

The Role of Parliament in Promoting Prudent Natural Resource Governance in Zambia.

(Conference ID: CFP/414/2017)

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Abstract

Zambia is endowed with vast natural resources which include among other things minerals, vast arable land and internal water bodies. However, the country has not benefitted much from the exploitation of its natural resources. The communities affected by the mining activities continue to suffer the adverse effects of resource extraction such as polluted water and environmental degradation. This study examines the role that legislative bodies can play in a political system to promote prudent natural resource governance. The study primarily focus on the mining area. The issues the study examines include but not limited to: the nature of Zambia's political system and its effects on the role of parliament; the general roles of the Zambian Parliament; the nature of the mining sector and its general contribution to Zambia; the relationship between the parliament and the executive and the extent to which parliament has been exercise its powers over natural resource governance in Zambia. The study also seeks to proffer recommendations on what can be done to strengthen the role of the parliament in natural resource governance. The study was based on a purely qualitative study where data were collected through documentary search, analysis of parliamentary debates, policies and legislation as well as through key informant interviews with representatives of the major political parties and civil society groups whose work focuses on natural resources governance in Zambia. The collected data were be analysed through the use of thematic approach.

Introduction

From the colonial period Zambia's economy has always been hinged on mining especially the extraction and exportation of copper. Other minerals in Zambia include cobalt, among others. From 1928 to 1969 mining was done by the private sector, while from 1969 to 1997 the government assumed majority ownership of the mining activities and all minerals became under the ownership of the state. From 1997 the ownership and exploration of minerals reverted back to the private sector following the implementation of privatisation policies that were premised on neo-liberal policy framework. Successive governments have played critical roles in the evolution of mining in Zambia with mixed results. This write up, examines the role played by the legislature in natural resource governance in Zambia focusing on the mining sector. In this regard the paper examines how the governance of mineral resources in Zambia evolved from 1964 to the present unpacking how the legislative board was involved. The chapter examines the strength and weaknesses of the Zambia's legislative body as well as its achievements and weaknesses as far as natural resource governance is concerned. The final section of this paper provides recommendations as to what can be done to strengthen the role of the legislature in natural resources governance in Zambia.

Conceptual Considerations

Studying the legislative role with regard to natural resources management requires a clear conceptualisation of what prudent management of natural resources entails. This study adopts the Natural Resources Charter (NRC), a framework developed by the Natural Resource Governance Institute (NRGI) developed to assist governments, communities and other stakeholders in ensuring prudent management of resources. The NRC is a culmination of combined efforts of independent practitioners and academics led by pre-eminent figures with first-hand experience with the extractive industry. The Charter is founded on the view that natural resources have the potential for social and economic transformation but only if the respective countries are able to address the associated challenges. The Charter provides a framework for assessing the quality of natural resource governance based on 12 precepts divided into two broad categories. In the first category precepts 1-10 focus on how states can manage natural resources while in the second category precept 11 and 12 are meant to guide the international players such as mining companies and those responsible for global governance.

The major advantage of this framework is that it marks a fundamental departure from the previous frameworks on good governance that have suffered from being western oriented. As indicated below, the NRGI's framework can be utilised to measure the level of natural resource governance as well as to help governing authorities to come up with practical measures on ensuring prudent management of natural resources. While Charter calls upon the participation of all stakeholders in the extractive sector, this study focuses on what the Parliament can do to ensure prudent management of natural resources. Table 1.1 below is an illustration of the NRC framework.

Table 1.1 Natural Resource Charter Governance Framework.

Domestic foundations for natural resources governance.	Discovery and deciding to explore.	Getting a good deal.	Managing revenues.	Investing for sustainable development.	International foundations for resource governance.
Precept 1. Strategy, consultation, institutions. Precept. 2. Accountability and transparency.	Precept 3. Exploration and License allocation.	Precept 4. Taxation. Precept 5. Local effects. Precept 6. National owned resource companies.	Precept 7. Revenue distribution Precept 8. Volatility.	Precept 9. Government spending. Precept 10. Private sector development.	Precept 11. Roles of multinational companies. Precept 12. Roles of international community.

Source: NRG1, (2014: 1).

From Table 1 above, Precept 1 and 2 focus on setting up domestic fundamentals for natural resource governance. Under precept number 1 it is argued that “natural resource management should secure the greatest benefit for citizens through an inclusive and comprehensive national strategy, clear legal framework and competent institutions” (NRGI, 2014: 7). This shows the governments are expected to play critical roles in setting up the domestic foundations for natural resource governance. This is where the Parliament comes in as it is responsible for law making and national budgeting processes. According to Flohr, Zimmer and Jacobs (2013) the main problem encountered in the setting of a national is strategy is the one “to design a system that is on one hand, attractive to investors and on the other hand, providing sufficient benefits to the national economy.” To ensure inclusivity in the formulation of the national strategies stakeholders such as relevant government departments, parliaments and citizens directly affected by the mining activities should be included.

As indicated under precept number 2, the NRC states that good governance of natural resource requires respective authorities to be accountable to an informed public. According to NRGI (2014) wealth derived from natural resources can lead to sustainable prosperity if governments are publicly accountable. To enhance accountability, the governing authorities should disclose to the people information about the whole chain of decisions with complete, complementary set of information. For instance, data on revenues need to be backed by relevant tax rates and taxable incomes. This shows that the Parliament as a representative body of the electorate is expected to have detailed information with regard to natural resource governance. As indicated under precept good governance of natural resources also involves efficient exploration and production operations and transparent allocation of rights transparently in line with the national strategy.

This requires clarity about the government's jurisdiction over the areas to be licensed for exploration in order to avoid contested jurisdictions especially where deposits span national boundaries. In addition, the government is expected to have a data base of resource base.

Precepts 4, 5 and 6 provide guidelines on how governments can maximise benefits from subsoil assets. In this regard, "tax regimes and contractual terms should enable the government to realise the full value of its resources consistent with attractive necessary investment and should be robust to changing circumstances" (NRGI, 2014). A good fiscal policy should be reflective of the nature of the extractive resources and national capacities with regard to the extractive sector. This means the Parliament should invest in research to determine the suitable way of implementing tax regimes. Transparency in the tax policies is important to reduce loopholes for corruption. This should be supported by the presence of a competent tax administration system supported by tax avoidance rules. Under precept 5, the Charter implores governments to pursue opportunities for local benefits as well as accounting for, mitigating and offsetting environmental and social costs emanating from the exploration of natural resources. The government should therefore focus on minimising the costs of resource extraction while maximising benefits for the community. The government should take a pro-active role in helping communities identifying opportunities that accompany natural resource extraction. These may include skills transfer, employment, demands for local goods and services such as catering, hotels among others. The government should therefore find ways of ensuring the communities benefit from such opportunities.

Under Precept number 6, the NRC Charter state that good governance of natural resources requires nationally owned resource companies to be accountable and should have well-defined mandates and objectives. This is because if well managed national companies for resource extraction can help the country to harness its sub-soil assets especially when dealing with the multinational companies proves to be problematic. However, when not properly managed they can be costly to the country. In this regard, the government should make a decision on the specific role such national companies should play. The Charter explains various options which include governance roles and operational roles. In whatever case, there is need for systems to ensure the viability of the companies. This is achieved by establishing checks and balances, ensuring the board members are politically autonomous, and are appointed through an open and competitive process based on merit. To ensure transparency national companies should be subject to disclosure requirements as those that apply to the private sector and should maintain public accounts as per international standards.

Precepts 7 and 8 deal with the management of revenues from natural resources, Precept 7 stipulates some guides on revenue distribution. The government should invest revenues to achieve optimal and equitable outcomes, for the current and future generations. Therefore, the government should make a decision on how to allocate revenues from natural resources. Revenues can be directly allocated to national and sub-national budgets, used for tax reductions or transfer payments such as welfare payments, subsidies or resource dividends, contribute to national resource funds or capacitate lending institutions.

Precepts 9 and 10 broadly focus on how resource rich countries can invest on sustainable development. Under Precept 9, the charter implore governments to utilise the revenues from

natural resource as an opportunity to increase the efficiency of public spending at the national and subnational level. This call captures the major problem that is facing countries endowed with natural resources. The Charter states that governments should manage spending policies to avoid economic deterioration. The main focus of here is for governments to strive to maximise benefits from natural resources and limit the negative effects associated with resource case. In this regard, public spending management can be improved by enhancing the capacity to choose appropriate spending plans, and making available incentives for institutions to make decisions without political interference. Aspects that governments can focus include but are not limited to; public multi-year plans that allow coordination of spending projects, and greater creativity for the private sector; competitive public and transparent procurement; oversight and internal controls. In short the Charter call upon governments to exercise maximum prudence when designing revenue spending plans as well as providing institutional requisite for efficient management of resources that are subject to public scrutiny.

Precept number 10 states that governments have duties to facilitate private sector investment in economic diversification and engaging in the extractive industry. Ensuring the development of the private sector is important because poor management of resource wealth might lead to the development of “Dutch Disease”. This is whereby large capital injection from the commodities can lead to the appreciation of local currency in a weak economy resulting in reduced competitiveness and deteriorating of domestic manufacturing and export sectors (NRGI 2014). Therefore, the Charter suggests that utilisation of revenues from the natural resources should be used to meet the needs of the private sector. The government can achieve this objective by creating the enabling environment and establishing supporting systems. Things that can be done include, “improving the regulation of capital, land and labour markets, provision of infrastructure and public goods, social policies to raise the productivity of the works” (NRGI 2014: 34).

Government involvement in countries with smaller economies is vital because they are more characterised by small markets dominated by monopolies and cartels which systematically distort investment fundamentals such as prices of equipment. Governments should focus more on two major sectors: the construction and the financial sectors (NRGI 2014). Financial booms associated with discovery of vast natural resources are generally followed by massive construction projects due to increased demands for housing and other auxiliary infrastructure. Thus when the industry is dominated by cartels and monopolies the private sector engagement remain skewed. In this regard, the Charter states that the government should dismantle such cartels that often exist in the construction industry in small economies (NRGI 2014). There is also need for a progressive financial sector which will support the private sector with start-up and working capitals.

Precepts 11 and 12 of the Charter focuses on how the international foundations for resource governance can be harnessed to promote prudential resource management. Under precept 11, the Charter states that “companies should commit to the highest environmental, social and human

rights standards and to sustainable development.” (NRGI 2014: 35). Basically, this precept, set some normative expectations on what the companies should do. In this regard, companies should take proactive roles to prevent, reduce and mediate any potential negative effects to the environment. They also have to be accountable to the host governments for their commitments. It is also expected that both governments and companies fully account for the rights of the indigenous people in particular. Therefore, there is need for companies to establish good relations with the people affected by their mining activities including seeking free, prior informed consent where it is required by the host country’s laws. In addition, companies should have clear policies and controls against corruption.

The Charter’s Precept number 12 is premised on the fundamental role that governments and international organisations that finance or influence the policies affecting extractive industries can play in supporting the decisions made by resource rich governments. The inclusion of the international community, makes enhance the Natural Resource Charter’s framework by including important stakeholders who are key for the reaction of governance norms and procedures in the extractive industry. The organisations that play crucial roles include: the World Bank, the International Monetary Fund (IMF), aid donor governments and departments, United Nations (UN) agencies, export and credit agencies, organisations such the African Union (AU), the European Union (EU), Group of 8 (G8) and Group of 10 (G10) and the international civil society. These organisations help improve policies in the extractive industry by setting standards and monitoring states and companies. Other specific issues that the international community can help to enforce are public disclosure requirements, establish accounting standards. They also promote the implementation of international standards such the Extractive Industries Transparency Initiative.

The Extractive Sector in Zambia: An Overview

The history of extractive industry in Zambia is one of deplorable disregard of the indigenous people’s rights to their God given natural resources. In addition, the people living in mining communities have suffered the brunt mining activities without realising sustainable benefits. Since, 1928, when commercial mining began, mineral rights were vested in the British South Africa Company (BSAC) which was responsible for colonising Zambia and Zimbabwe. During that time the private mining companies that were operating in Zambia were paying about 40 per cent royalty tax to the BSAC. It is also argue that during the Federation period, much of the proceeds from the mining activities in Zambia were used to fund development projects in Southern Rhodesia (now Zimbabwe). The Federation was a union of three countries (Nyasaland (now Malawi), Southern Rhodesia and Northern Rhodesia (now Zambia). The mining sector in Zambia has gone through three successive phases of development. The phase phases spanned between 1928, when commercial copper mining started, to about 1969 the year when Kaunda announced the nationalisation of the mines through the Matero Reforms. The Matero Declarations marked a second phase which was characterised by state control of the mining sector. This period of state control lasted until 1997 when privatisation of the mines started. The third phase started to in 1997. While we are currently in the third phase, there are signs of an

emerging trend or a new phase or of resource governance consciousness where various stakeholders are beginning to question the efficacy of the privatisation process in ensuring the prudential management of mineral resources in Zambia. Communities are beginning to express their displeasure with the outcomes of the privatisation process than has seen them being systematically excluded from benefitting from the exploitation of their God given natural resources.

General Perspectives on Legislative Role in Natural Resource Governance

There are various perspectives on the rationale of legislative role in natural resource governance. What makes legislative role important as far as natural resource governance is important? What do key stakeholders in the mining sector expect from the legislative bodies? Answering these questions provides a framework for examining what the Zambian successive legislative bodies have been doing in natural resource governance. This study utilised David Easton's input out-put model as a framework to understand the role of the state in natural resource governance.

Various studies have been carried out to explain why legislative bodies should play significant roles in ensuring prudential management of natural resources and as well as evaluating how various legislative bodies have fared. According to Ideas (2016) in most natural resource rich countries the exploitation of natural resources and the utilisation of revenues accrued from such resources are under the control of the executives. In this regard, following a wave of nationalisation of the mining companies in the 1970s a significant amount of revenues flowed too national coffers. In short, natural resource governments handle large volumes of money and the situation is more apparent in cases where the mineral resources are in the hands of the state. Therefore, it becomes imperative for the legislative branches to exercise some control of the way in which the executive manage resources accrued from the exploitation of natural resources. According to the doctrines of public trust theory, the government manages natural resources on behalf of the people who are the rightful owners of those resources. A study by Anderson and Asladen (2008) concluded that parliamentary democracies are more likely to avoid the experiences of resource curse as compared to presidential democracies. Thus there are strong arguments to support the view that strengthening the role of parliament may lead to prudential management of natural resources. The experiences of the Norwegian Parliament have been regarded as exemplary as far as ensuring prudential management of natural resources is concerned. It is argued that "since the development of its oil in the late 1960s, the Norway Parliament (the Storting) has been active in creating the legislative framework for the hydrocarbon sector, scrutinising and ratifying major projects and performing regular audits of government accounts and public sector enterprises" (Ideas 2016: 29). The Norwegian Parliament was also able to ensure the protection of interests of groups in represents who are likely to be affected by the exploitation of oil resources. Such groups include those involved in farming and fisheries. Due to the need to strike a balance between the interests of these groups and the mining companies the Norway legislature has taken a moderation and long term planning since 1974. This can be possible if a conducive legislative culture is natured and if the represented groups are also able to form their own representative groups that can push for the protection of their own interests.

In addition the Sorting was able to shield the country's highly professional public service from undue political pressure. This has not been the case in most resource rich countries especially those in Africa. In most African, states the executive branches have concentrated political and administrative power in their own hands while at the same time reducing the legislative branches to merely rubber stamping their decisions. Nevertheless, there are some examples in Africa where national legislative bodies have played significant roles in ensuring prudential management of natural resources. Botswana is one of the outstanding cases in Africa. Wenthal and Jones Luog (2006: 39) stated that "Botswana's success would not have been possible without a strong role of parliament and legislative oversight and the mandatory approval of the executive's public spending projects." Thus it can be noted that one of the expected roles of the national legislative branch is too offer budgetary oversight with the purpose of ensuring accountability and prudential utilisation of revenues from natural resources.

According to Sontiso (2004) the main purpose of legislative bodies in natural resource governance is to ensure accountability in the management of public finances. This role is performed through parliamentary portfolio committees and legislative budget offices (Bailey 1976). Wehner (2003) observes that parliaments are being brought back from the peripheries of budget policy making. This coming back of parliaments can be partly explained by the renewed interest towards the strengthening legislative oversight role following the experiences of the Asian Financial Crisis (AFC) (Sontiso 2004). It is argued that the AFC had exposed structural weaknesses in public finance management. Such structural weaknesses are more pronounced in the natural resource sector.

"It is however important to note that "what explains the effectiveness of Parliament in budget policymaking and oversight in emerging economies remains largely under theorised". As a result, there is a raging debate revolving on what the Parliament should do with respect to budget policy making. On one hand there are those who privileges insulating economic policy making in the executive branch on the basis that giving too much to the parliamentarians might lead to dysfunctional fiscal effects arising from legislative activism. On the other hand proponents of parliamentary strengthening argue that if the executive discretion is not balanced by internal mechanisms the cases of abuse are likely to occur. This is true because where the executive branch wilds extended discretionary powers the role of parliament in ensuring prudential resource management becomes difficult. This is the case in countries such Zimbabwe, Democratic Republic of Congo (DRC) and Angola. In Peru for instance, democratic institutions of accountability have remained fragile because, the presidential system of governance gives the president high levels of discretionary powers (Sontiso). In such environments parliamentarians only rubber stamp the decisions of the executive branches.

According to Sontiso (2004) "governance encompasses both processes and structures or institutions, individuals, interests and incentives shaping budget outcomes. It is from this perspective of governance that the role of parliament in natural resource governance in justified. Natural resource contribute immensely to government of revenues and their extraction affects the interests of various groups in society. Thus the parliament play a representation role, ensuring that the interests of the people are protected and guaranteed with regard to the natural resource governance.

The Legislative Role in Zambia's Mining Sector: Some Points to Ponder.

The historical development of the extractive industry in Zambia has raised a lot of questions with regard to the role of the parliamentarians. Primarily, the legislative duty of Zambian parliamentarians is provided for by the constitution. In order to have a clear picture of what the Parliament of Zambia has been doing in natural resource governance in Zambia, the mining developments are divided into three major sections: the nationalisation period; the privatisation process; the commodity price boom from 2003 to 2008 and the current debates.

The Nationalisation Period

The nationalisation of mining companies were enunciated by the first President of Zambia, Kenneth Kaunda, through the Matero Reforms. The reforms were named after a Lusaka suburb at which they were announced (Fundanga and Mwaba, 19997). During that time, the legislative body was and all other organs of the state were made subservient to the executive. Therefore, the nationalisation process was not subjected to thorough objective debates by the Parliament. In addition, the promulgation of the one party state in 1973 was detrimental to the role of parliament by destroying the opposition that could have offered alternative views in Parliament. As a result, all the policies became centred on Kaunda. In addition, Kaunda's party became supreme relative to other organs of the state. The supremacy of UNIP was succinctly capture by Adam and Simpasa (2009: 14) who noted that "the boundary between state, UNIP and ZCCM became blurred." But in the 1980s, some fiscal reforms were implemented augmented by the removal price controls which were later reintroduced. However, these reforms were not comprehensive and had not resulted in the much needed improvements in the management of mineral resources in Zambia.

Commenting on the effects of the nationalisation of the mines, Adam and Simpasa (2009) noted that the Matero Reforms resulted three decades of mining disaster. Although some of the factors which negatively affected the performance of the mining sector were beyond the control of the government, the Zambian Parliament could have put in place measures to cushion the performance of the mines. Some of the challenges which militated against prudential management of the mining sector include the fall of the world copper prices, geological conditions which made extraction copper too expensive compared to other countries, and the geopolitical developments in Southern Africa which had negative effects on the landlocked Zambia (Adam and Simpasa, 2009). Fundanga and Mwaba (1997) observed that the oil crisis of the 1970s forced the OECD countries to search for alternatives to most imported raw materials. As a result copper, was affected as the previous consumers were now opting for recycling and utilising alternatives such as fibre glass and wireless transmission. The same approach adopted by the OECD countries could have been taken by the Zambian Parliament to diversify the economy to move away from overreliance on copper. Instead, the Zambian government opted to borrow more in order to finance the activities of ZCCM.

In addition to these challenges, which were largely beyond the control of the state, it is argued that the mining sector was poorly managed. In this regard the Parliament failed to put measures in place to ensure prudential management of the natural resources. More specifically, Adam and Simpasa (2009) are of the view that the government failed to save when the copper prices were temporarily high, and could not adjust on spending when the prices were persistently low. As a result, the government continued to borrow plunging the country into a debt crisis. It can be argued that the legislative body can play a crucial role through the budget processes to ensure prudential management of natural resources.

In 1991, the coming in of a new political dispensation, brought with it a new thinking about the role of the state in economic management and in the management of natural resources. The MMD party used privatisation as the trump card for the 1991 election campaigns. The new thinking which extols the minimalist approach with regard to state involvement in the governing of the country continue to shape the position of the Zambian Parliament on mineral resources management. What the Parliament has been failing to do, is to assess whether this new approach is good for the Zambian people or not.

The Privatisation Period

Although, the privatisation of mines in Zambia were largely made necessary by the failure of the state controlled company ZCCM, the actual terms and frameworks for the economic liberalisation were influenced by the IMF and World Bank. It is argued that the IMF and WB influenced the Zambian government to come up with new legislation in the form of the Investment Act and the Mining and Minerals Act (Fraser and Lungu n.d). These Acts were the major cause for the withdrawal of the state controls from the mining companies. While, it cannot be denied that the Parliament was responsible for enacting the above mentioned legislations, it is important to state that the contents of those Acts were not reflective of the aspirations of the Zambian people. What is clear is that the Parliament did not apply duly diligence in ensuring that the privatisation process resulted

The privatisation process of the mines culminated into the signing of Development Agreements (DAs) between the government and the private companies. It can be observed that the Parliament of Zambia did not play a significant role in ensuring that the DAs would be of benefit to all the key stakeholders namely: the mining companies, the government and the general Zambian people. A study conducted by Fraser and Lungu revealed that the DAs were one sided favouring the mining companies at the expense of the Zambian people and the government. Some of the major issues identified by Fraser and Lungu are that: the DAs exempted the mining companies from assuming the liabilities of ZCCM such as pensions for its employees and from many national laws including the environmental protection; the DAs could not be contravened by future legislation; the stability periods which were pegged at between 15 and 20 years were too long and that the DAs resulted in worsening poverty levels with the country.

According to Fraser and Lungu (n.d) the (DAs) were done in secrecy and were not availed to the public domain. This means the Parliament could not scrutinise the contents of such agreements and their possible implications to the Zambian economy. In this regard, Fraser and Lungu observed that “almost a decade after the first of them were struck, trade unions, MPs, local government and regulating authorities who are supposed to keep the companies to the promises

they made in the agreements have not been allowed to see them". The parliament could not effectively perform its duties of holding the executive to account because the DAs were not availed to the public. Yet in a functioning democracy, the parliament, which is the representative of the people is supposed to know the processes and involved in the extraction of natural resources.

Response to the Negative Effects of Privatisation Process

When it became apparent that the privatisation of the mines did not result in prudential management of mineral resources in Zambia, pressure started to mount from various sectors of the society calling the government revisit the DAs signed with the mining companies. The Parliament, as the legislative body, is expected to play a crucial role in revisiting the DAs. Unfortunately, evidence on the ground shows that the Zambian Parliament has not done enough to correct the shortfalls of the privatisation process.

Conclusion

This study concludes that the management of mineral resources is a complex undertaking characterised by the interplay of diverging interests of different groups which include the civil society, the state, the people living in the mining communities and the mining companies. Within these intricacies, the legislative branch of the state plays a crucial role in ensuring that the extraction of mineral resources and the utilisation of revenues thereof are done in a manner which benefits all the players. The basic idea is to avoid leaving the mining communities worse off than before the mineral resources are extracted. The function of the Parliament in the extractive sector is premise on the view that the legislature represent the people who are the rightful owners of natural resources and that it is expected to maintain checks and balances on the executive. In most cases, especially in Africa, executive branches have been at the centre of resource governance.

In Zambia, just like in any democratic country, the legislature is responsible for making laws and maintain checks and balances on the executive. With regard to ensuring prudential management of natural resources, this study concludes that the Zambian Parliament has been influenced by the governing political regime. As such the successive political regimes from 1964 when the country attained independence have been shaping how the Parliament executed its duties with regard to the management of mineral resources. From 1964 to 1991 the governance of natural resources was largely influenced by the supremacy of Kaunda and his UNIP party. During this period the mining companies were nationalised, but the Parliament was made subservient to the party and the presidium. This resulted in an ineffective Parliament that could not challenge or hold the executive to account. It can also be noted that Kaunda's position on politics led to the development of subject and parochial forms of political culture where the citizens and parliamentarians are not prepared to challenge those in authority.

The same political culture continue to prevail such that while Zambia is touted a thriving democracy, the Parliamentarians are not absolutely free to the extent of opposing the position of the party leaders. Therefore, due the existence of a political party system which limits the freedom of parliamentarians, the legislature has been largely rubberstamping the legislative

agenda of the executive without objective scrutiny. This has limited the role of Parliament in many instances. For example, the privatisation of the mines was done without substantive role of the Parliament beyond the enacting of the legislative framework.

Recommendations

There is need for the Parliament in Zambia to revisit some of the agreements that were signed by the government and mining companies that have proved to be detrimental to national interests and at odds with the developments currently obtaining at global and regional levels. According to Ryan (2004) observed that it is not a misnomer for the government to reach back and correct previous mistakes. In this regard, Ryan (2004: 335) commented on the strength of applying the doctrine of public trust arguing that “it can and has “reached back and corrected governmental mistakes in natural resource allocation”. In support of this argument, Ryan (2004) cited the example of the California Supreme Court whose 1983 decision on Mon Lake had the effect of reaching back to state water allocation decisions that were made 40 years down the line and reversed them on the basis that the government has an fiduciary duty to consider the public interest when making decisions on natural resources. The Supreme Court also made it clear that the state assumes a continuous supervision role which allows or requires modifications of decisions governing natural resources. This shows that, the government of Zambia is not the first one to reach back to the previous decision, agreements or contracts that might be found to be in conflict with the desires and interests of its citizens.

Secondly, there is need for the creation of independent community representative groups. The major weakness in Zambia is that the general communities being affected by mining activities are not properly represented, yet the mining companies are represented by powerful and influential bodies such as the Chamber of Mines. The role of the Mineworkers Union of Zambia (MUZ) in successive stages of mining development in Zambia gives credence to the need for strong representative groups to push specially focused interests of the mining communities to the legislative agenda.

Thirdly the Parliament should form strong partnerships with learning institutions in order to improve their legislative duties. This can also create a platform for the development of proactive and responsive research that contributes to the development of the nation. The linkage between the Parliament and learning institutions creates platforms for commissioned research with specific focus on critical issues such as natural resource governance.

There is need to encourage home grown initiatives towards strengthening parliamentarians. Accordingly, USAID (2008) noted that interventions are likely to attract support if they are based on local demand and this will result in broad based local ownership. The strengthening programmes will only succeed when they are support by the relevant stakeholders such as MPs political parties and other local actors. It is also important to ensure that strengthening programmes are attuned to the political context in which they apply. This requires not only and understanding but an adaptation to the political context because without good political contextualisation programmes have historically failed (USAID, 2008).

BIBLIOGRAPHY

- [1] Adam, C. and Simpasa, A.M. 2009. *Harnessing Resource Revenue for Prosperity in Zambia*. London: University of Oxford.
- [2] Ahmadov, A and Guliyev, F. 2016. *Tackling the Resource Curse: The Role of Democracy in Achieving Sustainable Development in Resource Rich Countries*. IDEA: Stockholm.
- [3] Ryan, P.S. 2004. Application of the Public-Trust Doctrine and Principles of Natural Resource Management to Electromagnetic Spectrum. *Michigan Telecommunications and Technology Law Review*. Volume 10 (2): 285-‘
- [4] USAID, 2008. Helpdesk Research Report: Lessons Learned on Parliamentary Strengthening.
- [5] Frazer, A and Lungu, J. *For Whom the Windfall? Winners and Losers in the Privatisation of Zambia’s Copper Mines*. Lusaka: Civil Society Trade Network of Zambia and Catholic Centre for Justice, Development and Peace.