself on theoretical concepts on the legislative process of parliaments as advanced by Heywood(1997). Other authorities on parliaments will be cited ,as and when necessary, to add value to the discussion in hand. On the critical analysis of the paper, the study employs group theory, rational decision-making theory, incrementalism, game theory and institutionalism. However, particular emphasis has been given to Charles Lindblom's theory of the "Science of the Muddling Through" or simply incrementalism because the policy making process in the Zambian Parliament draws much from it as it will be shown later.

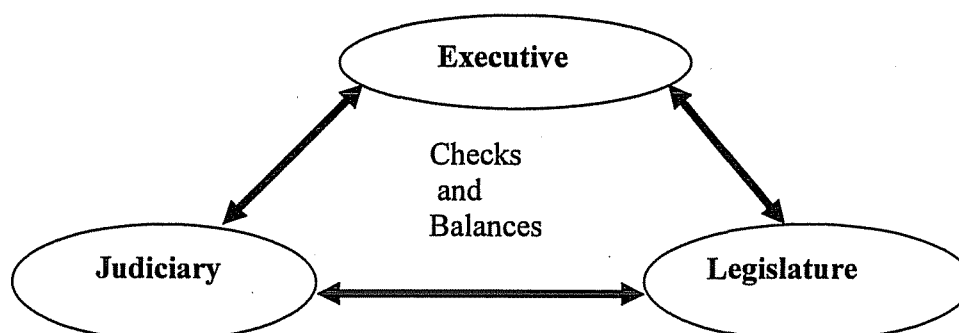
(i) The Legislature

Before a full account is given about the legislature, it is important to understand the doctrine of the separation of powers as postulated by Heywood (1997:312 – 315). He explained that the doctrine of separation of powers between the three wings of government namely, the executive, the legislature and the Judiciary, functions in the following order respectively;

- (a) Based on the laws made by the legislature, it implements laws by formulating government policies to regulate the day to day operations of the country's business.
- (b) It makes laws and approves ministerial statements as well as approving the national budget.
- (c) It interprets the laws and adjudicates on the laws and policies of the country.

Diagrammatically, he presented the doctrine of the separation of powers as follows;

Figure 1: Separation of powers



Adapted from: Heywood, 1997:315

Heywood (ibid), therefore, emphasised that the purpose of this separation of powers, as shown in the diagram above, is to fragment government power in such a way as to defend liberty and keep tyranny at bay. In a sense, it demands independence in that there should be no overlap of personnel between branches. However, it also implies inter-dependence in the form of shared powers to ensure that there are checks and balances. The separation of powers is applied most strictly in the USA, where it is the basis of the Constitution but the principle is respected in some form in all liberal democracies like Zambia.

Further, Heywood (1997: 312) advanced that classifying legislatures as debating chambers or representative bodies obscure their true significance because they, in fact, fulfil a complex of functions. He asserted that legislatures provide a link between government and the people as well as help to uphold the system and force government to respond to public demands and anxieties. He went on to emphasise that legislatures should not be looked upon as merely talking shops but as branches of government which affect the outcome of public policy. In view of this, he established that legislatures of the world can be classified into three broad categories namely;

1. Policy – making legislatures, which enjoy significant autonomy and have an active impact on policy.
2. Policy – influencing legislatures, which can transform policy but only by reacting to executive initiatives.
3. Executive-dominated legislatures, which exert marginal influence or merely rubber stamp executive initiatives.

The legislature in Zambia known as either the National Assembly or simply the Parliament (National Assembly of Zambia, 1996: 71-72) belongs to type 2 as well as type 3 categories of the above classification of the legislatures of the world. In other words, the Zambian Parliament is both a policy – influencing and executive dominated legislature. The

Constitution³ of Zambia is explicit on those issues when it states that, "*subject to the provisions of this Constitution, the legislative power of Parliament shall be exercised by the Bills passed by the National Assembly and approved by the President*" (National Assembly, 1996:82 -83). Bills are initiated, drafted and brought to the House by the executive wing for ratification or endorsement by parliament

Having discussed the three broad categories of the policy making classification of legislatures, Heywood (1997:316) also advanced that the key functions of legislatures are five fold namely, legislation, representation, scrutiny, legitimacy as well as political recruitment and training. However, in this study, an elaboration will be given on only three functions relevant to the study with respect to the Zambian Parliament as follows:

- **Legislation**

Heywood (1997:316) asserted that legislatures are typically vested with legislative power in the hope that the laws thus made will be seen to be authoritative and binding. He pointed out that in the UK system where parliament is vested with legal sovereignty; ministers routinely make laws through statutory instruments that are subject to little effective parliamentary scrutiny. The Zambian Parliament which is based on the Westminster model follows the UK system where parliament is also vested with legal sovereignty. The model advocates for supremacy of the parliament in as far as statute law is concerned (Ibid. 308). It is in this regard that ministers in Zambia, who are also Members of Parliament, more often than not, make laws through statutory instruments, ministerial statements and bills which they get drafted and brought to the House for ratification.

By ratification is meant a process in parliament where an individual appointed by the Presidents, signed reports, official documents and bills brought to the House by ministers are presented to the whole House indicating, where need be, the seconder of the motion for subsequent debate and adoption of the matter in hand. During ratification process, Members of Parliament can influence policy presented by the government by effecting changes to

³ A constitution is a set of rules that seek to establish the duties, powers and functions of government and define the relationship between the state and the individual. Constitutions can be classified on the basis of the status of their rules, how easily their rules can be changed, the degree to which their rules are observed in practice, and the content of their rules and the institutional structure that they establish (Heywood, 1997:309).

matters in hand. If adopted, the matter in hand is ratified and if not, the matter is rejected. In the case of a bill, which has to pass through three stages before it is adopted by the whole House in the Zambian Parliament, it is at that stage forwarded to the President for assent so that it becomes law. However:

“3(a) Where the President withholds his assent to a Bill, the Bill shall be returned to the National Assembly:

Provided that if the President withholds his assent to a Bill in respect of which a tribunal has reported under Article 27 of the Constitution that it would, if enacted, be inconsistent with Part III, the Bill shall be returned to the Assembly only if the President so directs.

(b) Where the President withholds his assent to a Bill, the Bill shall not again be presented for assent:

Provided that if, in the case of a Bill returned to the Assembly resolves within six months of the Bill being so returned upon a motion supported by the votes of not less than two-thirds of all the members of the Assembly that the Bill shall be so presented.

(c) Where a Bill is again presented to the Presented for assent in accordance with the provisions of (b), the President shall assent to the Bill within twenty-one days of its presentation, unless he sooner dissolves parliament.

(4) Any public bill which lapses by reason of prorogation before it has reached its final stage may be proceeded within next ensuing session at the stage it had reached in the preceding session if a general election for the Assembly has not taken place between such two sessions, under the following conditions:

(a) the Bill may be proceeded with resolution of the Assembly restoring it to the order paper.

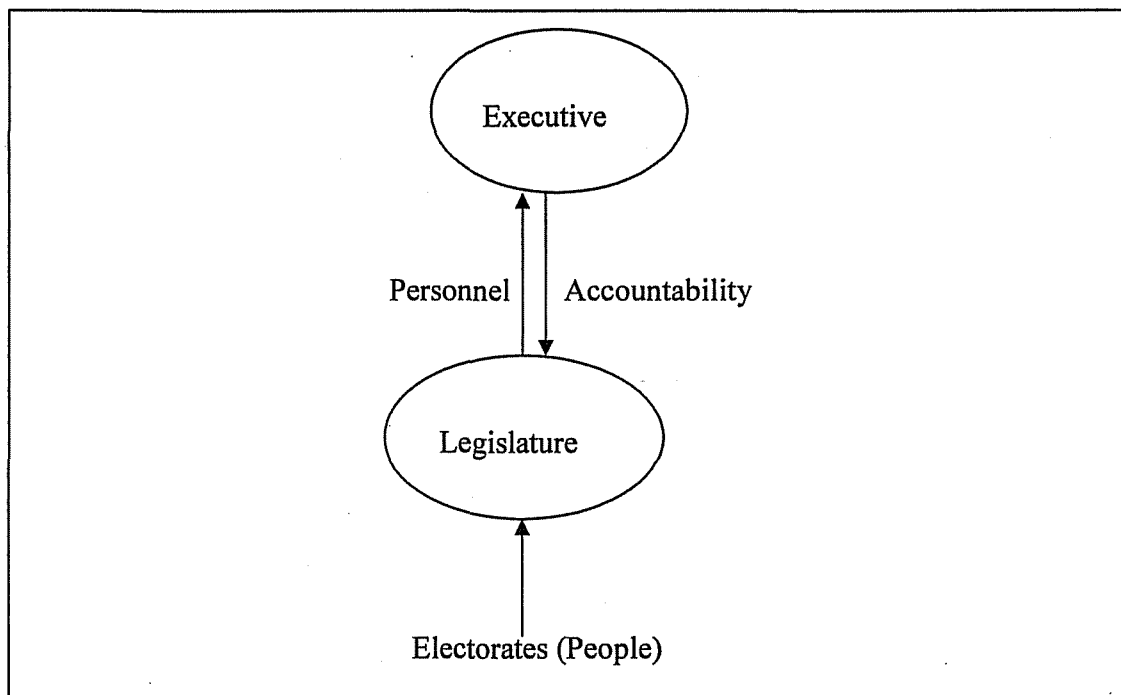
(b) Unless the resolution, restoring the Bill to the order paper, directs otherwise, the Bill shall be proceeded with at the commencement of the particular stage which it had reached during the preceding session” (National Assembly of Zambia, 1998: 46-47).

The ratification process of a Bill as shown above holds also for matters relating to presidential appointees into Public Office. In Zambia, the ratification process of Bills or presidential appointment into Public Office is completed when the matter in hand is promulgated by the President through what is commonly referred to as presidential assent. However, other matters do not necessarily need presidential assent for ratification to take course. For example, ministerial statements, adoption of international agreement reports and Parliamentary Committee Reports only require a majority vote of the members of parliament to be adopted as official documents (National Assembly of Zambia, 1998: 17 -26, 37 – 40) and (Cassell & Company Ltd, 1962: 190-195) .The whole scenario above describes ratification process in its varying forms in the Zambian Parliament.

- **Representation**

Heywood (1997:317) states that legislatures play an important representative role in providing a link between government (executive) and the people. The diagram below illustrates this link clearly.

Figure 2: Parliamentary System of Government



Adapted from: Heywood, 1997:314

Therefore, legislatures, as shown in the diagram above, are perceived as bodies which represent the people. For this reason, the power of a legislature within the political system is usually seen as an important index of democratic government. The Zambian Parliament has also a representative role. Part V, article 63, of the Constitution of Zambia explicitly states that the National Assembly shall consist of the following:

- one hundred and fifty elected members
- not more than eight nominated members
- the Speaker of the National Assembly.

(National Assembly of Zambia, 1996: 72).

These members represent the people of Zambia in the Zambian Parliament and act as a link between government and the people of Zambia (see the appendix for the statistics of the composition of the Zambian Parliament). In enhancing the representative role of the legislature, the bilateral donors such as the Canadian High Commission, Embassy of Ireland, Embassy of Sweden, the Federal Republic of Germany, and Embassy of the Kingdom of the Netherlands and the Danish Embassy provided technical assistance to the Zambian Parliament in undertaking parliamentary reforms dealing with improving the relationship between constituents and the MPs as well as broadening radio coverage of parliamentary debates (National Assembly of Zambia, 2003c: ii,5) Similar technical assistance was provided to the government as well as the civil society organisations and the private sector to foster democratic participation in the development of public policy (ibid).

The donor community realised that the process of consultation was essential, as improvement in governance requires the full involvement of all stakeholders, especially the poor majority, and the harnessing of their individual contributions to efforts to bring about democracy which serve as a good ground for effective policy development. It is in this perspective that the reform process of the Zambian Parliament has benefited from the significant input and comments of the public and various interest groups thereby enhancing the interaction between the parliament and the people. This “connectivity” has enabled parliament to engage the civil society, the media and the general citizenry in its policy making role (National Assembly of Zambia, 2003b: 5).

- **Scrutiny and Oversight**

Heywood (1997:318) pointed out that legislatures have the ability to constrain or check executive power through what he described as policy monitoring role. He stressed that legislatures have increasingly become scrutinising bodies with the aim of delivering responsible, transparent or accountable government. He emphasised that most legislatures have developed institutional mechanisms designed to facilitate the role where parliamentary systems, for example, usually subject ministers to regular oral or written questioning. The classic example here is Question Time in the UK House of Commons. This allows the Prime Minister to be cross-examined once a week, and subjects other senior ministers to similar scrutiny about once a month. He emphasised that since questioning and debating on the floor of a chamber inevitably tend to be generalised, much of the in-depth scrutinising work of legislatures is carried out by committees set up for this purpose. The powerful standing committees of the US Congress have served as a model for many other legislatures in this respect.

Arising from the above understanding, Heywood (1997:322 – 323) pointed out that the importance of the committee system cannot be underrated because they are the power houses as well as the very hub of the legislative process. He emphasised that whereas parliamentary chambers are for talking, committees are for working. To this effect, he advanced the advantages of committee systems as follows;

- they allow a range of views, opinions and interests to be represented.
- they provide the opportunity for fuller, longer and more detailed debate.
- they encourage decisions to be made more efficiently and speedily by restricting the range of opposing opinions.
- they make possible a division of labour that encourages the accumulation of expertise and specialist knowledge.

Subsequent to this, he puts forth the disadvantages of committee system as follows;

- they can easily be manipulated by those who set up and staff them.

- they encourage centralisation by allowing chairpersons to dominate proceedings behind a mask of consultation.
- they narrow the range of views and interests that are taken into account in decision-making.
- they divorce their members from the larger body, creating a form of sham representation.

In short, Heywood (1997:323) established that parliamentary committees have usually three fold functions. First, they may carry out detailed consideration of legislative measures and financial proposals. Secondly, committees may be set up to scrutinise government administration and oversee the exercise of executive power. Thirdly, ad hoc committees may investigate matters of public concern. He further argued that committees' power stems from their specialist responsibilities, permanent membership and lavish support in terms of funding and access to advise. This, he reiterated, allows them to match the expertise of the bureaucracy.

In this perspective, to fully appreciate the effectiveness of the parliamentary function of scrutinising and oversight in the multi-party era in Zambia, it is worthwhile to give a brief background to the development and reforms of the parliamentary committees. With the advent of multi-partyism in Zambia, in 1991, the government of the Republic of Zambia and the government of the United States of America signed a Grant Agreement on 28th September, 1992 to enable the Zambian Parliament to embark on parliamentary reforms with a view of improving its operations in the perspective of the provisions of the Constitution of Zambia (National Assembly of Zambia 2000:1). Subsequently, the Zambian Parliament signed a Memorandum of Understanding with the United States Agency for International Development (USAID) on 26th February, 1993 to start implementing the parliamentary reforms with a view of making the Zambian parliament increasingly transparent and accountable to the people on government policies. To spearhead the reforms, the Speaker of the Zambian Parliament appointed a ten (10) member Parliamentary Reforms Committee. This committee saw the reorganisation of the old committees and the formation of entirely new committees along the spirit of parliamentary reforms. The committees which were

formed were as follows; the Committee on Legal Affairs, Governance, Human Rights and Gender Matters, the Committee on Sport, Youth and Child Affairs, the Committee on Health and Community Development., the Committee on Delegated Legislation, the Committee on Transport and Communications, the Committee on Agriculture and Lands, the Committee on Employment and Economic Affairs, Public Accounts Committee, Committee on Estimates and Supply, Committee on Government Assurances, Committee on Energy and Tourism, Committee on Local Governance and Chiefs' Affairs as well as Committee on Information and Broadcasting. The functions of these committees were set out as follows;

- ✓ to study, report and make appropriate recommendations to the Government through the House on the mandate, management and operations of the Government ministries, departments and/or agencies under their portfolio;
- ✓ to carry out scrutiny of certain activities being undertaken by Government ministries, departments and/or agencies under their portfolio and make appropriate recommendations to the House for ultimate consideration by the Government.
- ✓ to make, if deemed necessary, recommendations to the Government on the need to review certain policies and/or certain existing legislation; and
- ✓ to consider any bills that may be referred to them by the House.

(National Assembly of Zambia, 2000:6)

The functions of the parliamentary committees of the Zambian Parliament are in line with what Heywood (1997:322-323) has established above except that, in the case of Zambian Parliament, they are framed in a specific and precise manner. Most of these committees are called departmentally-related committees because they target specific government ministries/departments in terms of overseeing or scrutinising the operations there (ibid: 4). Further, a parliamentary committee system forms an important mechanism which brings the legislature face to face with the government officials, increases information available to parliament on governmental policies and enables parliament to probe into maladministration and make recommendations for improvement. In addition, the many inquiries and investigations that the committees conduct bring parliament closer to the people and create awareness of various problems in public affairs and on key government policies.

The Committee system has, therefore, enhanced the work of parliamentary business because it has acquired the skill and competence to compete favourably with the executive wing of government on matters of public policy. This is the reason to develop the Committee system as well as to improve political debate, thereby, enhancing the plenary. This implies that the reforms of the committee system at National Assembly of Zambia have not only relieved pressure on the business of the House but have also enabled Committees deal with specialised matters in the most effective and efficient manner on policy relevant material.

The general scrutiny and oversight role in the Zambian Parliament, like in the UK system, is carried out through oral questioning by members of parliament of the back bench in the House mainly from the opposition members to the front bench, the ministers, on important government policies. This is in line with article 51 of the Constitution of Zambia which makes the cabinet and deputy ministers collectively accountable to the National Assembly (National Assembly of Zambia, 2003a:2-3). For instance, it was because of the effective parliamentary oversight function that the presidential third term bid for the predecessor of the current president failed. Some members of parliament from the ruling party along with the few opposition members in the House, then, put up a spirited fight to defend the Constitution of Zambia article 35 which states that,

“(1) Subject to clauses (2) and (4) every President shall hold office for a period of five years.

(2) Notwithstanding anything to the contrary contained in this Constitution or any other Law no person who has twice been elected as President shall be eligible for re-election to that office”(National Assembly of Zambia ,1996:54)

Clearly, this quotation provided for only two terms of office for the Republican President in Zambia. Therefore, it was because of this that some members of parliament from the ruling party which included the then Vice President and some cabinet ministers along with the opposition members of parliament barred the second Republican President from manipulating the Constitution of Zambia by filing in a petition to commence impeachment process against him.

Again like in the UK and US systems, the specific and in-depth scrutiny and oversight function in the Zambian Parliament is done by various constituted parliamentary committees. A key example of the effectiveness of the Zambian Parliamentary Committee's scrutinising and oversight function was demonstrated through the Public Accounts Committee when an opposition Member of Parliament, exposed the Zambia Intelligence secret account called the ZAMTROP Account which was allegedly abused for personal gain by the second Republican President. In line with the above observation, it has been put forward in one of the parliamentary report documents that the National Assembly of Zambia sits mainly in plenary but performs a number of its functions through committees (National Assembly of Zambia, 2000:1).

(ii) The Executive (the Government)

Having discussed the legislatures at length, it is worthwhile to discuss the executive in terms of its functions, composition and structure due to its close working relationship with the legislature in as far as policy making is concerned.

Heywood (1997:335) established that the functions of the executive include formulation and control of policy as well as popular leadership.

- **Formulation and control of policy**

This is the key function of the executive. The executives do not only initiate legislative programmes and help by persuasion or direction to make the legislative process to work, but in many instances, they also exercise a wide range of law making powers using orders and other instruments. As seen earlier, the Zambian situation is not different from this scenario. For example, the Anti – Corruption and Human Rights Commission Acts came into being through statutory instruments at the order of presidents of the first and second republics, respectively. Subsequently, these became translated into Acts of Parliament once they were declared as autonomous bodies. In the case of the Human Rights Commission, it has even been enshrined into the Constitution of Zambia .Therefore, it is now one of the constitutional bodies in Zambia.

- **Popular Leadership**

Heywood (1997:333) postulated that the executive is the irreducible core of government. He argues that political system can operate without constitutions, legislatures, judiciaries and even parties but they cannot survive without an executive branch to formulate government policy and ensure that it is implemented. In a broad sense, the executive branch of government is responsible for the implementation of laws and policies made by the legislature. The executive branch extends from the head of government to the members of enforcement agencies such as the police, the military, and public service commissions and includes both ministers and civil servants. More commonly, the term is now used in a narrower sense to describe the smaller body of decision makers (the cabinet) who take overall responsibility for the direction and co-ordination of government policy.

In Zambia, the Constitution of Zambia Part IV stipulates that the executive comprises, among others, the President of the Republic of Zambia who is the Head of State and of the government as well as Commander – in Chief of the Defence Force, the Vice-President who is appointed by the President, the Secretary to the Cabinet also appointed by the President who is subject to ratification by the National Assembly (National Assembly of Zambia, 1996: 52 – 71). The Secretary to the Cabinet is the Head of the Public Service and is responsible to the President for securing the general efficiency of the Public Service.

Further, there is the Attorney General who is also appointed by the President, subject to ratification by the National Assembly. The Attorney General is an ex-officio member of the Cabinet and the principal legal adviser to the government. His general functions include the drafting of, and signing of all government bills to be presented to Parliament. He also draws and peruses all international agreements, contracts, treaties, conventions and documents, by whatever name called, to which the government is a party, or in respect of which the government has an interest. Further, article 54(3) of the same part of the Constitution of Zambia states that subject to other provisions of this constitution, no agreement, contract, treaty, convention or document by whatever name called, to which government is a party or in respect of which the government has an interest, shall be concluded without legal advice of

the Attorney – General, except in such cases and subject to such conditions as parliament may by law prescribe. (National Assembly of Zambia, 1996: 52 – 71).

In addition, the executive consists of the Solicitor – General who is also appointed by the President, subject to ratification by the National Assembly. The Solicitor – General is expected to exercise or perform any duties performed by the Attorney – General. He is, in essence, a deputy to the Attorney – General as he acts or assumes all of his duties and functions when the Attorney –General is ill or absent from office (National Assembly of Zambia, 1996: 52- 71). Clearly, therefore, the role of the Auditor General or the Solicitor General, in his absence, in international agreements or foreign policy is central as he confides in the cabinet before he undertakes to sign those agreements. Upon signing them, he reports back to the cabinet. In this arrangement, the cabinet is given an opportunity for input into international agreements embarked upon by the state whether with bilateral or multilateral co-operating partners such embassies of the US, Sweden, the Kingdom of the Netherlands, Denmark, the Federal Republic of Germany, Italy , Canada , United Nations, IMF and WB(National Assembly,2003c:1).

To this end, therefore, the composition and structure of the executive in Zambia is similar to what Heywood (1997:334) emphasised that it is made up of political executives and official executives. Political executives comprise elected politicians, ministers drawn from and accountable to the legislature. The job of the executive is to formulate policy in accordance with the political and ideological priorities of their party and to oversee its implementation. The official executives comprise appointed and professional civil servants whose job is to offer advice and administer policy, subject to the requirement of political neutrality and loyalty to their ministers. However, in parliamentary systems such as those in Australia, Canada, India and UK, Zambia inclusively, the political/bureaucratic distinction is blurred by the fact that senior civil servants often make a substantial contribution to policy-making. Policy making will be understood here in the perspective of Charles Lindblom as put forward by Heywood (1997:401) that it is a continuous exploratory process: a process of “muddling through”, implying responsiveness, flexibility, contestation and compromise. This understanding of policy making is based on the theory of incrementalism which entails that decisions are made not in light of clear-cut objectives, but through small adjustments dictated

by changing circumstances. This overlap is even greater in a presidential executive system such as USA where the President is the only elected politician in the executive.

(iii) The Civil Society and Interest Groups in Democracies

Heywood (1997:335) stressed that any other part of the political system is crucial to the character and stability of the system. He pointed out that without support from the public, or from key groups in society, policy implementation becomes difficult, perhaps impossible. In Zambia, the situation is the same as described herein. However, such support in Zambia emanates from some of the opposition political parties, civil society groups such as development organisations which cater for non – governmental organisations (NGOs); professional organisations which cater for sectors like farmers' associations and trade unions; religious organisations which cater for churches and their movements as well as grassroots' organisations which cater for women and youth groups and the citizens at large.

Heywood (1997:272) is explicit on the role of the civil society and interest groups in democracies as he pointed out that the term, civil society, is used to describe institutions that are 'private' in that they are independent from government and organised by individuals in pursuit of their own ends. He emphasised that 'civil society' refers to a realm of autonomous groups and associations, businesses, interests groups, community groups and clubs that are set up and funded by individual citizens to satisfy their own interests rather than those of the larger society. However, although civil society can be distinguished from the state, it, nevertheless, contains a range of institutions that are thought of as 'public' in the wider sense that they are open institutions, operating in public, to which the public has access. Civil society groups, in this sense operate like an interest group because more often than not, they are organised to influence policies or activities of government (Heywood, 1997:272). Civil Society and interest groups differ from political parties because they seek to exert influence from outside, rather than to win or exercise government power. Their importance in democracies cannot be overemphasised as they use different tactics in influencing politics and government policies through what is known as pressure politics. The pressure politics tactics range from serving on public bodies and helping to administer government programmes to organising campaigns of civil disobedience and popular protest. The pressure thus exerted is good for any true democratic government because it keeps it lively aware of

its responsibility of efficiently and effectively formulating and implementing its policies and programmes (Stewart, 1958:6-7).

In Zambia, civil society groups such as Women For Change, Women's Lobby Group, Foundation for Democratic Process(FODEP) and Inter-African Network for Human Rights and Development(AFRONET) do challenge the government as well as advise it on various government policies and programmes such as labour issues, human rights work issues, gender sensitive matters and education policies('The Status of Human Rights Organisations in Sub-Saharan Africa Zambia', <http://www1.umn.edu/humanrts/africa/zambia.htm>. {08/25/2004}). Government might also become inclined to consult some of such groups because they are assumed to possess specialist knowledge and information that assist it in the formulation of workable policies (Heywood, 1997:273). Moreover, government mere contacts with the civil society, media and general citizenry is important because it encourages consultation and co-operation to build up where possible a responsive attitude to its policy proposals while working hard to eliminate open discontent (Stewart, 1958:7).

(iv) Theories in Assessing the Capacities of the Zambian Parliament in Policy Making

In assessing the capacities of the Zambian Parliament in policy making, group, rational decision-making, incrementalism, and game and institutionalism theories are referred to from time to time. However, particular emphasis has been paid to the rational decision-making theory and Charles Lindblom's approach to policy making known as the "Science of Muddling Through" or simply incrementalism because of their distinctive features which are of great help to the study. Before that is done, a brief word on each of the theories mentioned above is as follows:

- ✓ Group theory - advances that interaction among groups is central to policy making (ibid: 23). It asserts that individuals with common interests band together formally or informally to press their demands upon government whereby the group becomes the essential bridge between the individual and the government in influencing public policy. Therefore, this theory holds that public policy at any given time is the equilibrium reached in the group struggle to an extent where policy will move in the

direction desired by the groups gaining in influence and away from the desires of groups losing influence(Dye, 1972:23 -24).

- ✓ Rational decision - making theory - is also called rational -comprehensive theory to policy making in that it is designed to maximise the 'net value achievement', implying that all relevant values of a society are known and that any sacrifice in one or more values that is required by a policy is more than compensated for by the attainment of other values. Rationality in this sense assumes that the value preferences of society as a whole can be known and weighted (ibid: 28).
- ✓ Incrementalism - views public policy as a continuation of past government activities with only incremental or slight modifications (ibid: 32). This view to policy making was highly advanced by Economist, Charles E. Lindblom through his approach referred to as " the Science of Muddling Through"(ibid:32).
- ✓ Game theory - is the study of rational decisions in situations where two or more participants have choices to make and the outcome depends on the choices made by each of them. It is applied to policy making where there is no independently best choice that one can make where the best outcome depends on what others do(ibid:34). It is further advanced that the idea of a "game" is that decision makers are involved in choices that are independent where each player must adjust his conduct to reflect not only his own desires and abilities but also his expectations about what others do.
- ✓ Institutionalism - refers to policy as an institutional activity where public policy is conceived to be authoritatively determined , implemented and enforced by government institutions(ibid:20). This theory advances that political activities generally centre about particular government institutions - congresses, the presidency, courts, states, municipalities and political parties while activities of individuals and groups are generally directed toward governmental institutions (ibid). It is further argued that a policy does not become a public policy until it is adopted, implemented and enforced by governmental institutions.

Having given a brief description of the theories that will be referred to from time to time in the analysis of the paper, find below an elaborate account of two of the theories which are the cornerstone of the analysis of the paper due to their contrastive features.

- ***Rational comprehensive theory to Policy making***

This theory is based on the premise that decision making emphasises human rationality which assumes a process that both clear-cut objectives exist and that human beings are able to pursue them in a rational and consistent manner (Heywood:401). It is advanced that policy is rational when it is most efficient in the sense that the ratio between the values it achieves and the value it sacrifices is positive and higher than any other policy alternative. The idea in this view involves the calculation of all social, political and economic values as sacrificed or achieved by a public policy not just those can be measured in dollars (Dye 1972:28).

Therefore, Dye (1972:28), pointed out that to select a rational policy, policy makers must;

- (a) know all the society's value preferences and their relative weights;
- (b) know all the policy alternatives available;
- (c) know all consequences of each policy alternative;
- (d) calculate the ratio of achieved to sacrificed societal values for each policy alternative; and
- (e) select the most efficient policy alternative.

This rationality assumes that the value preferences of society as a whole can be known and weighted (Dye 1972; 28).

Looking critically at Rational Comprehensive Theory to policy making, one is able to ascertain that this approach requires information about alternative policies, the predictive capacity to foresee accurately the consequences of alternative policies, and the intelligence to calculate correctly the ratio of costs to benefits. Finally, rational policy making requires a decision-making system that facilitates rationality in policy formation (ibid: 28). This can be likened to a scientific way to policy making where one conducts an assessment of a phenomenon, outlining the aims and objectives as well as methods to the study of the phenomenon and so on (Dewey, 1933:107-114).

However, Dye(1972;31-32) criticised the Rational Comprehensive Approach to policy making and asserted that there are many barriers to such rational decision making because it, in fact, rarely takes place in that strict and scientific-like manner due to the following factors:

- (a) There are no societal values which are usually agreed upon, but only the values of specific groups and individuals, many of which are conflicting.
- (b) The environment of policy makers, particularly the power and influence system, renders it impossible for them to see or accurately weigh many societal values, particularly those values which have no active or powerful proponents.
- (c) Policy makers are not motivated to make decisions on the basis of societal goals, but instead try to maximise their own rewards - power, status, re-election and money.
- (d) Policy makers are not motivated to maximise net goal achievement, but merely to satisfy demands for progress.
- (e) Large investments in existing programs and policies prevent policy makers from reconsidering previous alternative decisions.
- (f) There are innumerable barriers to collecting all the information required to know all possible policy alternatives and the consequences of each alternative, including the cost of information gathering, the availability of the information, and the time involved in its collection.
- (g) Policy makers have personal needs, inhibitions, and inadequacies which prevent them from performing in a highly rational manner.
- (h) Uncertainty about the consequences of various policy alternatives compels policy makers to stick as closely as possible to previous policies to reduce the likelihood of disturbing and unanticipated consequences.

Therefore, because of all the factors mentioned above, Dye (1972:31 - 32) threw out the idea that policy making is best done through rational comprehensive approach. Rather, he suggested that it is more often than not done through an incremental manner as shown below.

- *Charles Lindblom's approach to policy making (incrementalism)*

This approach called the "Science of Muddling Through" (Lindblom, 1959:79 - 84) is also called incrementalism because it views public policy as a continuation of past government activities with only incremental or slight modifications (Dye, 1972:32). Further, the approach calls for a socially contested exercise to policy formulation as all parties and identified stakeholders come together to share different views on key societal issues with the aim of coming to a socially agreed law or policy. Emphasis of this approach to policy making is on contestation of ideas and theories until compromise is achieved. Basically, this approach marries nearly all the theories as highlighted in the study.

Dye (1972; 32), pointed out that according to Lindblom, decision makers do not annually review the whole range of existing and proposed policies, identify societal goals, research the benefits and costs of alternative policies in achieving the goals, rank-order preferences for each policy alternative in terms of the ratio of benefits to costs, and then make a selection on the basis of all relevant information. He stressed that, on the contrary, constraints of time, intelligence, and cost prevent policy makers from identifying the full range of policy alternatives and their consequences. Further, constraints of politics prevent the establishment of clear-cut societal goals and the accurate calculation of cost-benefit ratios. Thus the incremental model recognises the impractical nature of the Rational Comprehensive Approach to policy making, and describes a more conservative process of decision making. According to Dye(ibid), incrementalism is conservative in that existing programs, policies and expenditures are considered as a base, and attention is concentrated on new programs and policies and on increases, or modifications of current programs. He reiterated that policy makers generally accept the legitimacy of established programs and tacitly agree to continue previous policies.

To this end, Dye (1972:33) postulated that incrementalism is politically expedient as agreement comes off easily in policy making as items in dispute only increases or decreases

in budgets due to some slight modifications to existing programs. He established that conflict is heightened when decision making focuses on major policy shifts involving great gains or losses or “all or nothing,” “yes or no” policy decisions. He emphasised that because the political tension involved in getting new programs or policies passed every year would be very great, past policy victories are continued into future years unless there is substantial political realignment. Thus, he contended, that incrementalism is important in reducing conflict, maintaining stability, and preserving the political system itself. Heywood(1997:401) in referring to the “Science of Muddling Through”, pointed out the approach calls for a socially contested exercise to policy formulation as all parties and identified stakeholders do come together to share different views on key societal issues with a view of arriving at a socially agreed law or policy. Emphasis of this approach to policy making is on contestation of ideas and theories until compromise is achieved.

C. PROBLEMS FACED.

(i) Policy Making Role in the Constitution of Zambia

There is a problem of entrenching and fully realising the strengths and weaknesses of the roles and capacities of the Zambian Parliament in matters dealing with policy making. More often than not, this role is almost entirely attributed to the executive wing of government. The Constitution of Zambia (Article 50) is explicit on this point as it states that: "*The Cabinet shall formulate the policy of the government and shall be responsible for advising the President with respect to such other matters as may be referred to it by the President*" (National Assembly of Zambia, 1996:64). However, it has been noticed that when some policy problems surface, the legislature gets drawn into policy debate though it never gets consulted on key international agreements which the executive enters into with international bodies such as those belonging to the International Financial Institutions (IFIs) like the World Bank (WB) and the International Monetary Fund (IMF).

(ii) Role of the Attorney General Vis a` Vis Signing of International Agreements

The Attorney General is charged with the responsibility of signing the various agreements on behalf of the government (the executive). He does not, however, consult with the legislature before hand as he does with the rest of the cabinet by virtue of him being an ex-officio member of the cabinet. Understandably, he is not constitutionally required to consult with the legislature before signing any key agreement on behalf of the government. This is the more reason why this research is important as it will set the tone for change to this practice so that the legislature gets involved in the whole process right from the beginning. If it means going for a referendum to effect this change, let it be so because this will empower the House on such key matters which impact greatly on the Zambian citizens.

D. THEORY IN PRACTICE – EXAMPLE OF THE EMPLOYMENT AND LABOUR LAW VIS A` VIS WORKERS' RIGHTS ISSUE.

In order to concretise the problems as established in the preceding part of the paper, there is need to establish that there are internal and external factors which facilitate the capacities of parliament to address certain policy problems. The internal forces will discuss, among other things, practical issues dealing with the separation of powers between the executive and the legislature on issues of policy making. Alongside this, practical issues involving the civil society, media and trade unions in Zambia in safeguarding the workers' rights, will also be discussed. Thereafter, the external forces will be brought in to show how they exert pressure on the capacities of the Zambian Parliament in policy making. This will bring us to the discussion on Human Rights obligations with regard to workers' rights on employment and labour.

(i) Concerns Expressed by Employers and Foreign Investors over Retirement and Retrenchment Packages.

There has been some concern expressed by the foreign investors and employers in Zambia that the labour law, concerning pensions and retrenchments, offers too generous a package to employees for them to adequately afford to administer those provisions. The part of the employment and labour law being referred to relate to Part III section 39 of the Public Service Pensions which states that:

“(1) Subject to the provisions of Part XI and of subsection (2), an officer who retires on the abolition of his post or to facilitate an improvement by which greater efficiency or economy could be effected in the organisation of the part of the service to which the officer belongs shall be entitled with effect from the date of the officer's retirement to receive a pension calculated as follows;

$$\frac{KA \times B + KA \times D}{C}$$

$$C \quad 60$$

Where KA = his pensionable emoluments

B= the number of completed months of his pensionable service

C= the age at which he retires, expressed in complete months;

D= the number of completed periods of three years in his pensionable service, to a maximum of ten.

(2) A pension payable under subsection (1) shall not exceed-

(a) the pension calculated with reference to the salary scale on which the officer was serving at the time of retirement, to which the officer would have been entitled if the officer had continued to hold the post held at the date of retirement until the date on which the officer would otherwise have retired under the provisions of this Act having received all scale increments for which the officer would have been eligible by that date; or

(b) two-thirds of the highest annual rate of pensionable emoluments received by the officer at any time during the officer's pensionable service" (Government of the Republic of Zambia, 1996:808).

The above given Act is one of the widely referred to statute in the administration of retirement and retrenchment benefits in the public as well as private sector of which the foreign investors and the employers of Zambia wanted revisited for the reason as indicated earlier. In light of this, the executive wing of government through the Ministry of Labour and Social Security made an undertaking early in the year (2004), that they will be reviewing the labour laws to cater for the concern of the foreign investors and employers.

(ii) Reaction of Employees, Civil Society and Trade Unions to the Government undertaking to revisit the Employment and Labour Laws.

In response to the above government position, the workers also expressed their concern through the two mother trade union bodies by imploring government to speed up the enactment of pending laws relating to employment and labour. Their argument has been that the revisit of an enactment on those laws should be in tune with present times and ensure industrial harmony is attained as the tendency by employers is to violate workers' rights ('ZCTU, ZFE implore State to speed up pending labour laws enactment', <http://www.times.co.zm/news/> . {08/18/2004}). The Zambian government is trying to come

up with the amended Employment and Labour legislation to create investor confidence environment for development to flourish in Zambia. However, the civil society groups such as AFRONET and Women for Change along with the two mother body trade unions in Zambia, ZCTU and Free Trade Unions of Zambia have voiced their concern forewarning government and particularly parliamentarians to be sensitive to the workers' plight in ensuring that workers' rights are not violated when the employment and labour laws are revisited.

(iii) The role of the International Financial Institutions (IFIs) in the revisiting of the Employment and Labour Laws.

The process of revisiting the employment and labour laws in Zambia is further being pressurised by the International Financial Institutions(IFIs) in the likes of the World Bank and the International Monetary Fund(IMF) who have signed a number of agreements with the executive wing of government in a bid to revive and strengthen the ailing economy of Zambia ('Conference on the Ethical Dimensions on International Debt', <http://www.nccbuscc.org/sdwp/international/shusum500.htm>.{08/24/2004}). Some of such agreements include the Highly Indebted Poor Countries (HIPC) Initiative which was launched by the World Bank and the IMF in 1996 under the premise that there is a debt overhang that cannot and will not be repaid, and that rescheduling alone is not productive but that there is need to identify portions of the debt which is unsustainable and then reduce it. The government of Zambia having entered into agreement with the World Bank and the IMF on the HIPC initiative meant agreeing to the various conditionalities which accompanied the agreement.

The conditionalities entailed implementing the structural adjustment programmes (SAPs) and the maintenance of sound economic policies as essential for poverty alleviation. Further, there was need for good governance, consisting of such elements as sound financial institutions, an efficient tax system, a transparent foreign trade and exchange rate regime, a non-corrupt legal system, and respect for human rights to qualify for poverty alleviation. The Initiative also called for increased spending on health, education, access to safe water, effective social safety nets and attention to income distribution('Conference on the Ethical Dimensions on International Debt', <http://www.nccbuscc.org/sdwp/international/shusum>

[500.htm.{08/24/2004}](#)). The World Bank and the IMF asked the Zambian government to pay particular attention to the economic conditionality to ensure that it maintains fiscal discipline in the year 2004 by not running a budget deficit by December, 2004 like the way it did the previous year in 2003 to qualify for the full HIPC programme in order to be eligible for financial assistance for the country's developmental projects (Government of the Republic of Zambia (GRZ), 2004:3, 5, 10-11).

Therefore, to avoid running a budget deficit, the government of Zambia announced stringent measures for employees in Zambia by imposing a wage freeze for all public service workers and further reducing the workforce to cut on expenditures. These measures sparked protests from the workers through their two mother trade union bodies. They staged a protest at the Parliament grounds to pressurise the members of parliament into dissuading them from approving the annual budget which entailed increased suffering for the already poorly paid Zambian workers. Realising the benefits of the longer term effects of embracing the World Bank and IMF conditionalities, parliament approved the controversial budget to enable the country to reach the HIPC Initiative Completion point by December of 2004.

With the fore going, it is apparent that the Legislature in Zambia only gets drawn into the above debate by nature of it of being an authoritative body which determines whether the issue in hand deserves ratification or not. This is reminiscent of Heywood's assertion (1997:327) that government governs in the sense that it is responsible for formulating and later implementing a legislative programme while the legislature plays an essentially reactive role. Further, this whole scenario is affirming the earlier view of Heywood(1997:325) that particular legislatures like the Zambian Parliament in this case is of the two nature, namely, a policy – influencing assembly which transform policy only by reacting to executive initiative as well as an executive-dominated legislature which exert marginal influence or merely rubber-stamp executive decisions.

(iv) The invocation of Workers' Rights in revisiting the Employment and Labour Laws

Therefore, for government to enact legislation through parliament which caters for the concern of the workers as expressed by the civil society groups, media and trade unions in Zambia, there is need to bring to the fore the issues of workers' rights in the example given of revisiting the employment and labour laws of the country. The government need to take into account the various and relevant human rights⁴ obligations. This is what is being advocated for by the civil society, media and trade unions along with some local employers' associations in Zambia. The Times of Zambia as downloaded from the internet carried a headline, 'ZCTU, ZFE implore State to speed up pending labour laws enactment', (<http://www.times.co.zm/news. {08/18/2004}>). Here both the employees' organisation, the Zambia Congress of Trade Unions, and the employers' organisation, the Zambia Federation of Employers, prodded the state to speed up the amending of legislation on the employment and labour laws that would address their concerns in the most effective and equitable manner. In the article, ZCTU President, expressed great concern about the enactment of laws that would ensure employers in Zambia did not violate workers' rights while the ZFE Vice President, also pointed out that government should quickly put in place and implement the National employment and labour market policy whose draft was finalised a long time ago. He also reiterated that his organisation, in patiently waiting for the finalisation of the labour law review process, is also committed to always engage in reasonable social dialogue and promote best industrial practices in Zambia.

The Human Rights obligation which the Government could invoke through the legislature in addressing workers' rights and the concerns of foreign investors as well as employers is the International Covenant on Economic, Social and Cultural Rights (ICESCR). Zambia became a State Party⁵ to this on 10th April, 1984 when it acceded to it ("Treaties: Ratification and

⁴ The term "human rights" is used to denote a broad spectrum of very diverse rights, ranging from the right to life to a cultural identity. It involves all elementary preconditions for an existence worthy of human dignity (Van Genugeten, ed, 1992:15).

⁵ By State Party, it refers to those human rights instruments, treaties and conventions or covenants to which a particular country has appended its signature in order to regulate the affairs of that particular country in the spirit of those instruments, treaties, conventions or covenants. For example, Zambia is a signatory to the following; the Convention on the Elimination of All Forms of Discrimination Against Women, The International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child.

Reservations”, <http://www.hri.ca>. {24/05/2004}). This covenant has approximately fifteen articles which deals with human rights issues on individual self determination, obligations arising from international economic co-operation based upon the principle of mutual benefit and international law. According to article 6 of this covenant, it states that:

“1. The State Parties to the present covenant recognise the right to work which includes the right of everyone to the opportunity to gain his living by work which one freely chooses or accepts and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realisation of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social, and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual” (Treaties: Ratification and Reservations” , <http://www.hri.ca> {24/05/2004}).

Further, article 7 also states that:

“The States Parties to the present Covenant recognise the right to everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers as a minimum, with:

(i) Fair wage and equal remuneration for all work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level subject to no consideration other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as for public holidays” (ibid).

They are not as yet firmly binding until they are enshrined in the country’s constitution or laws of the country (O’ Flaherty, 1996:149-153).

Such a Covenant, if well integrated into the Zambian law on employment and labour, will enhance government legislation. This is because it will take care of the concerns raised by the workers in Zambia of ensuring that laws that would be enacted by Parliament did not violate workers' rights.

The avenues through which the workers' rights, the employers' as well as foreign investors' concerns are often brought to impact into employment and labour laws of democratic societies are through bill of rights, establishment of human rights Commissions, Anti-Corruption Commission as well as through the formation of joint parliamentary committees on human rights ("Charter 88's position", <http://www.charter88.org.uk/policy/rights.html>). {08/08/2004}). The situation on those aspects in Zambia is as follows;

✓ Bill of Rights.

Since Zambia is a State Party to the ICESCR, it is easy to incorporate the relevant articles of the covenant as identified above into the bill of rights as enshrined in the Constitution of Zambia. Part III of the Zambian Constitution contains the bill of rights which is essentially the protection of fundamental rights and freedoms of the individual (National Assembly of Zambia, 1996: 23 -52). It is here where articles 6 and 7 of the ICESCR could also be fused in.

✓ Establishment of Human Rights Commission, Anti - Corruption Commission and a Joint Parliamentary Committee on Human Rights.

The Zambian Government has already established the Human Rights Commission and the Anti Corruption Commission. In fact, The Human Rights Commission is fully enshrined in the Constitution of Zambia (National Assembly of Zambia, 1996:114 – 118) unlike the Anti-Corruption Commission. Further, the parliamentary committee on human rights is fully operational at the Zambian Parliament (National Assembly of Zambia 1999:1-2). These bodies influence government policy by operating as scrutiny and oversight institutions in the country.

At an instigation of the executive wing of government, the Human Rights Commission (HRC) and the Anti-Corruption Commission (ACC) came into being through Acts of Parliament (Human Rights Commissions Act No, 39 of 1996 and Anti-Corruption

Commission Act No. 47 of 1997) ('Protectors or Pretenders? Government Human Rights Commissions in Africa' <http://www.Hrw.org/reports/2001/africa/zambia.html>, {08/25/2004}) & (SAP – Project, 'Corruption: Is it Endemic in Zambia?' <http://www.fluc.org/iaup/sap>, {08/25/2004}). Though both of these Commissions report to the executive wing of government, as and when necessary, they have been given an autonomous status so that they carry their work impartially and independently from any government interference.

According to Section 9(a) – (f) of the Human Rights Commission Act, the commission's functions are to:

1. Investigate human rights violations;
2. Investigate any maladministration of justice; and
3. Propose effective measures to prevent human rights abuse.

The commission's investigatory powers include the power to investigate any abuses on its own initiative or on receipt of a complaint. According to sections 10(2) – (3), the commission is empowered to issue summons or orders requiring the attendance of any authority before the Commission. The Commission also possesses some powers to recommend for the release of a person from detention as well as for the payment of compensation to a victim of human rights abuse. In short, the Act gives the commission absolutely no power to enforce its findings (should it chooses to do so) beyond making public its findings. Instead, it only makes recommendations to the appropriate government agency, which can choose to uphold or ignore the commission's recommendations ("Protectors or Pretenders? Government Human Rights Commissions in Africa", <http://www.Hrw.org/reports/2001/africa/zambia.html>, {08/25/2004}).

With respect to the Anti – Corruption Commission (ACC), it has threefold function. Apart from investigations, the commission also undertakes to prevent the occurrence of corruption in both public and private bodies including in matters dealing with employment and labour. The Commission performs this function through examining the practices and procedures of public and private bodies and advise these bodies on systematic reforms in policies and

procedures in order to reduce the vulnerability to corruption. A third function of the Commission is information dissemination on the evil and dangerous effects of corruption on society ('SAP – Project 'Corruption: Is it endemic in Zambia?' <http://www.fluc.org/iaup/sap.08/25/2004>). This education campaign is meant to foster support against the phenomenon of corruption (Corruption Practices Act, No. 14, 1980, 71).

With regard to the Parliamentary Committee on Legal Affairs, Governance, Human Rights and Gender Matters, it oversees and scrutinises government policies of the Ministry of Justice, department of Gender Division and the operations of the Commissions such as the Human Rights, Anti-Corruption, Drug Enforcement and the Electoral Commission of Zambia (National Assembly of Zambia, 2002:1, 3 -14). Like any other parliamentary committee in Zambia, it is also mandated to carry out detailed scrutiny of certain activities of government departments and/or agencies and make appropriate recommendations to the House for ultimate consideration by the government. Further, it is mandated to make, if deemed necessary, recommendations to government on the need to review certain government policies and/or certain existing legislation as well as to consider any bills that may be referred to it by the House (National Assembly of Zambia, 1999:1). Therefore, if found suitable, the House will forward the pending amended legislation on Employment and Labour to this Parliamentary Committee for its input before it proceeds to the House for the third reading in the process of being ratified.

E. CRITICAL ANALYSIS OF THE ASSESSMENT OF THE ZAMBIAN PARLIAMENT IN POLICY MAKING

In applying the theories as identified above in section B of the paper, the study will generally pay special attention to Charles Lindblom's approach as it assesses the capacities of the Zambian Parliament in policy making. It will be shown that the strengths of the Zambian Parliament in policy making lie in its legislative, representative, oversight and scrutiny functions on issues amenable to be addressed by it such as the review of labour legislation while its weaknesses lie in its failure to assume control of the HRC and the ACC which operate like oversight and scrutiny bodies of Zambian Parliament. This section will attempt to answer the research questions while also shedding some light on the research hypotheses identified at the beginning of the study.

(i) Policy Making Role of the Parliament as enshrined in the Constitution of Zambia.

According to Part IV (Article 50) of the Constitution of Zambia, as seen earlier in the paper, it gives explicit policy making role to the cabinet. It is silent on the same matter when it discusses the functions of the National Assembly of Zambia. However, as the argument established in the paper is that, legislation, which is one of the key functions of the legislature, is also policy making, it is only feasible to logically state that policy making is also a prerogative of the Zambian Parliament.

Policy making in the Zambian Parliament is done through contestation of ideas by the MPs. The concept of Charles Lindblom's "Science of Muddling Through" is expounded in the way policy making is done in Parliament. Further, considering the stages through which the Bills on particular policy matter pass, we are apt to appreciate the involvement of Parliament in influencing particular government policies. Article 94 of the National Assembly Standing Orders 1998 states, in part, as follows;

"(1) A public Bill (Government or private member's Bill) is a Bill which relates to matters of public policy and is introduced directly by a member of the House who may be a Government Minister or a private member.

(2) No Bill shall be brought to the House except-

(a) upon motion made and question put that leave be given to bring in such a Bill.

(c) by a Minister after notice” (National Assembly of Zambia, 1998:37).

Further, Article 108(1) states as follows; “ *All committees on Bills shall have power to make any amendments therein, provided it is relevant to the subject matter of the Bill; but if any such amendment shall not be within the title of the Bill, the committee shall amend the title accordingly and report the same specially to the House*” (ibid,42) while Article 109(1) states that “*Members desiring to have proposed amendments to Bills placed upon the order paper must hand them, fairly written and signed by them, to the Clerk or deliver them at his office not later than 1430 hours on the day before that on which they are so to appear*” (ibid, 43).

Therefore, there is no doubt that the Zambian Parliament has a policy making role in the country. Members can have influence on the Public Bill brought to the House in form of initiating counter bills in form of Private Member Bills or offering direct input in form of amendments to the Public Bill even as they belong to the committees of the House.

(ii) Policy Making Role of the Zambian Parliament Vis a` Vis the Executive as enhanced by the civil society/media.

Basically, when we discuss issues amenable to be addressed by the Zambian Parliament such as the review of employment and labour legislation, we know that we are also dealing with the Executive wing of government. The Executive, as shown above, is the one charged with the responsibility of policy formulation and co-ordination. Even the Zambia Daily Mail newspaper carried an article on the similar issue where the Head of State in Zambia advocated for policy formulation as a prerogative of the government.

In reaction to the civil society, who were advocating for adoption of the new constitution of Zambia through the Constituent Assembly, the President of Zambia pointed out that it is only government which is best suited to formulate a Bill and take it to parliament based on the will of the people (‘You are not elected, civil society told’, [{16/09/2004}](http://www.daily-mail.com.zm/from01.htm)).

This kind of reasoning or looking at issues is closely associated with the theory of institutionalism which claims that only top government officials and institutions should push for and formulate the policies of the country. In a way, this position also recognises Parliament as an institution charged with the responsibility of policy making. After all, Heywood (1997:312), as seen earlier, established that legislation is also policy making at a superior level because the executive formulate policies based on the laws made by the legislature.

(iii) Influence of the Zambian Parliament in the reviewing of the employment and Labour laws.

As seen earlier, the process of reviewing the employment and labour laws by the government started due to complaints from the foreign investors and other employers in Zambia over hefty retirement and retrenchment packages being awarded to the Zambian workers. The situation was accelerated by the conditionalities, as seen earlier, of the WB and the IMF given to government so as not to incur a budget overrun in the year 2004 as the case was in 2003. Government was required to adhere to stringent fiscal measures in order to reach the HIPC Completion point by 31st December 2004 in order to qualify for developmental aid finances from the IFIs. This translated into an impending wage freeze and retrenchments through the annual budget address to be presented at Parliament. In reaction to all these, the civil society and workers in Zambia, through the two mother trade union bodies, ZCTU and FTUZ, engaged the government and the Parliament in ensuring that the budget was not adopted by the House and to ensure that the adjustments to be made to the existing employment and labour law caters for the workers rights.

Going by Charles Lindblom's approach of the "Science of Muddling Through", one already sees the different and conflicting ideas being advanced by different stakeholders in advancing their causes. First and foremost, Parliament went ahead to adopt the Budget. This was done with the understanding that the longer term benefits to come by for the ailing economy of Zambia outweigh the short term impacts. Government has also gone ahead by commencing proceedings in revisiting the employment and labour law. However, as of end of October 2004, no progress has so far been reported by the government on the matter.

Therefore, it can be established that Parliament does have the influence in the on going review of the employment and labour law. The fact that it adopted the 2004 Budget is already an act of influence on the policy issues on employment. However, we should also note that in this matter, Parliament is also constrained by the influence of the IMF and WB as they regulate the fiscal policies of the government, as it has been seen above. This is not to emphasise that the influence is positive or negative, but to show that the Zambian Parliament is not an island in policy making. It needs other key players to effectively enhance its policy making role.

Further, some scholars contend that the way government come up with socially agreed to legislation or policy is through rational comprehensive approach. For example, Judge (1990:1-2), pointed out that an adequate conception of policy making requires the activities of policy communities to be located within the broader framework of representative government. It is through policy communities that policy alternatives are well defined and intellectually formulated. One is tempted to agree with Judge's view if one looks at government's current pronouncements about coming up with a bill to review the employment and labour legislation through the skill and expert knowledge of specialists who will perform an excellent task in this regard ('ZCTU, IFE Implore State to Speed up Pending Labour Laws Enactment', (<http://www.times.Co.Zm/news/viewnews.cgi?category=4&id1092796138>. {08/18/2004}).

(iv) Role of the Zambian Parliament Vis a` Vis Civil Society, Media and general citizenry in Zambia's Foreign Mission Policy with regard to International Legal Obligations.

Looking critically at Zambia's foreign mission policy as it relates to the way in which international legal obligations are drawn, we are able to deduce that it is the executive which enters into legal agreements with the international organisation as well as International Financial Institutions (IFIs) such as the World Bank and International Monetary Fund (IMF). This is done without prior consultation or involvement of the legislature. Inter-Parliamentary Union (1962:284), also pointed out on the same subject that for a long time, foreign policy was not regarded as among the prerogatives of Parliament on grounds that diplomacy was the province of princes or top governments officials and not commoners. They further, stated

that this state of affairs is the result of all thinking of early writers on constitutional law, who tended to fall in with the ideas handed down to them and to rule out any idea of participation by the people in the conduct of international affairs. It is, in fact, in the foregoing understanding where the real tension between the executive and the legislature lies, as this implies that the electorates have had no input in the initial agreement apart from when it comes to parliament for normal legislative procedure. This, understandably though, is the normal stuff of doing business in democratic societies with regard to foreign policy.

Despite the above position, a cross section of the different stakeholders, the civil society groups, the media and the general citizenry in Zambia have raised concern regarding the old style of doing international business and have been advocating that Parliament should not continue to let this go on. It needs to get actively involved in the initial international legal agreements where the Executive, through the Attorney General, enters into agreements with the international bodies. To make the process even more democratic and going by Charles Lindblom's approach to policy making, the civil society groups and other Non Governmental Organisations(NGOs) need to be involved as key stakeholders as they represent sectional or group interests which are vital for the promotion of effective policy making and democratic governance(Heywood,1997:270 - 273).

When the government of Zambia allows the foregoing social process to policy making to take course, the incremental approach to policy making will be seen to be actively at play. Consequently, the policy outcome to be attained in Parliament will have been socially contested and agreed to. Under these circumstances, therefore, Zambian Parliament policy making role will be strengthened as various input enriches the reservoir of knowledge, power and its practice.

(v) The Role of the Civil Society, Media and General Citizenry Vis a` Vis Zambian Parliament in the Budget Process

The budget is an important national policy document on how the government is going to generate and spend its revenue. Therefore, involvement of different stakeholders in its process is cardinal. Against this background and that in (IV) above, the budget presented to the National Assembly of Zambia at the beginning of the year (2004), sparked some mixed

reactions from a cross section of the Zambian citizens. The citizens felt that the executive never consulted them when they came up with that particular budget which they claimed was not people driven. For example, the Chairperson of the National Economic Advisory Council in Zambia reported on the same subject that the institutionalisation of transparency in the budgeting process in the country was vital. He made this submission at the Southern African Centre for the Constructive Resolution of Disputes (SACCORD/ Friedrich Ebert Stiftung Consultative Workshop at Mulungushi International Conference Centre on 26th August, 2004.

Further, the Chairperson of the National Economic Advisory Council stated that Parliament should be involved in revenue generating and spending while emphasising that parliamentarians' involvement in the budget process was very critical in order to render meaning to the country's democracy. This view has also been supported by Wildavsky (1986) when he stated that when there was no information availed to the parliamentarians on the budget before hand, they become uncooperative and uninterested in the whole process. The Chairperson of the National Economic Advisory Council further reiterated that part of the difficulty on parliament's involvement in the budget related to the way the constitution of Zambia framed this subject 'Aka calls for transparency in the budgeting process', <http://www.zamnet.zm/zamnet/post/homenews.html.{07/26/2004}>). He could have been referring to Article 81 and Part X on Finance in the Constitution of Zambia which provided for limited powers of the parliament in the control of revenues and expenditures in the budget. It is this sort of doing business between the executive and the legislature which makes one conclude that the Zambian parliament as it exists fits Heywood's models two and three to policy making (Heywood, 1997:325). Model two, as seen earlier, states that parliament can be categorised as a policy -influencing body which transform policy only by reacting to executive initiatives while model three holds that executive-dominated parliaments exert marginal influence or merely rubber-stamp executive decisions.

In the foregoing debate, on the budget, particularly in the manner the government of Zambia makes agreements with the international bodies, one is able to see how the institutionalism theory is at play. It is being applied when one considers the way the international legal agreements are drawn by the Attorney-General, who, by the fact that he is an ex-officio

member of the cabinet as well as being a Principal Advisor to the government, gives advice to the executive on the undertaking of such agreements. This sort of doing business within the government served to entrench the theory of institutionalism which emphasised that public policy is authoritatively determined, implemented and enforced by government institutions. The international agreements signed by the government are done through the Attorney General who, as earlier seen, liaises with the Cabinet before undertaking to sign the international agreements and reports back after having done so. In this theory, there is no mention or consideration of the various stakeholders. I feel sticking to such a theory in policy making cannot enrich the grounds for effective policy making. It is because of this that the civil society, media and general citizenry are appealing to government as much as possible to involve parliamentarians, who are the people's representatives, in the budget process as well as in international agreements.

(vi) Practical Case Illustrating Zambian Parliament Fitting Heywood Models Two and Three to Policy Making.

A case showing that the Zambian Parliament fits Heywood's models two and three is where the Minister of Agriculture, brought up a bill to the House early in 2002, on the re-introduction of Crop Marketing Board in the likes of the defunct National Marketing Board (NAMBOARD) of the second republic. Like the way NAMBOARD used to function, it too was to be charged with the responsibility of buying farm products from the farmers and also stock farm inputs for selling at subsidised rates to farmers as a way of promoting agriculture industry in Zambia, particularly with the declining dependence of Zambia's economy on copper which used to be the backbone of the country's economy since Zambia's independence in 1964 up to the early years of the 1990s.

The introduction of the Crop Marketing bill was so attractive to nearly all the members of the House that it was unanimously endorsed by the whole House during the first and second readings. However, before it could be presented for the third reading, it was withdrawn by the same Minister who had brought it before the House. It was withdrawn because the IFIs raised concern with the issue of providing subsidies to farmers at a time when they are supposed to liberalise the economy and allow markets to regulate themselves in the promotion of any industry in Zambia. In any case, government also argued that there was

already the Food Reserve Agency (FRA) charged with the similar responsibility which the Crop Marketing Board was going to do despite the agency running as a commercial venture. Up to date, this bill has never been forwarded for third reading for it to be enacted into law. However, if the executive had wanted it to proceed into third reading and become law, this would have no doubt had been done. It is in such matters that one is able to see that parliament's role to policy making is also limited and largely depends on the executive initiatives.

In the above case also, one immediately sees the weight of impact of the IFIs on the policy making role of the Zambian Parliament. Parliament did not proceed to consider the Bill because of the conditionalities of the IFIs on Government to liberalise the economy and to do away with subsidies in order to allow markets to regulate all industries in the country. This coerced government in discontinuing with the Bill, thereby, depriving Parliament's influence on that matter. According to Article 194 of the National Assembly Standing Orders 1998, Bills withdrawn by the Presenter or promoter cannot be proceeded with. They are withdrawn without question put (National Assembly of Zambia, 1998: 76). This is, therefore, a clear case showing the limited policy making role of the Zambian Parliament in the face of the government initiatives and the influence of the IFIs.

(vii) Invocation of the International Human Rights Obligations in Strengthening the Role of the Zambian Parliament in Policy Making

In reference to the above practical case in (vi) and the other cases met earlier in the text, on revisiting employment and labour law and the imposed wage freeze on the already poorly paid Zambian workers, it is worth to consider invoking the International Human Rights Obligations to which Zambia is a State Party in strengthening the voice of parliament on matters of that nature. This is because, in the human rights perspective, good and progressive standards need no compromise or going backwards. In fact, the employment and labour law review process being discussed in Zambia by the identified stakeholders particularly the workers through their trade unions is based on the understanding of this framework. The study has revealed that in such matters, the Zambian Parliament could effectively influence policy.

Thus, going by the incremental approach to policy making, Parliament can invoke the human rights instrument called the International Covenant on Economic, Social and Cultural Rights (ICESCR) to ensure that the review of the Employment and Labour legislation does not violate the workers rights nor infringe on the rights/privileges of the employers or foreign investors as the case may be.

As discussed earlier, the avenues through which the workers' rights and employers' as well as foreign investors' concerns can be made to impact onto the review of the employment and labour laws in Zambia include the Bill of Rights, the established Human Rights Commission (HRC), the Anti-Corruption Commission and the established parliamentary Committee on Legal Affairs, Governance, Human Rights and Gender Matters as well as by enshrining the rights into the Constitution of Zambia. Incidentally, in discussing the same subject, the Human Rights Commission Chairman, while submitting to the Constitution Review Commission (CRC) in Lusaka on 8th August, 2004 pointed out that Zambia needed a Constitution that would set out workers' rights. He called for the incorporation of the International Covenant on Economic, Social and Cultural rights into the Constitution of Zambia ('HRC submits to CRC calling for Social, Economic and Cultural Rights', <http://www.zamnet.zm/post/homenews.html>. {09/08/2004}).

The Chairman of HRC further stressed that the next Constitution must provide in the Bill of Rights, that every worker had a right to fair and safe labour practices and standards and to be paid a living wage consistent with the poverty datum line. He also submitted that men and women should be entitled to equal work and equal remuneration. Finally, he pointed out that men and women were both entitled to equal opportunity in political, economic and social activities.

**(viii) Weaknesses of the Zambian Parliament in Policy Making Vis a`
Vis Operations of the Human Rights Commission and Anti-
Corruption Commission**

Further, it is also important to note that the legislature has some weaknesses in its policy making role. This is clearly depicted in the manner in which the bodies which came into being through acts of parliament operate, such as the Human Rights Commission (HRC) and the Anti-Corruption Commission (ACC). The fact that these were formed by Acts of

Parliament justifies the call from the civil society, media and citizenry to make them answerable to Parliament.

Both of those commissions perform sensitive tasks which need no interference of any kind to enable them function impartially in an effective and efficient manner. As the situation stands now, they are answerable to the executive. The heads of both these institutions report directly to the President. However, the institutions are referred to as autonomous bodies which I find as a contradiction of some kind, as no one would strongly oppose the head of state's instructions out of due loyalty to the appointing authority or worse still, for fear of losing ones job. The real independence in this arrangement is, therefore, being robbed off. This raises questions than answers and justifies the call to have them operate under the authority of Parliament. As seen earlier in the paper, both of the institutions operate like the oversight and scrutiny bodies of the Parliament so much that if they were realigned with it, they will operate independently, in a real sense.

If the above reporting arrangement of the HRC and ACC is embarked upon, it will have a telling effect on the oversight and scrutiny functions of the Zambian Parliament as it will entail the extension of its powers to influence policy competently on matters dealing with human rights and corruption. In fact, this will add value to the parliamentary reforms which have been embarked upon to open up the operations of parliament to the general public as well as making it more effective on functions of legislation, representation, oversight and scrutiny. By the incremental approach to policy making, this is a slight modification to undertake, otherwise, as the situation stands, Parliament is simply being used as a conduit for the realisation of such bodies of which it has little or no control over. In a set up of this nature, one is apt to see parliament as a victim of marginalisation when it comes to policy making role on matters of human rights and corruption.

F. CONCLUSIONS AND RECOMMENDATIONS

Arising from the foregoing discussion and analysis on the Assessment of the Capacities of the **Zambian Parliament in Policy Making Role**, the following are the major findings/conclusions, recommendations and further suggested possible areas of research in connection with the study.

(i) Findings

- (a) Going by the language of Article (50) in the Constitution of Zambia, it does not seem to recognise the **Zambian Parliament** as a policy making body. It only recognises the executive as the only policy making body.
- (b) The effective policy – making role of the **Zambian Parliament** appears to be marginalised due to the active role of the international organisation bodies such as the **World Bank**, and the **IMF** in the affairs of the government of Zambia.
- (c) The civil society, media and other **NGOs** play a vital role in enhancing effective policy making role in democracies, not only of the government but also of the **Parliament**.
- (d) The **Zambian Parliament** has the capacity to influence policy on matters such as the review of the employment and labour law.
- (e) Zambia is a signatory to the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**. However, this Covenant is not enshrined in the Constitution of Zambia to provide the **Zambian Workers** with the much needed workers' rights neither is it referred to in any part of any of the laws of Zambia.
- (f) The **Human Rights Commission** and the **Anti-Corruption Commission** came into being through Acts of Parliament. Both these bodies operate like scrutiny and oversight institutions of the **Parliament**. However, as the situation stands, they owe their allegiance to the executive wing of government despite being given the autonomous status.

(ii) Recommendations

Based on the above findings, the following are the policy recommendations.

- (a) There is need for fine-tuning the language in the Zambian Constitution with regard to the policy-making role of the Zambian Parliament. Further, there is need to state that both the executive and the legislature shall be involved in policy formulation except that the enforcement or implementation will remain the core function of the executive while legislation or law-making will remain the key function of the legislature as per the dictates of the doctrine of separation of powers. This will avoid the unnecessary skirmishes on this issue which arise as a result of the misleading statement in the Zambian Constitution.
- (b) The Zambian Parliament should be involved in all major agreements being undertaken by the government and international organisations particularly the IFIs to avoid appearing as marginalised in the whole legislative process especially as they deal with the national budget. Consequently, the Attorney-General should not only consult with the Cabinet but also with the Parliament before he/she signs any international agreement. This will enhance the policy-making role of the Zambian Parliament on matters of that nature.
- (c) The civil society, media and other NGOs in Zambia should be politically supported and seen as partners in development rather than as hostile partners because they, more often than not, assist the government as well as the parliaments to effectively and efficiently develop realistic public policy. In other words, the various criticisms which they provide make the government as well as the Parliament to be alert and responsive to different needs and demands of the Zambian people.
- (d) The Zambian Parliament need to push for the domestication of the ICESCR in the statutes of the country particularly the Constitution of Zambia to further enhance its influence on policy matters dealing with employment and labour.
- (e) All the human rights instruments, treaties and conventions to which Zambia is a state party such as the ICESCR should be enshrined in the Constitution of Zambia so that

they become binding to all Zambian citizens. In so doing, the Zambian Parliament will easily invoke them in its legislative process, thereby, enhancing the policy making role of the Zambian Parliament on matters bordering on issues of human rights and general well being of Zambian citizens.

- (f) To enhance the oversight and scrutiny function of the Zambian Parliament, the Human Rights Commission (HRC) and the Anti-Corruption Commission (ACC), should be realigned with the Parliament because of the nature of their work which need not interfered with if they have to do a good job. This will strengthen the policy-making role of the Zambian parliament on issues of human rights and corruption in the country.

(iii) Possible Further Areas of Associated Research

Looking at the nature of the study, I feel further research in the following areas would be worth undertaking to contribute, either directly or indirectly, not only to the assessment of the capacities of the Zambian Parliament in policy making , but also to the promotion of democratic governance in the country as a whole.

- **Assessing Parliamentary Reforms in Zambia** – The research on this topic can show how the Parliament was operating before the reforms and how it is currently operating, after the implementation of the reforms. Ultimately, therefore, it should establish the successes and failures of the parliamentary reforms in Zambia especially as influenced by the paradigms of New Public Management and Human Resources Management. Real indicators should be established to measure the successes and failures of the reforms. Thereafter, the topic should advance the way forward emanating from the research on the role of the Zambian Parliament in the promotion of democratic governance.
- **Assessment of Policy Making Role of the Zambian Parliament as it interacts with the Judiciary** – The research on this topic could be quite interesting as the judiciary is another wing of government which by its core function is not charged with policy making powers. Even the Constitution of Zambia does not recognise it as such. As we saw in the study under review, the Judiciary's core function is to

interpret the laws and adjudicate on the laws and policies of the country (Heywood, 1997:312). So, to assess its policy making powers as it interacts with the Parliament might be interesting. At the end of it all, the research should show how the interactions of both these institutions contribute to policy making role of the country.

- **The effects of Human Rights Treaties and Conventions on the Policies of the Zambian Government** – The research under review did allude to the human rights, treaties and conventions when it discussed the example of Government of Zambia revisiting the Employment and Labour Legislation as a case in point where parliament can ably influence policy. The research in particular referred to the ICESCR as one human instrument which could be enshrined in the Constitution of Zambia because Zambia is a State Party to that instrument. Hence, such an instrument need to be binding to all Zambians whether employees or employers. Therefore, because the research did not make an exhaustive discussion of the other key human rights treaties and conventions on how much they too can affect the policies of the country, an in-depth research in this area will be worth considering. This will make the Zambian Government to have a responsible and humane sensitive environment on which policy making process of the country thrives well. Ultimately, good and acceptable policies of the country which will stand the test of time are going to be realised.

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APPENDIX

COMPOSITION AND NATURE OF THE ZAMBIAN PARLIAMENT

AS OF 13TH JULY, 2004

1. MMD	76
2. UPND	43
3. UNIP	13
4. FDD	12
5. HP	2
6. PF	2
7. ZRP	1
IND	1
<hr/>	
Total No. of Elected Members of Parliament	150
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Total No. of Nominated Members of Parliament	8
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Total Membership in the House	158
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Elected Women Members of Parliament	19

10/10/10

10/10/10

10/10/10

10/10/10

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10/10/10
