



WHAT IS GOVERNMENT POLICY

“ Understanding Governance in Zambia”

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ABBREVIATIONS

AU	African Union
COMESA	Common Market for Eastern and Southern Africa
MPs	Members of Parliament
NAZ	National Assembly of Zambia
PAC	Policy Analysis and Co-ordination Division
SADC	Southern African Development Community
SAPs	Structural Adjustment Programmes
UN	United Nations

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Policy Monitoring and Research Centre



WHAT IS GOVERNMENT POLICY?

“ UNDERSTANDING GOVERNANCE IN ZAMBIA”



FOREWORD - EXECUTIVE DIRECTOR

The Policy Monitoring and Research Centre (PMRC) is proud to present this publication under the “*Good Governance Series*”. We strongly believe that good governance is an integral cornerstone in the foundation of a nation’s development and economic growth. PMRC has noted that although Zambia is making impressive progress towards promoting good governance, some challenges still exist that may hinder good governance if not adequately addressed. Lack of access to information on policy and legislation; inadequate information management systems; as well as lack of appropriate engagement channels for ordinary citizens to interact in policy processes continue to pose challenges for good governance interventions in the country.

The importance of the rule of law, open and accountable institutions, strong civil society organisations, and protection of human rights for all citizens and all communities cannot be over emphasised. PMRC’s report series on Good governance, seeks to unpack “*What is government policy?*”; and how a conducive policy environment can be created in our country. This work ultimately seeks to promote dialogue and constructive debate on good governance in the socio economic policy landscape in order for Zambia to be more prosperous and more economically successful.

PMRC is hopeful that by understanding, what policy is and how policy processes are created and implemented, citizens will be empowered with the right kind of information that will enable them to make informed decisions and interact more meaningfully with their leaders at community, provincial and national levels. This will ultimately promote increased participation into the policy making process whilst also ensuring transparency.



BERNADETTE DEKA

Executive Director

NATIONAL SYMBOLS OF ZAMBIA



Coat of arms of Zambia

The coat of arms of Zambia was adopted on 24 October 1964 when the Republic of Zambia attained its independence.

The eagle represents the conquest of freedom and nation's hope for the future. The pick and hoe represent the country's economic backbone: agriculture and mining, as well as the characteristics that have influenced Zambia's evolution and nature. The shield is a representation of Victoria Falls with white water cascading over black rock. The Victoria Falls represents the Zambezi river, from which Zambia takes its name.

The coat of arms also has emblems of Zambia's natural resources: minerals and mining, agriculture and wildlife. The shield is supported by two figures which represent the common man and woman of the nation. The country's motto is **"One Zambia, One Nation"** which emphasises unity and harmony.



Flag of Zambia

The flag of Zambia, adopted on October 24, 1964, is green with an orange coloured eagle in flight over a rectangular block of three vertical stripes, coloured from left to right: red, black and orange. The colours used in the flag of Zambia are rich in symbolism. Green stands for the nation's vegetation, red for the nation's struggle for freedom, black for the Zambian people, and orange for the land's natural resources and mineral wealth.

Additionally, the eagle flying above the coloured stripes is intended to represent the people's ability to rise above the nation's problems (Sovereignty).

The Zambian flag was slightly modified in 1996. The shade of green used in the 1964 flag was replaced with a brighter and lighter green and the eagle was slightly altered so as to be more like the one used in the Zambian coat of arms.

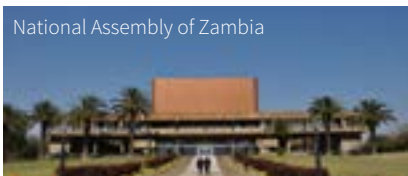


Zambia National Assembly

The unicameral National Assembly is Zambia's legislative body. This is the wing of government responsible for the formulation of laws.

The current National Assembly, has a total of 158 members. 150 members are directly elected in single-member constituencies using the simple majority (or First-past-the-post) system. The remaining 8 seats are filled through presidential nomination. All members serve five-year terms.

National Assembly of Zambia



The Zambian Judiciary

The Judiciary of Zambia is an independent arm of the government. Under Article 91(2) of the Constitution, Judges, Magistrates and Justices shall be independent, impartial and subject only to the Constitution and the law.

Judiciary Objectives

- Administer justice through resolving disputes between individual and individual, and between state and individual
- Interpret the constitution and the laws of Zambia
- Promote the rule of law and contribute to the maintenance of order in society
- Safeguard the constitution and uphold democratic principles
- Protect human rights of individuals and groups
- The Administration of Judicature

WHAT IS POLICY?

KEY DEFINITIONS

POLICY



A policy refers to a statement of goals, objectives and courses of action outlined by the Government to provide guidance on its intended actions.

POLICY PROCESS



The policy process refers to the collective procedures/mechanisms for effective policy formulation, adoption, implementation, monitoring and evaluation and the consultation that takes place at all stages.

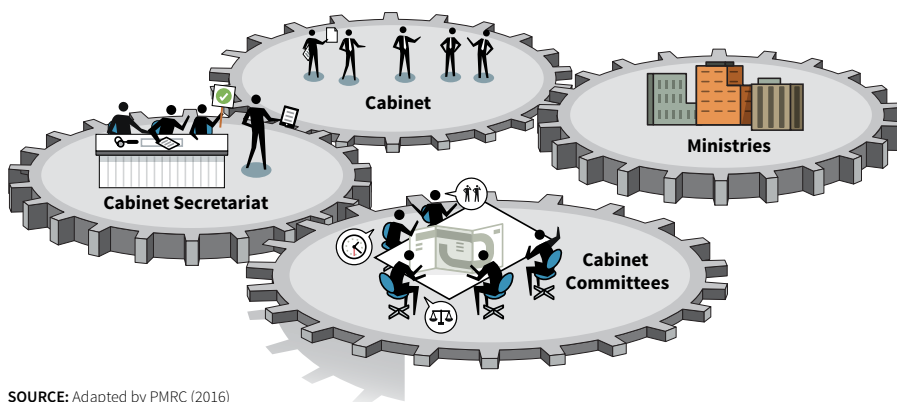
KEY PLAYERS



The key players in the Policy Process are Ministries, Cabinet Secretariat, Cabinet Committees and the Cabinet.

The term '**government policy**' can be used to describe any course of action, which intends to change a certain situation. We must think of policies as a starting point for government to take a course of action that makes a real life change. Government uses policy to tackle a wide range of issues. Government can also change Law, so when a policy is created, it can be made to affect specific groups of people or everyone in our society.

FIGURE 1: POLICY MAKING PROCESS KEY PLAYERS



SOURCE: Adapted by PMRC (2016)

FORMS OF LEGISLATION



Laws are a system of rules that are enforced through social institutions to govern behavior. They are made by legislatures (Parliament) through legislation (resulting in statutes) or by the executive through decrees and regulations. Laws carry the power and authority of the enactor, and associated penalties for failure or refusal to obey. The Law derives its legitimacy ultimately from universally accepted principles such as the essential justness of the rules, or the sovereign power of a parliament to enact them.



A statute is a formal written enactment of a legislative authority that governs a boundary, city or country. Typically, statutes command or prohibit something, or declare policy.



Statutory Instrument (SI) - An order, regulation, rule, bye-law, warrant, license, certificate, direction, notice, guideline issued by a government or its agencies for the enactment or enforcement of a specific statute. Statutory instruments detail the measures that must be taken by the entities to which they are addressed.



A bill is a proposed law under consideration by a legislature. A bill does not become law until it is passed by the legislature (Parliament) and, in most cases, approved by the executive. Once a bill has been enacted into law, it is called an Act or a statute.



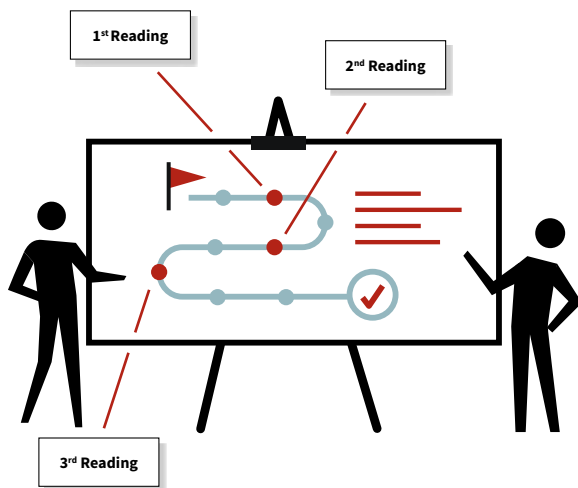
An Act of Parliament is a law enacted as primary legislation by a national parliament. In Commonwealth countries, the term is used both in a narrow sense, as the formal description of a policy passed in certain territories, and in a wider (generic) sense for primary legislation passed in any country.

UNDERSTANDING THE BILL

A bill becomes a law once it is passed by a majority of the National Assembly and assented to by the president. A bill must be read and debated three times before it is submitted to the president. When a bill is presented to the president, he/she will either assent or withhold consent. If the president withholds his assent, the president may return the bill to the National Assembly with suggestions for amendments. The National Assembly will reconsider the bill as amended. However, if the bill is passed once again by the National Assembly by at least two-thirds of the National Assembly, amendment or no amendment, the president must assent to it unless he dissolves the National Assembly and calls for his and their elections. Once a bill is passed and assented to, it does not become technically operational until it has been published in the official *Zambian Gazette*.

SOURCE: Adapted from National Assembly of Zambia and the Cabinet Handbook

FIGURE 2: EXAMPLE OF THE BILL PROCESS



SOURCE: Adapted by PMRC (2016)

WHAT IS THE DIFFERENCE BETWEEN AN ACT AND A LAW?

The difference between a **law** and an act is that a law is any system of regulations (better known as laws), that govern, or rule the conduct of the people of society or community usually for protection.

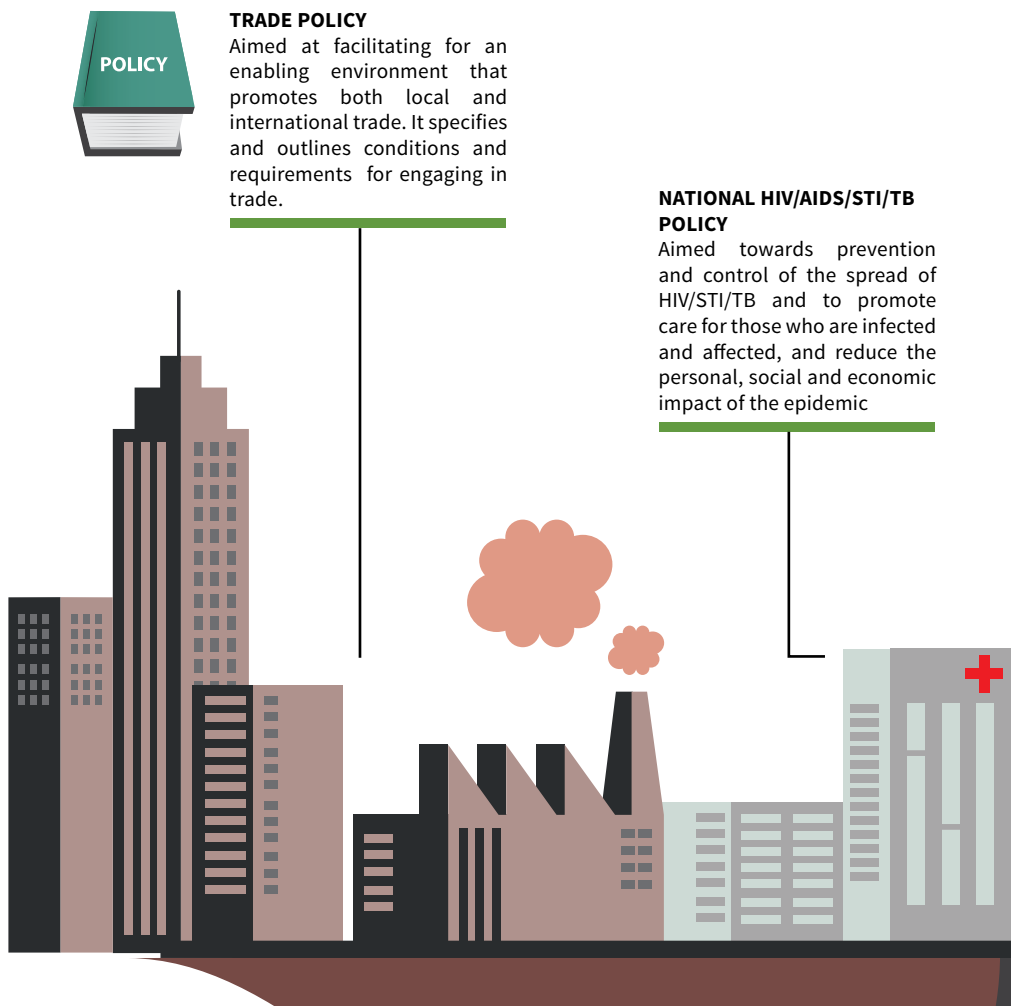
Whereas an **Act** is a legal plan passed by Parliament or any legislature that is referred to as a “bill” until ratified and becomes a law.

To make it simple and easier to understand, laws exist so that citizens of the republic are governed and protected, whereas acts exist so that an idea of the government is made mandatory for the public. Before an act is a law, it is technically called a bill.

In order for an act to officially become law, the legislature must vote on a bill. If the bill is voted in the bill then becomes an act, thus, becoming a law.

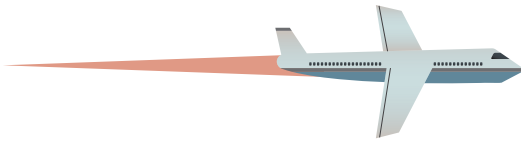
EXAMPLES OF POLICIES

FIGURE 3: THE SOCIAL ECONOMY SECTORS



TOURISM POLICY

Aimed at managing and promoting local and international tourism. It provides guidelines and general aims of government's policy direction in the tourism sector.



NATIONAL ENERGY POLICY

Guides the development of the country's energy sector. The main objective is to promote optimum supply and utilization of energy.

NATIONAL POLICY ON ENVIRONMENT (NPE)

Aimed at avoiding conflict of interest, harmonise sectoral strategies, and rationalise legislation that concern the use and management of environment in order to attain an integrated approach to development through a national cross-cutting consensus.



HISTORICAL CONTEXT

Zambia Policy Shifts and reform: Socio-economic Change and Phases

Timeline

From 1964 to date (2016), Zambia has undergone massive transformation that has drastically changed the political, administrative, socio-economic and human development dimensions of the country.

THE FIRST REPUBLIC

THE SECOND REPUBLIC

FROM 1964 TO 1972

The first republic (1964-72) saw greater focus on education, infrastructural development and improved living standards of people and there was a positive growth phase despite the many challenges faced. Socioeconomic transformation here was visible in greater national and individual self-reliance, increased human freedom, rights and liberties and a social mobility of individuals whose social structure pre-determined them to remain social low class. The increase in social opportunities, political freedoms and economic liberty are worthy features to note in this phase.

FROM 1973-1990

In the second republic, (1973-1990) Zambia underwent a social transformation which saw it acquire a socialist type economic and social structure. Here there was nationalisation of privately owned industries, subsidisation of the industrial and agricultural sectors as well as mass social spending in education, health, transportation, employment, social welfare services, infrastructure and many more. There was a governance system, which saw the nation as a head and provider through the central committee of the now one party state. The first stage had the main strength of infrastructural development, empowerment and massive social investment but was weak in ensuring sustained economic and institutional management. The poor planned zambianisation led to the poor nationalisation, socialism and humanism as well as greater socioeconomic down turn.



THE THIRD REPUBLIC

POST 1991 TO POST 2000

The third phase of Zambia's (1991 to post 2000) socioeconomic transformation saw Zambia move from a one party state of socialism to a multi-party state guided by capitalism. Here, the Structural Adjustment Programmes (SAPs) were used to breakdown the socialist system of governance, cut down national social spending and allow free markets to run the economy rather than the state.

In this regard therefore, much of the state dependant industries collapsed, people were retrenched and companies liquidated. Most stable industries were privatised and there was downsizing of the labour force in both the private and public industries.

New entrants into the Zambian markets emerged but mass unemployment; negative social mobility resulted with increased loss of earnings and poverty alongside massive brain drain for greener pastures out of the country.

In post 2000, the phase is seen for its efforts to continue with the import substitution, industrialisation, infrastructural development and sustained social economic growth. This comes at the back bone of increased energy demands and aspect of employment creation among the many youths in the economy.

UNDERSTANDING THE OFFICE OF THE SECRETARY TO THE CABINET

The Cabinet and Cabinet Committees expect the Office of the Secretary to the Cabinet to:



Prepare briefing notes for the President and Committee chairpersons timely;



Record and produce minutes of Cabinet meetings accurately and timely; and



Provide feedback on the implementation of Cabinet decisions timely.

THE ARMS OF GOVERNMENT

EXECUTIVE

The Executive is led by the President, who appoints a Cabinet consisting of Ministers from within Members of Parliament (MPs). The administrative functions of the Executive are undertaken by the public service, which is headed by the Secretary to the Cabinet, and at ministry and provincial levels by permanent secretaries. The Executive is responsible for design and implementation of public policies and programmes as well as public services. The Executive is also responsible for domestication of international instruments and enforcement of domesticated provisions of such instruments and reporting progress in their implementation. In this regard, Government reports progress to international bodies such as Treaty Bodies of the United Nations, African Union, COMESA and SADC to name a few. However, limited active public participation in follow-up monitoring of implementation of public policies and programmes at both national and local levels has been observed.

LEGISLATURE

The Legislature is the wing of government that is responsible for law making. It comprises the Speaker of the National Assembly, 150 elected Members of Parliament (MPs) and a maximum of 8 MPs appointed by the President. Members serve five-year terms after being elected by popular vote. Each member represents one constituency. The National Assembly of Zambia (NAZ) is the legislative and oversight organ of the State. The National Assembly's involvement in public policy formulation and implementation is mainly through the budget process and parliamentary portfolio committees. The full benefits of the 150 Constituency Offices of elected MPs in broadening public participation in the work of the National Assembly are still a work in progress. Significant gains would be made through expanding the functions of the Constituency Offices, including being a hub for portfolio committees to engage the public.

JUDICIARY

The Chief Justice heads this organ. The Judiciary provides for a Supreme Court, the High Court, the Industrial Relations Court, subordinate courts, local courts, and any other courts that Parliament may recommend. The Judicature is autonomous and subject only to the Constitution and laws of Zambia. The Supreme Court of Zambia is the highest court and the final court of appeal in all matters. It is composed of the Chief Justice, the Deputy Chief Justice and seven other Supreme Court judges. Parliament can increase the number of Supreme Court judges, although they are limited as the constitution mandates that there always be an odd number of Supreme Court judges. The High Court is the second highest court and has unlimited and original jurisdiction to hear all civil and criminal matters, with the only exception being cases that fall under the jurisdiction of the Industrial Relations Court. The constitution provides for the mutual existence of customary and statutory laws, though in case of conflict, statutory law takes precedence, except in matters of personal law¹.

1. Government of the Republic of Zambia (GRZ)-United Nations Development Programme (UNDP) Governance Programme (2011-2015)

HOW POLICY IS FORMULATED

THE POLICY CYCLE:

1. Agenda setting
2. Policy formulation
3. Decision making
4. Policy implementation
5. Policy evaluation



1. AGENDA SETTING

This step involves: not only recognizing the existence of an issue, but also conducting an in-depth study of the problem and its history, determining:

- Who is affected,
- How aware the public is of the issue
- Whether it is a short or long-term concern
- Whether altering public policy can effect change

2. POLICY FORMULATION

This involves discussion and debate between governmental officials, interest groups and individual citizens over how best to address the issue, setting clear goals and listing the steps to achieve them. It also involves discussion of alternative solutions, potential obstacles, and identifying how to measure the effects of policy change. It is at this stage that proposals and demands are transformed into government policy documents, actions or programmes as well as laws and regulations.

3. DECISION MAKING

Acceptable formulation means that the proposed course of action is likely to be authorized by the legitimate decision makers, usually through majority building in a bargaining process. That is, it must be potentially feasible. If the policy is likely to be rejected by decision-making body, (it may be impractical to suggest it). This is the political phase of policy formulation. This is the stage in the policy cycle where options have been evaluated, choices made between options and decisions taken to bring onboard i.e follow through with chosen options/s. This stage includes the definition of policy objectives and consideration of alternative approaches responding to the identified gap or problem, looking at the expected outcomes, effects and impacts of each alternative approach, its strengths and weaknesses, worst and best case scenarios. Decisions are made on what criteria is to be used to decide: eg- cost-benefit analysis, environmental impact assessment, risk analysis, political considerations.

4. POLICY IMPLEMENTATION

This represents the stage where government executes an adopted policy as specified by the legislation or policy action. At this stage, various government agencies and departments responsible for the respective area of policy, are formally made responsible for implementation.

5. POLICY MONITORING AND EVALUATION

This can involve monitoring the actual implementation of the policy as well as evaluation of the policy at the end of the planned implementation. Both processes assess how effective the new policy has been in addressing the original problem. This often leads to additional public policy changes. It also includes reviewing funds, skills and commitment of implementing agencies, to ensure that the policy can be maintained. We must note that: at the stage where policy is being evaluated, there is a possibility of looping back at stage one.

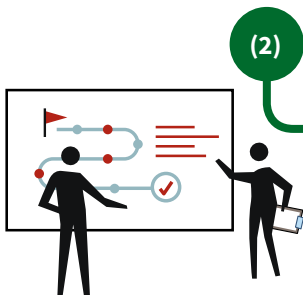
STAGES IN THE POLICY PROCESS

*The **four (4) stages** of the policy process are: Formulation, Adoption, Implementation and Monitoring and Evaluation.*



The Formulation Stage

This stage involves conceptualization through which the problem to be addressed is identified and defined. The necessary consultation on the problem is undertaken with key stakeholders after which it is analysed. The possible policy options are determined and the preferred course of action is recommended to the Cabinet for consideration. The key players at the policy formulation stage are Ministries, Policy Analysts and Co-ordination Division (PAC) and other relevant stakeholders.



The Adoption Stage

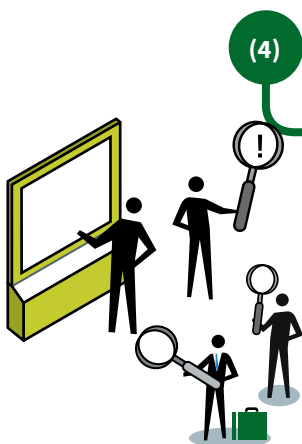
During this stage, the recommended course of action or approach is presented before a decision-making organ for approval. The key players at this stage of the Policy Process include the Cabinet Secretariat, The Minister, Cabinet Committees and The Cabinet.



(3)

Implementation Stage

This stage refers to a set of activities being undertaken to ensure that the decision made on the recommended course of action is implemented. The key players at this stage of the Policy Process are the Cabinet Office and The Ministry.

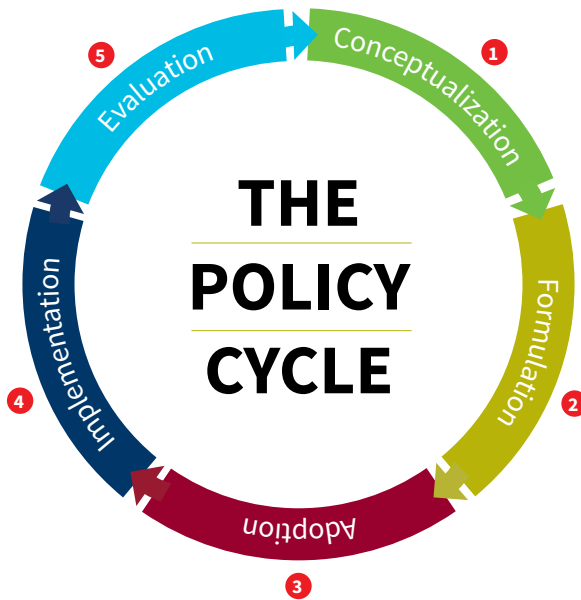


(4)

The Monitoring and Evaluation Stage

This stage is critical to the policy process. It involves the process of checking progress in order to ensure that the planned activities are being implemented within the approved implementation plan and period. The process of assessing the impact of the decisions being implemented is also conducted at this stage. The key players at this stage are the Ministry, Policy Analysts and Co-ordination Division and Cabinet.

FIGURE 4: THE POLICY CYCLE



POLICY DEVELOPMENT

Policy development is a decision-making process. Despite the variation in policy process, there are some general steps that are common to its development. These are:

- Selecting the desired objective
- Identifying the target of the objective
- Determining the pathway to reach that objective
- Designing the specific program or measure in respect of that goal
- Implementing the measure and assessing its impact.

Policy development involves the selection of choices about the most appropriate means to a desired end. A policy decision is the result of a method, which considers a range of options and the potential impact of each.

The weighing of options takes into account various factors, including:

1. Who benefits (the more the better)
2. Who might be negatively affected (the fewer the better)
3. Time required to implement the solution
4. Associated cost and financing
5. Political complexities of a federated government structure.

CITIZEN PARTICIPATION IN THE POLICY PROCESS

Policymaking is the process of changing an idea into an action. Consultation is an effective way for everyone to have a direct input in the policy making process.

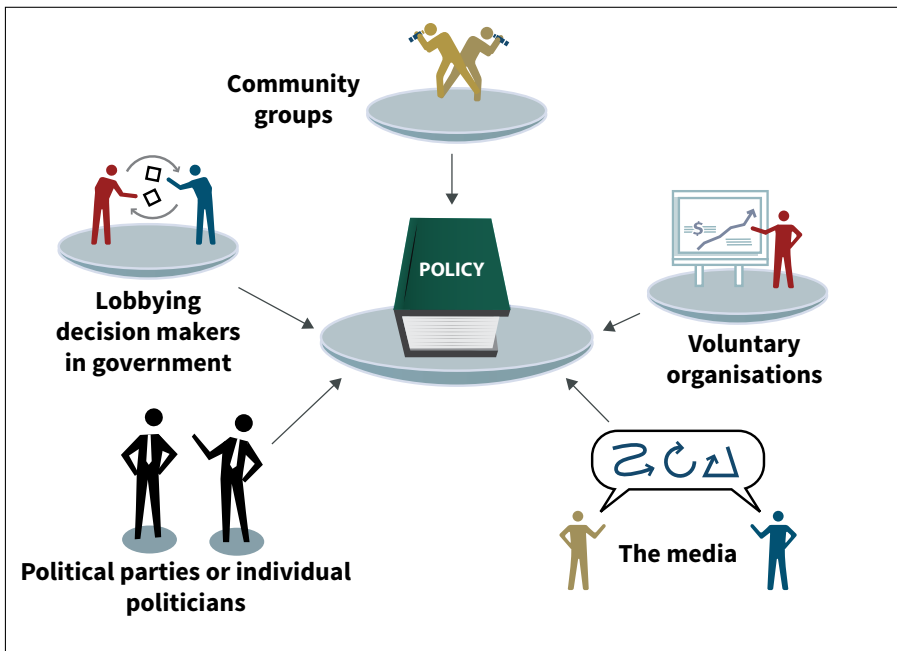
While national as well as local Government policies and legal frameworks provide for broad-based participation in national processes, limited to considerable public participation has been observed. Some of the important factors that limit public engagement in national policy processes include poor access to information, poor work culture, and general public apathy due to limited civic education. For example in 2014, it was observed that, in some districts, there was low turn out over the hearings of the Judicial reforms. In the same vein, there was also limited public response to invitations from the Ministry of Finance for public hearings in the national budget process. The limited public participation/engagement in national processes curbs the effectiveness of public policy and programme formulation, implementation and accountability for results.

Policymaking is the process by which the administration translates its vision into actions to achieve desired outcomes. Good policy making is therefore essential if government is to achieve its aims and deliver real change and benefits. There is no single uniform approach to policy making which can be applied to all areas and all departments. The range of factors and the environment within which policy makers operate can vary considerably. The policy maker may be addressing a regional, local or even international issue. They may need to consider any number of social, economic or environmental factors. There may also be considerable variation in the resource consequences of the policy and the number of groups or individuals, which the policy may impact upon.

How policies can be influenced:

- Political parties or individual politicians
 - Lobbying decision makers in government
 - Voluntary organisations
 - Community groups
 - Public opinion
 - Public consultations
 - The media
-

FIGURE 5: CITIZENS PARTICIPATION ON POLICY ISSUES



Source: Adapted by the Policy Monitoring and Research Centre 2016

ACCOUNTABILITY IN POLICY

After having gathered evidence and agreed objectives, the next stage is to identify policy options. It is essential that policy makers consider a wide range of options, as comparison of alternatives helps to draw out the merits of various approaches. Where possible, policy makers should involve the widest range of internal and external interests appropriate in identifying and assessing options. Involving those who will implement or evaluate the policy is key to assessing the practicality of proposals.

BASIC REQUIREMENTS OF THE POLICY

Before generating options, it is useful to consider the policy goal and to think about the policy in terms of:

- Things it must do
- Things it must not do
- Things it could do

This can be used as part of the criteria to initially screen the options to identify those you wish to consider in more detail and those you may wish to discard.

Identifying a wide range of options

It is useful to begin by identifying a ‘long list’ of options or possible solutions. This should include not only the conventional solutions, but also any more innovative suggestions, however outlandish they may at first appear. These can be narrowed down at a later stage.

PUBLIC PARTICIPATION

Generally public participation seeks and facilitates the involvement of those potentially affected by or interested in a decision. This can be in relation to individuals, governments, institutions, companies or any other entities that affect public interests. The principle of public participation holds that those who are affected by a decision have a right to be involved in the decision-making process. Public participation implies that the public's contribution will influence the decision.

Defining Accountability – the obligation of power holders to account for or take responsibility for their actions. “power-holders” refers to those who hold political, financial or other forms of power and include officials in government, private corporations, international financial and civil society organisations.

Defining social accountability – an approach towards building accountability that relies on civic engagement, i.e, in which it is ordinary citizens and/or civil society organizations who participate directly or indirectly in exacting accountability.

Public policy reflects the priorities of government. Ideally, it should also reflect the priorities of citizens. It is important to note that citizens must first understand the policy process in order for them to participate fully:

The importance of knowing the policy process:-

A thorough understanding of the policy process enables citizens and stakeholders, CSO's to participate and contribute fully from an informed perspective.

Issues that citizens/stakeholders should be aware of:

- How issues are identified ☑
- How policies are formulated and implemented ☑
- Which institutions and individuals are involved ☑

- The balance of power among the institutions involved ✓
- How to achieve maximum impact from influencing activities ✓
- When to achieve maximum impact from influencing activities ✓
- Where to achieve maximum impact from influencing activities ✓

INFORMATION FOR EFFECTIVE PUBLIC PARTICIPATION

Public participation means that citizens should be able to interact with government on decisions that affect them. In a democracy, citizens vote for political leaders and representatives of their choice.

Citizens have a right (and a duty) to have a say in the way in which the government should work. Citizens also pay taxes and have a right to know how this money is being spent. If people don't participate, the government may make decisions without hearing the opinions of the people and as a result will not be transparent and accountable for their actions.

If you want to participate effectively you need to be properly informed which means:

- Knowing what is happening in your community and what the important issues are
- Knowing what is happening in your broader society
- Knowing what your legal rights are and where decisions will be made
- How can you participate and influence decision making?

Ways that you can participate and influence decision making:

- Vote in elections
- Participate in party politics
- Organise, support and hold public demonstrations and campaigns
- Petition local, provincial and national leaders
- Lobby decision-makers (e.g. a municipal Councillor, Mayor, Speaker, Member of Parliament or senior government official e.g. municipal manager, and participate in decision-making processes, such as public hearings or public consultation meetings.

- Make written or verbal submissions to committees
- Print and distribute leaflets
- Use local radio and TV stations, or social media networks e.g. Facebook and Twitter, ask to speak on television or radio

LOBBYING (CAMPAIGNING, PETITIONING)

Lobbying means trying to influence or persuade individuals or groups with decision-making powers, such as people who make policy or laws, to support a position you believe is right or to take certain action. Organisations and individuals can lobby to directly influence decisions being made in all spheres of government.

WHO CAN YOU LOBBY?

It is important to identify people whose co-operation or influence you need to help you with your work. These are usually decision-makers or key role-players. So, you lobby people who have the power to take action to support the needs and interests of those who do not have direct power and influence. Lobbying can be used to influence anyone with power.

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Unlocking Zambia's Potential

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