Zambia

Effective Delivery of Public Education Services

A review by AfriMAP and the Open Society Initiative for Southern Africa

Choolwe Beyani

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Zambia: Effective Delivery of Public Education Services

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<td>Anti-AIDS Teachers Association of Zambia</td>
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<td>ACC</td>
<td>Anti-Corruption Commission</td>
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<td>BESSIP</td>
<td>Basic Educational Sub-sector Investment Programme</td>
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<td>CBN</td>
<td>Child Budget Network</td>
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<td>CCJP</td>
<td>Catholic Commission for Justice and Peace</td>
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<td>CIDA</td>
<td>Canadian International Development Agency</td>
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<td>COSETCO</td>
<td>Copperbelt Secondary Teachers College</td>
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<td>CPs</td>
<td>Cooperating Partners</td>
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<td>Central Statistical Office</td>
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<td>civil society organisations</td>
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<td>DANIDA</td>
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<td>DCI</td>
<td>Development Cooperation Ireland</td>
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<td>DFID</td>
<td>United Kingdom Department for International Development</td>
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<td>ECCDE</td>
<td>Early Childhood Care, Development and Education</td>
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<td>ECZ</td>
<td>Examinations Council of Zambia</td>
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<td>EFA</td>
<td>Education for All</td>
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<td>EMIS</td>
<td>Education Management Information System</td>
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<td>FAWEZA</td>
<td>Forum for Women Educationalists of Zambia</td>
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<td>FBE</td>
<td>Free Basic Education</td>
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<td>faith-based organisations</td>
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<td>FNDP</td>
<td>Fifth National Development Plan</td>
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<td>GDP</td>
<td>gross domestic product</td>
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<td>GRZ</td>
<td>Government of the Republic of Zambia</td>
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<td>Movement for Multi-party Democracy</td>
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Preface

This report is the culmination of a research process that started in 2012. It forms part of governance assessment activities by the Africa Governance, Monitoring and Advocacy Project (AfriMAP) and the Open Society Initiative for Southern Africa (OSISA) to ascertain the level of governments’ compliance with governance commitments.

The assessments focus on three themes: justice and the rule of law; democracy and political participation; and effective public service delivery with a specific focus on education. The objective of carrying out the research and publishing reports is to provide information that can be used to advocate for reforms in the relevant sector. In Zambia the research was carried out by local researchers, who worked with civil society organisations to convene two roundtables to discuss and debate drafts of the report. The roundtables drew the participation of a wide range of stakeholders that included government officials, representatives of civil society organisations, the media and development partners. The discussion during the roundtables helped to formulate concrete recommendations suggesting how to address the many challenges that are impeding the effective delivery of education as a public service in Zambia.

The report’s primary focus is to examine how education is governed. While it inevitably comments on issues of quality and outcomes in the education sector, it largely focuses on processes and institutions that need to be in place in order for the right to education to be realised.

Zambia, like many other countries, is party to a number of regional and international treaties that oblige governments to put in place processes and institutions that will improve the delivery of education. Civil society organisations on the other hand can play a constructive role by monitoring the extent to which government is in compliance and offer policy options that aim to improve the situation. AfriMAP believes that the report can help promote meaningful dialogue between different stakeholders to set national priorities and to ensure the effective implementation of development strategies.

Similar research has been done or is ongoing in several countries that include Benin, the DRC, Ghana, Kenya, Lesotho, Malawi, Mozambique, Senegal, Sierra Leone, South Africa and Swaziland. Comparative analyses of the issues emerging from the different countries will be done in order to identify best practices and to learn from the different experiences.
Acknowledgements

The study on public service delivery in Zambia would not have been possible without the contributions of a cross-section of stakeholders, who are as diverse as they were invaluable. Sincere appreciation is expressed to all involved.

Many individuals from the education sector, government departments and institutions, academics, members of civil society organisations, faith-based institutions and development partners gave up their time to be interviewed and to make insightful contributions during the validation of the report. The Zambia National Education Coalition (ZANEC), a non-governmental organisation, played a critical role as the host institution that oversaw the implementation of the project. ZANEC’s networks and engagement with the sector enabled access to key actors and important sources of information.

The author, Choolwe Beyani, worked diligently to produce a high-quality, relevant and credible report. Tamara Sutila, an educationist, did a thorough editing job, adding value to the final product through her expertise as a consultant with in-depth regional knowledge of the sector. The AfriMAP/OSISA team of Roshnee Narrandes, Jeggan Grey-Johnson and Ozias Tungwarara supported the process by reviewing drafts, facilitating the validation workshop and providing administrative support.
Part I

Zambia: Effective Delivery of Public Education Services

Discussion Paper
Introduction

This discussion paper is based on the research report on ‘Effective Delivery of Public Education Services in Zambia’, a review by AfriMap and the Open Society Initiative for Southern Africa (OSISA).

The introduction of free basic education (FBE) in Zambia in 2002 during the Basic Educational Sub-sector Investment Programme (BESSIP) significantly improved access to primary education, especially after declining enrolments in the 1990s. Secondary and tertiary education, on the other hand, stagnated during the early years of FBE and BESSIP and access to these two levels was not expanded to accommodate the primary school student population (although there has been a slow increase in enrolments in tertiary education in the few existing institutions).

While there was increased access for children at primary school level, an insufficient budget was allocated to the sector, which undermined delivery and quality of education. There has also been a shortage of teachers and teaching and learning materials; general school infrastructure is inadequate. This state of affairs has had a negative impact on the effectiveness of delivering services at primary, secondary and tertiary levels in the education sector. The internal system is very inefficient and characterised by poor transition rates and poor reading and arithmetic competency skills at mid-primary level and generally unsatisfactory examination performance at both primary and secondary levels.

The literacy rates for youths (15–24 years of age) are reasonable at 67% for females and 82% for males in 2010, reflecting the gender disparity in favour of males common in the region. In terms of school participation available statistics show that girls’ primary gross enrolment ratio was 112%, while that for boys was 113%; girls’ primary net enrolment ratio was 94%, while that for boys was 91% in 2010.

Of concern is the fact that more than a quarter of a million children are out of school and 47% of those enrolled do not complete the primary school cycle. The dropout rates are within the 2–3% range and therefore not high but the transition rates at 54.2% for primary education (Grades 7 and 8) and 38.54% for secondary education (Grades 9–12) are a serious problem. The reasons for this may relate to long distances to school, poor school water and sanitation and pregnancies in the case of older girls.

In the past, policies guiding education service delivery in Zambia were often led from a political perspective. While colonial education may have been provided by both missionaries and the colonial government for reasons other than economic development it was this neglect
of the sector, evident at Zambia’s independence in 1964 with 107 university graduates, that led successive governments to ensure a better control of the system to implement its goals for the country’s development. More recently, policy-making has improved with the support of international partners and the opportunities provided through Zambia’s participation as a member of the international community.

The main school system has always consisted of a primary and a secondary school level. The primary sub-sector comprises seven years of schooling while the secondary school sub-sector is divided into two levels: Grades 8 and 9 (Forms 1 and 2), which required an examination and again selection to senior secondary levels of Grades 10–12 (Forms 3–5). Tertiary and higher education address skills development in colleges and institutes and university education offers Bachelors degrees (four years), as well as degrees in the Veterinary (five years) and Medicine (seven years) fields.

Early childhood care development and education (ECCDE), now recognised as the foundation to schooling and personality development has until recently been controlled by local councils (through the Ministry of Local Government) and basically fee-paying with the majority of the institutions owned by private businesses. The urban nature of this sub-sector has always had an inequitable aspect. However, the proliferation of such institutions and the orientation towards preschooling (preparation for formal schooling) has prompted the government to bring the sub-sector under the control of the Ministry of Education (MoE) so as to provide oversight to the many providers.

The state of education services in Zambia is both robust and vulnerable to shocks, creating challenges of increasing equitable access to schooling and improving its quality at all levels of education (primary, secondary and higher). Insufficient funding, low absorptive capacity to effectively and efficiently utilise given resources, lack of monitoring of the implementation of policies/plans, the poor functioning of designed governance structures and the ever-present effect of the HIV/AIDS epidemic interact to present formidable challenges. There are, however, a number of actions that can be taken going forward. These include the following:

- The government needs to comply with its reporting obligations under the international human rights treaties, in particular on the right to education.
- There is a need to develop policy instruments to operationalise the new Education Act (2011) while its review is going on. The urgency with which the Act’s implementation should be implemented is dictated by the need to meet some of the international education goals whose deadline is imminent.
- The government needs to adequately fund the Central Statistical Office (CSO) and provide sufficient staff in order to improve education data collection, analysis and publication.
- Planning and budgeting for education should be integrated more closely so that budgeting is target specific and in line with the Annual Strategic Plan and five-year plans.
- Conditions of service for teachers need to be improved and remuneration packages made more attractive to invite and keep individuals in the teaching profession.
• The engagement of civil society as an oversight structure, along with local-level governance and management structures such as School Boards/Management Committees, parent–teacher associations and the media, needs to be strengthened.
• Zambia has found a way to balance government control of education with partnership with international and local organisations. In this regard strategies should focus on partnerships not only for leveraging resources but also for monitoring implementation in order to better report on results. Working better with civil society organisations (CSOs) and other local-level partners will increase effectiveness.

1. International and national legal framework

Zambia’s Constitution (1964) provides for equal and adequate provision of educational opportunities in all fields and at all levels in the form of Directive Principles, which are not legally enforceable. A new Act is under review in 2012. Legal provision for education is contained in the Education Act of 1964, repealed by the Education Act of 2011, which will govern the financing and management of education in Zambia.

Zambia is also a signatory to many international conventions that have guided response to provision of social services such as education. These include the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and the International Covenant on Economic, Social and Cultural Rights, among others. The major concern raised in the main report is that the Bill of Rights, which forms the basis of Zambia’s social, political, economic and cultural rights, has still not been ratified.

The new Education Act has enough protection and provision for education to make progress towards national and international goals. It provides every person with a right to early childhood care, development and education, as well as basic education, including adult literacy education and high school education.

Article 15 provides for free basic education while Article 17 makes education compulsory and places the burden of responsibility on the parent to ensure that a child who attains school-going age attends school. Chapter 3 of the Article grants school authorities power and authority to follow up on the parents or guardians of a child who is not enrolled at an education institution, or where a learner who is enrolled fails to attend school without reasonable excuse, or fails to respond to a notice for exculpation designed to remedy the situation from school authorities is thereby penalised.

Article 18 prohibits the marriage of learners who are children and the Act penalises whoever marries a child to imprisonment of not less than 15 years. The Article further bans all government, grant-aided institutions and community schools from turning away a child from school on the grounds of failing to pay school fees, or particular clothing (e.g. uniform or sportswear). It also prohibits the turning away of a child who does not subscribe to the mission or religious practice of that educational institution.
The Act also guides authorities towards ensuring equality of access to education for children with special education needs and promotes affirmative action in relation to this category of learners including identification, diagnosis and assessment for the placement of learners with special education needs. Other matters such as the decentralisation of education services and MoE policy instruments such as the reentry policy have been included in the new Education Act.

2. Information collection, publication and management

Data are essential for decision-making, programming and reporting. It is these very uses that make data also a complex aspect of management. In Zambia education-related data are generated by the MoE, which has an Education Management Information System (EMIS) in the Directorate of Planning. Data are collected annually through the School Census. These then inform the EMIS, a system with data from the whole education system covering all proprietors (since 2001) although better data come from the government’s schools and those that are grant-aided. The CSO responsible for national information obtains education data from the MoE’s sources and the data related to procurement from the Public Procurement Authority.

Generally, the School Census approach has gained prominence as a way of generating and reporting education statistics in an efficient and effective way to allow planning and monitoring education service delivery. The key challenges in this respect have tended to be on the approach to data collection as well as the timeliness of the reports.

In many countries such as Tanzania, Ghana, Liberia that use this approach, it was found that sending enumerators from the central ministry office to the regions was costly and that such people did not function well as they did not know the schools from which to collect the data. In many cases whole districts’ or regions’ schools would be missing from the census report, thus invalidating the exercise. Verifying data before entry for analysis also proved difficult without familiarity with the districts/schools. As a result, sometimes incomprehensible reports, which bore no resemblance to the reality on the ground, were produced.

The extent to which the approach used in Zambia is effective has to be verified. That questionnaires are sent from the central office to school heads to complete and return may mean that this has become just another routine exercise not deserving the original attention. That some of these head teachers are not even trained to complete the questionnaires means that some data are not collected. Tying the release of the school grant to receipt of completed questionnaires may have raised the return rate but may not actually have improved the quality of the data collected and consequently of the Statistical Bulletins produced.

Although generally education data are accessible and available, the delay in passing the Freedom of Information Bill is compromising the efficient and effective publication and access to valid information essential for decision-making. Financial data are particularly affected as reports are sometimes two to three years behind schedule. Information on progress towards Education for All (EFA) goals and the Millennium Development Goals (MDGs) is available through the
Sector Plan Advisory Group (SPAG) (whose members are cooperating partners, civil society organisations working in education, scholars and government). The SPAG reviews progress made and makes plans/projections for future action. Statistical bulletins are also available.

The challenges of accessing data include:

- Red tape;
- User-unfriendly programs (the coding system used by the EMIS requires training and practice);
- Information spread across various ministries; and
- The lack of a legal framework to access information.

3. Strategic planning, monitoring and evaluation

Planning has been a big aspect of managing the education sector. At the national level, national development plans have always been comprehensive, covering all sectors. As a member of the international community, Zambia has also been party to agreements requiring planning and reporting according to international standards. What seems to have been weak is the monitoring and evaluation aspect. This too is a common feature of government ministries.

In recent years during the period of the Fifth National Development Plan (FNDP 2006–2010), which followed a Transitional National Development Plan (TNDP 2002–2005), a National Implementation Framework (NIF 2008–2010) was developed to make progress towards the EFA goals and the MDGs. The national development framework for poverty reduction – the Poverty Reduction Strategy (PRS 2002–2004) – was developed during the period of the TNDP. The PRS is rolled over every three years. The Sixth National Development Plan (2011–2016) guides current work.

Although there were no plans as such for ten years prior to 2002 there were comprehensive policy documents such as the Educating Our Future (1996) whose guiding principles have shaped education delivery to date. The principles of liberalisation (which has led to the growth of the sector through private provision of services), of decentralisation, equality, equity, quality and accountability have been reflected in recent government plans and programmes. These principles guided the development of BESSIP (1998) and the subsequent 2003–2007 Strategic Plan, under which BESSIP was given prominence by focusing on the provision of FBE, whose implementation started in 2002.

Reforms of existing policies addressed all areas of education from curriculum diversification through governance and teacher education and management to equity and decentralisation. Financing the implementation was to be sought from partners, a strategy which required the use of new aid modalities such as the Pooled Fund or the direct and general budget support. The government, supported by donors led by the Netherlands, applied to the EFA Fast-track Initiative for catalytic funding of USD 60 million to cover the gap unmet by local donors. This process requires robust plan development and the fact that the funding was approved without having used the World Bank as the supervising entity put Zambia in the spotlight as a model in planning education delivery.
Another significant policy that has been successfully implemented with the support of non-governmental organisations (NGOs) is an HIV/Aids workplace policy for the education sector to manage and mitigate the impact of HIV/Aids on teachers and other education staff. Achievements have been reported in many areas and the ministry is a recognised authority in addressing the pandemic. The challenge remains in harmonising the programmes of different providers to strengthen impact.

The MoE has a planning and regulatory framework for its educational institutions through the Education Act (1966 and 2011) and the NIF, as well as the national five-year development plans. However, the liberalisation of the education sector has led to a mushrooming of private educational institutions at primary, secondary and tertiary levels. These institutions lack a planning, regulatory and monitoring framework and structure, at both legal and administrative levels.

Many private schools operate from places that are not conducive to learning and do not meet the minimum standards of operations of schools and employ teachers with dubious qualifications. The MoE has no legal foundation for the supervision and monitoring of private schools. It is therefore failing to control or manage the establishment and even more so, the standards of many private schools that have proliferated in the country. It has also failed to provide for an inspection system for these schools mostly because, until now, there has been no law or policy in place to reinforce, let alone guide supervision and monitoring. This situation will hopefully improve when the new Act becomes operational.

The monitoring and evaluation ability of the Inspectorate Division is constrained most of all by inadequate funding, especially funding dedicated to inspectorate work. If the quest for quality education is to be seriously pursued, it is impossible for these activities to be sacrificed because of the financial limitations of the MoE.

4. Budget and expenditure management

The government’s establishment of the Public Expenditure Management and Financial Accountability reform programme, whose purpose is to help government improve its capacity to efficiently and effectively mobilise and utilise resources, shows the extent to which there is commitment to doing things differently to meet international commitments on education. A Financial Management Information System has been in place since the 1990s.

The Joint Assistance Strategy for Zambia (JASZ) operates within the NIF for the education sector, now in its third phase (NIF III). Contributing cooperating partners (CPs) sign what is called a Mutual Accountability Framework (MAF), which is the guiding instrument of cooperation between the MoE and its CPs. The NIF III ends in 2015. The members of the MAF coordination structure in 2012 are: embassy of Japan (recently joined), the government of the United Kingdom’s Department for International Development (returning), the United States Agency for International Development, the United Nations Children’s Fund (UNICEF) on behalf of the United Nations, the African Development Bank, Irish Aid and the Netherlands contributing through UNICEF. Other modes of financial support from partners are also operational.
Zambia has been making progress to meet the internationally agreed threshold of 25% of the national budget allocated to education and 50% within that allocated to primary education. The budget allocated to education in 2010 was 25% of the national budget, which fell short of the Southern African Development Community (SADC) threshold by only 0.5%. This is impressive and should be commended under current conditions.

A concern relates to the absorptive capacity of the sector, which has in cases led to funds being returned to the Ministry of Finance and National Planning. It may also be that the delay in the release of funds to implementers contributes to this situation, in addition to poor absorptive capacity in the sector. As has been reported schools do not receive their grants on time and funds not utilised are not added to the next grants. These issues need to be addressed at the management level and clearly do not represent inability to spend at the implementation level.

User fees introduced earlier are still a burden to parents / guardians and a hindrance to effective school participation as they cover almost all aspects from books to shoes and transport. That private schools charge even higher amounts of fees (in excess of USD 5 000) per term is likely to exacerbate hardships for many parents/guardians and inequalities within the country.

The budget process is transparent but long. A concern is the change (2011) in the budget cycle to follow the calendar year. This means that the process has to start early in the current year for the budget release in 2013. By October of the preceding year the budget should be presented to Parliament and failing any problems funds should be available by January of the year in which it should be implemented. This was done to avoid ministries having no funds at the beginning of the implementation year.

The challenges this brings are significant even as it solves other problems. Having funds early in the calendar year is ideal for schools since the academic year follows the calendar one. However, it also means that ministries spend the budget preparation year tied up preparing the budget. Secondly, it is risky to plan for funding a whole 12 months ahead of schedule in this turbulent environment. Is it really feasible to accurately predict the needs and resources needed to implement programmes in a year that has not begun? The merits of starting the fiscal year in the middle of the year may outweigh those of total ignorance of what the trends are likely to be in an unknown year. It will also require advanced budget planning/simulation programmes that capture as many scenarios as possible. The implications for technical expertise to effectively budget cannot be overemphasised.

The government's introduction of the Medium-term Expenditure Framework (MTEF) during the 2004–2006 is in line with the new aid modalities. The MTEF is defined as a multi-year public expenditure planning exercise used to set out future budget requirements for existing government supported services, as well as the resource implications of future policy changes. It is a rolling process repeated every year and aims at reducing the imbalance between what is affordable and what is demanded by line ministries (UNDP 2000).

For many governments the MTEF was meant to assist them move away from the incremental budgeting hitherto used but which was sometimes not linked to the goals and objectives of a plan or programme. It is based on the principles of: strategic planning, multi-year arrangements, broad-based integrated approach and emphasis on prioritisation. The MTEF is therefore very much in line with the direct and general budget support approach to supporting
governments. Success in performing the implied activities requires technical expertise, which has been in short supply in the MoE in Zambia.

5. Human resource management

Teachers, the largest group of employees in the education sector, are still in short supply due to a combination of factors such as low capacity of institutions to produce them, high attrition rates and impact of the HIV/Aids epidemic. The conditions that had to be met for Zambia to qualify as a heavily indebted poor country added hardships as salary increases were frozen along with recruitment of new staff. This led to high learner to teacher ratios, especially at the lower levels of the school system, as it coincided with BESSIP and later FBE.

In line with the government’s ownership of the majority of the schools, the government is the largest employer of teachers in Zambia with close to 90%, since most community and grant-aided school teachers are also employed by the government. The teaching profession loses large numbers of teachers every year, ranging from 4,965 in 2005 to 9,645 in 2010 for basic education and 501 in 2005 to 1,470 in 2010 for secondary education. The general economy has been improving since 2002. This may have opened up more posts for educated people in areas other than teaching and the versatility of teachers make them an accessible recruitment pool.

Almost all (97% in 2010) government-employed teachers had the minimum academic qualifications required to teach at the levels but only 14.5% were qualified to teach at the secondary school level. The situation was reversed at the basic school level where only 7.8% teachers were unqualified.

An interesting finding is that the main urban provinces of Lusaka and Copperbelt provinces had the largest numbers of unqualified preschool teachers. This may be due to the large numbers of children in preschool in these provinces which makes it necessary to recruit large numbers of ECCDE teachers to meet the expanding need. This may also be related to the fact that this sub-sector has only been recently brought under the MoE and that standards and qualifications have yet to be enforced. The fact that this sector is mostly under private ownership would also explain the situation.

The remuneration package for staff at the MoE includes housing and pension contributions. The civil service is generally underpaid in Zambia, especially at the lower ranks. The general perception is that teachers’ salaries are low and the payroll inefficiently managed, causing delays in payment of salaries. There is a serious shortage of teaching materials, especially in rural schools. Many teachers have a preference for teaching in towns where living conditions are more favourable than what is found in rural areas.

Teachers belong to teachers’ unions and a code of conduct is operational through the Teaching Service Commission, which is responsible for teacher management. The Commission has disciplinary codes for certain improprieties such as teachers behaving immorally with pupils or students of any education institution. There is a disciplinary committee within the MoE that handles disciplinary cases involving teachers and staff. One of the most common causes of teacher dismissals involves sexual harassment of girls by male teachers, as well as exam leaks.
Some teachers escape disciplinary procedures for defilement while many civil servants get away with non-performance because matters are ignored or merely discussed without any serious consequences. It is not uncommon to hear comments such as: ‘It’s very difficult to lose your job in the civil service.’ Few cases have been taken to court and the ones that do often involve top civil servants in financial impropriety and abuse of office.

6. External oversight mechanisms

There are several oversight institutions in Zambia including the Parliament, the Office of the Auditor-General (OAG), the Human Rights Commission (HRC), the Anti-Corruption Commission (ACC), parent–teacher associations (PTAs), school management committees and the media.

Parliament is the most important oversight body for the executive wing of government. In practice, the oversight capability and effectiveness is weak. The education budget documents are discussed and approved without rigorous critique.

The OAG is the most important financial oversight mechanism. However, it has serious limitations with regard to its human resource capacity. Its reports of financial misconduct go unheeded as it possesses no prosecutorial powers. The institutions that do have such powers – such as the police – almost never respond to the reports of the Auditor-General on financial misconduct by government departments and officials.

The ACC has had some important successes in tackling corruption and abuse of power or office, but these have been scattered cases and most public concerns and reports of corruption by the media have not been investigated or prosecuted. This raises serious concerns about the effectiveness of the ACC.

Oversight by PTAs has occasionally been useful in combating petty corruption. However, these too are weak and rarely highlight misconduct. PTAs are also constrained by inadequate information on policy and budget preparation processes and systems and thus, their intervention is limited in many other areas of education governance.

Freedoms of the media and civil society advocacy have been characteristic of Zambia’s burgeoning democracy since the end of the one-party state and the birth of plural democracy in 1991. In education, key civil society organisations that have emerged are the Zambia Children’s Education Association, which deals with children’s right to education, the Forum for Women Educationalists of Zambia (FAWEZA) and the Zambia National Education Coalition (ZANEC) that became a coalition of a number of education advocacy CSOs. They too face a number of challenges in exercising their oversight role, including donor dependency, sidelining by government (especially for more politically-orientated NGOs) and poor rural presence. However, education NGOs are on the whole respected by government and have a good working relationship.

Despite these weaknesses, CSOs have played and continue to play an important role in creating an acceptance of an increasing public participation in policy-making, assessment of service delivery and the budget process. They have commissioned studies in the education
sector such as budget tracking and education indicators that have been important instruments for advocacy. ZANEC, FAWEZA, the Zambia Civic Education Association (ZCEA) and a number of NGOs and education specialists participate in the MoE Annual Review meetings and their work has enabled greater access to education information, as well as proactive planning in education issues. The only problem is that after the Joint Annual Review, these organisations are left on the sidelines of the MoE planning and implementation process.

The media have been a major means of advocacy through the dissemination of education messages and implementation activities designed to improve the quality of education delivery. Even the state media, which have been known to stay silent about public service issues except those that satisfy the establishment, have become increasingly informative on the state of education and public service delivery in general. Media freedom has grown with the growth of community radio stations, which now offer alternative information to the state media.

Civil society activism has taken many forms such as petitions and press releases targeted at particular authorities. Transparency International often lobbies and writes to relevant authorities on governance issues while education NGOs continue to lobby and advocate various issues within their respective concerns.

7. Development assistance

Like many countries in the region, Zambia depends on international partners’ support in education service delivery. On average donors contribute over 30% to the national budget. Through the JASZ 2007–2010, designed by the CPs to manage their support to the government during the FNDP, partners are also responding to Zambia’s Vision 2030.

Harmonisation of support is done through a Memorandum of Understanding now known as Wider Harmonisation in Practice. Its objectives are the same as for other aid modalities approaches such as to reduce transaction costs for the government; to articulate priorities for support during the plan period; to improve aid delivery through a more effective division of labour and allocation of partners’ resources; and to establish a shared vision and guiding principles for CPs’ support to the FNDP and the Vision 2030, among others.

Partners supporting the MoE through the Pooled Fund approach continued their support during this period resulting in a more than 50% rise in expenditure on education with the pool contributing 12% of the budget. Overall donor support to education through these approaches has been successful, strengthening planning and budgeting, improving transparency, accountability and monitoring and evaluation.

In view of recent significant financial contributions to the education sector through the MAF and the Netherlands’ contribution of USD 10 million to education through UNICEF, it appears that CPs will continue supporting the education sector for some time. The challenge for the government and the sector is to maintain this high level of commitment through mutual accountability for results.

Many CPs publish information on development assistance or aid flows in all sectors including education. The coverage of the reporting varies and some partners are more diligent
in reporting with actual figures while others make general reporting. Many have websites demonstrating the type of development assistance they render.

The Ministry of Finance and National Planning does not have an easily accessible information system on development assistance; consequently, obtaining that information is a challenging process.

The general push and acceptance of the sector-wide approach to programming has enabled the creation of a sector Pool Fund, which has improved MoE budgeting, coordination and harmonisation of education resources. There have been 13 CPs in the education sector and the challenges of managing coordination are certainly numerous.

CPs provide critical support to many civil society organisations involved in various advocacy issues in education and governance. These education NGOs provide critical support and supplement to government initiatives, but also make government less complacent due to their advocacy work. Organisations such as FAWEZA provide important support to girl-child education, while ZANEC advocates for quality delivery of education services and thus undertakes research into budget and other education-related issues.

Recommendations

**International and national legal framework**

- The policy of FBE must be made effective by provision of adequate funding to the primary school sub-sector. As such, pronouncements to undertake free education at secondary school must be seen as a long-term goal and to be implemented only after FBE is adequately resourced and quality education delivery assured.

- In keeping with the country’s Vision 2030 designed to make the country reach middle-income status by 2030, skills training must be enhanced and financed adequately. Bursary schemes for students who cannot afford school fees at tertiary level must be put in place. But given the limited resources, a meritorious approach can be undertaken to implement this for a given percentage of students.

- The government must comply with its reporting obligations under the international human rights treaties, in particular by reporting on its implementation of the right to education.

- In line with the new Education Act, policy instruments need to be put in place for its operation, even as the review process is being undertaken. It was passed as an Act and implementation must take place and need not await the new Constitution.

- With regard to penalties for parents who either marry off their school-going daughters or fail to send their children to schools, an alternative way of enhancing the learner’s right to education must be found instead, such as a combination of police, community and school involvement.

- A clear road map is necessary for the implementation and enactment of the draft Constitution since it is currently unclear.
Information collection, publication and management

- To improve data collection and publication of the National Statistical System, the government must adequately fund the CSO and make sure that there is provision of adequately qualified personnel.

- The MoE must increase the number of the personnel in the Planning Division so that data updates and timely delivery of information is assured. In this regard, education-related NGOs such as ZANE, FAWEZA, the ZCEA and UNICEF must engage the ministry on the manpower requirements of the Planning Division.

- The government must ensure quick passage of the Access to Information Bill. Civil society organisations must lobby and advocate for the quick enactment of the Access to Information Bill. They must demand a time frame for the current review process and final submission to Parliament.

- Civil society must additionally advocate for the timely publication of the Statistical Bulletin so that it is published regularly at the end of each year, and not at two-year intervals.

- The MoE must review its reporting on completion rates in the EMIS data, starting with Grade 7 which is the last grade of primary school education, and then address the issue at higher grades.

Strategic planning

- To make strategic planning effective and efficient, capacity must be built in the Directorate of Planning. Efficient and skilled personnel must be recruited into the directorate.

- Adequate financial resources must accompany the planning system to support the work of the Directorate of Planning.

- The Directorate of Inspection must be strengthened with skilled manpower, but more so with adequate financial resources for effective management and monitoring of the delivery of quality education, and ensure that the school system is compliant with the MoE’s guidelines and standards.

- While there are limited resources to implement the three above, resource mobilisation must be considered through increased revenue collection from the mining sector in line with civil society demands and even the recommendations of the Breton Woods Institutions. This requires a broader societal lobby and advocacy approach.

- The voices of CSOs need to be heard during the planning, monitoring and evaluation of education programmes to increase their knowledge base and thus make their advocacy work far more informed and effective. An effective way is to have real input in the Annual Joint Review as well as in the annual plans of the ministry.

- The CSO and the MoE must improve collaboration in data collection and other education-related surveys.

- The MoE must ensure that annual education sector plan reviews clearly set out steps for collecting and harnessing views and priorities of communities through their organised agents if decentralisation of services delivery as well as ownership of the programme
by local communities is to have meaning. It must set out procedures and steps by which local voices can be heard and heeded. CSOs in education must provide the framework for identifying these voices as they work with them in the communities.

**Budgeting and financial management**

- The MoE must increase capital budget above personal emoluments to help improve equipment and infrastructure in the school system. These improvements can be phased in starting with certain districts and be scaled up over time.
- Funding to the school system must be systematic and timely. The erratic release of school grants must end to enable school programmes to run smoothly and systematically in line with the budget.
- CSOs must agitate for an increase of resources, especially for vulnerable groups such as orphaned and vulnerable children and children with special needs.
- The MoE must improve sector plan delivery so that resources allocated to the sector actually achieve intended results. The planning and budgeting must be better linked so that budgeting is target specific and in line with the Annual Strategic Plan and five-year plans.
- CSO organisations must seek greater participation in planning and budgeting, as well as assessment and evaluation of education sector goals and achievements. They must seek to highlight views of local communities in education service planning and delivery. This participation can be advocated through the Annual Joint Review meetings.

**Human resource management**

- The MoE needs to reduce the pupil–teacher ratios by scaling up the building of more schools and related infrastructure, including the training and recruiting of teachers.
- There is need to improve conditions of service for teachers and offer improved remuneration packages to attract teachers into the teaching profession.
- CSOs and stakeholders in education should develop an advocacy strategy that seeks human resource management and development strategy to address the real issues and needs of staff so that teachers are retained and teacher attrition is eliminated to negligible levels.
- The disciplinary code of conduct is clear but it needs enhanced enforcement mechanisms, that is, the ministry and stakeholders must develop improved reporting and recording and procedures in disciplinary cases. This also requires greater sensitisation about ministry codes of conduct and ethics.

**External oversight mechanism**

- The OAG, the HRC and the ACC need to operate truly autonomously in order to carry out their mandate as oversight institutions that ensure proper utilisation of public resources in the MoE and other government institutions. CSOs, like the Law Association of Zambia (LAZ) and others, must examine the legal frameworks of these institutions with a view to strengthening them.
• The OAG needs authority and power to work with the ACC and police so that its reports can have prosecutorial sanction.

• Oversight institutions need to be properly resourced to carry out their mandates and to remunerate their staff adequately. CSOs, especially the Economic Association of Zambia and the LAZ, must lobby for this.

• CSOs must take stock of the activities of oversight bodies and build synergies with these institutions to find ways to improve their advocacy skills. The current cooperation should not be limited to a few training workshops between oversight bodies and CSOs, but focus must be on building sustainable synergies and cooperation.

• PTAs must be sensitised by education NGOs to act as stronger oversight institutions for their schools in their respective communities, especially in cases of corruption. In common forms of petty corruption they should liaise with the police and anti-corruption offices where necessary.

• Education NGOs must liaise with the Parliamentary Committee on Education to ensure their recommendations on improving service delivery are adhered to and in particular, be able to undertake monitoring and evaluation of their respective sectors.

• The speaker must be lobbied to undertake, through the Parliamentary Reforms and Modernisation Committee, a review and modernisation of the committee system to make it more effective and have power of sanction.

### Development assistance

• The MoE must address concerns of development partners in order to continue to build confidence and continued support especially in areas of resource use and transparency in the governance of the education sector.

• In the light of departing CPs, civil society must lobby for increased revenue collection, especially from the copper mines, so that the financing of education and other sectors can be made more efficient.

• Commitments to the education budget must be increased to 30% of the total government budget in line with many SADC region countries. NGOs in education should engage in lobbying and advocacy on this issue in a consistent manner. The media can be a keen advocate of this matter.

• CSOs must develop a strategy for lobbying for a proportion of government funding in some of their key projects that complement the work of MoE.

• CSOs must strengthen and expand their advocacy so that they can be effectively involved in the annual plan and budget of the MoE.
Part II
Zambia: Effective Delivery of Public Education Services

Main Report
The state of education services

The introduction of free basic education (FBE) in Zambia in 2002 during the Basic Educational Sub-sector Investment Programme (BESSIP) significantly improved access to primary education, especially after declining enrolments in the 1990s. Access to secondary and tertiary education was not expanded to accommodate this increase in the primary school student population and these two sub-sectors remained in a state of stagnation during the early years of FBE and BESSIP (although there has been a slow increase in enrolments in tertiary education in the few existing institutions).

While there was increased access for children at primary school level, an insufficient budget was allocated to the sector, which undermined delivery and quality of education. Shortages of teachers, teaching and learning materials, and inadequate general school infrastructure have been a common occurrence. This state of affairs has had a negative impact on the effectiveness of delivering services at primary, secondary and tertiary levels in the education sector. The internal system is very inefficient and characterised by high dropout rates and poor reading and arithmetic competency skills at mid-primary level, as well as generally unsatisfactory examination performance at both primary and secondary levels.

A. History of education in Zambia

Education policy development can be divided into four major periods in Zambia: the colonial era; the United National Independence Party (UNIP) or Kaunda era; the era of liberalisation under the Movement for Multi-party Democracy (MMD); and the current Patriotic Front (PF) government era that began after the 2011 elections. It is still too early to have a clear sense of the policy shifts and their implications that will be introduced by the PF government.
Zambia’s education system is, to a large extent, based on the colonial system of education inherited in 1964 when the country gained independence from Great Britain. The colonial era education policies (1890–1963) were limited to the provision of rudimentary education for Africans. During the early part of this period, education was driven by the need to facilitate the spread of Christianity. Providers of formal education during that period were missionary pioneers to whom the ability of Africans to read the Bible was an important part of their mission to convert them to Christianity. Missionary schools would often have a church and clinic in the vicinity of each other; these features tend to have been continued although the government has taken over the running of most clinics.

After the Second World War, education began to expand to meet basic clerical and state institutions such as the police, basic colonial military needs and primary school teacher resource needs. But these efforts were inadequate to mitigate the years of colonial neglect.

During the Kaunda era under UNIP, the country was fully dependent on expatriate manpower at all levels of state and society because of the absence of educated Zambians. For example, at Chipepo Secondary School, a school built shortly after independence, there were only four Zambian teachers when the author entered Grade 8; out of a staff compliment of about 16, the remainder of the teachers were expatriates.

Government policy was committed to providing free education up to tertiary level. The country saw rapid investments and expansion in education. The only policy guide was the ruling party manifesto and the Education Act of 1964, both of which had no precise targets other than providing free education for all citizens. The country witnessed a spectacular rise in access to education, especially at primary and secondary school levels. An ambitious programme was launched to build new schools and expand some existing ones to increase enrolments, while white-only schools were taken over by the government and Zambian children were admitted to them. The first and only university in the country was founded in 1968 by the UNIP government, four years after independence, and a number of technical schools were established between 1964 and the 1980s.

During the post-Kaunda era, the government led by the MMD under former trade unionist Chiluba, ended the one-party state and the monopoly over the control of education also came to an end. Education was liberalised in the sense that private and community schools were allowed to emerge and contribute significantly to the education delivery system. But much of the school system has since remained in government hands. Table 1 shows that 58% of the schools are in government hands while 33% are community schools.

Schools established by communities often use volunteer teachers, but government policy since 2006 has been to equip these schools with better infrastructure and teachers and eventually take over these schools and make them government schools.

Church schools are categorised as grant-aided institutions because they use government grants to operate. Their continued existence is considered to be in the public interest and because they are such old institutions, they contribute significantly to education. Funding these schools helps to reduce high schools fees that would otherwise make them unaffordable to many pupils.

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1 It is very difficult to get the total number of school teachers country-wide for that period because statistics were not kept.
Table 1: Total number of schools by running agency

<table>
<thead>
<tr>
<th></th>
<th>GRZ</th>
<th>Grant aid</th>
<th>Private</th>
<th>Community</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central</td>
<td>539</td>
<td>32</td>
<td>50</td>
<td>440</td>
<td>1061</td>
</tr>
<tr>
<td>Copperbelt</td>
<td>512</td>
<td>38</td>
<td>251</td>
<td>306</td>
<td>1107</td>
</tr>
<tr>
<td>Eastern</td>
<td>741</td>
<td>49</td>
<td>23</td>
<td>389</td>
<td>1202</td>
</tr>
<tr>
<td>Luapula</td>
<td>446</td>
<td>20</td>
<td>18</td>
<td>195</td>
<td>679</td>
</tr>
<tr>
<td>Lusaka</td>
<td>262</td>
<td>18</td>
<td>150</td>
<td>346</td>
<td>776</td>
</tr>
<tr>
<td>North Western</td>
<td>498</td>
<td>43</td>
<td>14</td>
<td>193</td>
<td>748</td>
</tr>
<tr>
<td>Northern</td>
<td>973</td>
<td>42</td>
<td>25</td>
<td>454</td>
<td>1494</td>
</tr>
<tr>
<td>Southern</td>
<td>740</td>
<td>64</td>
<td>72</td>
<td>363</td>
<td>1239</td>
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<tr>
<td>Western</td>
<td>615</td>
<td>24</td>
<td>19</td>
<td>173</td>
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<tr>
<td>National</td>
<td>5326</td>
<td>330</td>
<td>622</td>
<td>2859</td>
<td>9137</td>
</tr>
</tbody>
</table>


Private schools are the third-largest category after community schools; the largest category is primary schools. Of the 644 secondary schools, 423 are government, 140 private, 73 grant-aided and 8 are community schools. Private schools are set up and operated by individuals or societies and are purely commercial ventures. Government does not have proper regulation of private schools: once they fulfil registration requirements – they run independently and are rarely monitored.

No major policy changes occurred until the 1990s, motivated by a number of factors, mostly economic and political. The 1991–2001 period saw a significant decline in education sector development. Growing poverty and underinvestment in education was caused by the steady decline in the economy precipitated by the fall of copper prices in 1976. The 1980s saw more radical structural adjustment, which was followed by the liberalisation and privatisation programme that began in the 1990s under the multi-party democratic governance system.

Underinvestment in education saw net school attendance rates decline from 97% in 1991 to 86% in 1998, while attendance rates for secondary schools declined by a larger percentage, from 31% to 25%. Per capita expenditure for pupils at primary school level was a meager USD 17, exactly half the amount spent in 1985. Personal emoluments subsumed 95% of the public expenditure on primary education with no public funding left for textbooks and other education materials. The following facts and figures further revealed the face of basic education in the early 1990s:

- 250,000 primary school-going age children were not attending school and 32,000 children could not find places in Grade 1.
- By 2001, it was estimated that 30% of children of school-going age were not enrolled, that is, nearly 620,000 children. The problem was particularly acute in rural areas where over 55% of children aged 7 years were not enrolled.

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4 Ibid.
• Education infrastructure was dilapidated throughout the country; classrooms in the urban schools were overcrowded; there was a lack of school equipment; teachers were not very motivated because of poor conditions of service; education opportunities, particularly for girls, disabled children and those pupils living in remote rural areas, had diminished.\(^5\)

This period saw considerable policy development and reform. The Zambian government, with partner support, began to address the declining trends in education delivery and performance. In 1996, the Educating Our Future education policy was launched as part of the reform initiative and to give direction to education service delivery. BESSIP was introduced to deal with declining standards and infrastructure in primary schools (which began to be known as basic schools). A science policy was also developed in 1996 to encourage science education in schools. Its implementation has been lukewarm and mostly incomplete.

The international environment gave further impetus to the policy reforms by focusing on specific targets in education. The government became a signatory to the Millennium Development Goals (MDGs) and Education for All (EFA) goals. The EFA goals were formulated during the Jomtien Conference in 1990 and reaffirmed in Dakar in 2000.\(^6\) Concrete goals were established for 2015 and provided a broad framework for policy-making in developing countries.

Under the Mwanawasa presidency, universal primary education became basic education and was extended from Grade 7 to Grade 9. It is in this context that the most pivotal policy initiative – FBE – was launched in the early part of 2003, although this policy covered only Grades 1–7. An infrastructure development plan was developed in 2009.\(^7\) The extension of primary education to Grade 9 caused both policy and investment challenges, which had implications for quality education and to some extent the performance of the learners.

As a result of these policy initiatives, enrolments rose significantly and more resources were allocated to teaching materials, classroom construction and training and hiring of teachers. But the additional funding did not meet the needs. In many cases, the elimination of schools fees put a strain on schools that were unable to cover their operational costs through the new government grants. This contributed to erosion of quality education delivery. Schools made up for underfunding by charging a variety of user fees, which in fact contradicted the policy of free education.

\(^5\) Ibid.
\(^7\) Infrastructure Development Plan, MoE, 2009.
B. The structure of the education system

Zambia’s formal education system has seen policy shifts and changes. Until 2005, primary school covered the first seven years and secondary school another five. The tertiary level included four years of university education and two to three years of college education. However, during the Mwanawasa presidency in the 2000s this changed. Primary school was renamed basic education and constituted the first nine years, while secondary school became known as high school education, and was for three years only. Under the new PF government, it has reverted to the post-independence education structure with immediate effect, though its efficacy is yet to be established. Preschool education is a little known sub-sector that has recently acquired significant attention. It has been given specific focus both by the current and the previous governments. Its structure is outlined below:

**Early childhood care development and education**

The 1977 educational reforms stated that the provision and funding of early childhood and preschool education would be the responsibility of local councils, local communities, non-governmental organisations (NGOs), private individuals and families. The major challenges in the Early Childhood Care, Development and Education (ECCDE) sub-sector include a fragmented curriculum; the lack of coherent policy, standards, monitoring and supervision; and confining of ECCDE to preschooling instead of offering a more comprehensive learning experience. Financing of ECCDE has remained unclear as most of the learning dispensed at this level is in the hands of private providers.\(^8\)

The National Policy on Education refers to ECCDE and the following strategies were identified by the Ministry of Education (MoE) to strengthen the sub-sector:

- Training teachers for preschool education;
- Developing curriculum materials for preschools; and
- Monitoring preschool standards.

The MoE is committed to these strategies and expects the private sector to continue to deliver services for this sub-sector while limiting the ministry’s role to monitoring standards and teacher training. ECCDE programmes were expected to start in 2008. Modest funding has been provided for this sub-sector to cater exclusively for administrative requirements. It is expected that school health and nutrition programmes will be expanded to link with ECCDE in terms of quality, impact and readiness to learn. The development of this sub-sector has yet to be seen to have commenced seven years since the MoE launched it. Not even the curriculum has been developed thus far and therefore providers of early childhood education use their own initiative.

**BESSIP and basic education**

BESSIP emerged as a policy at the end of the one-party system and the rise of political pluralism. It was part of the emerging broad-based reforms in the country’s economic and social sectors. In education, a series of reforms was undertaken to arrest the decline in the sector. In 1992 the

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policy document ‘Focus on Learning’ was followed by ‘Educating Our Future’ in 1996, a product of lengthy broad-based consultations with various stakeholders. It dealt with issues of access, equity and quality of education delivery. It also dealt with decentralisation and institutional and infrastructural development. The comprehensive BESSIP programme was finally developed and approved in 1998. Implementation of the programme started in 1999.

Backed by considerable development partner support, the government introduced universal primary education from Grades 1–9 under BESSIP. Funds were committed to improving infrastructure, building new schools and expanding some existing ones. Support to vulnerable children was started, although on a limited scale, to encourage them to stay in school while a reentry policy was adopted for those who had dropped out of school for various reasons, including pregnancy. FBE for Grades 1–7 was also launched in February 2002. It was expected that this policy would be extended to Grades 8 and 9 in the future. To date this has not taken place and the new government has reverted to the old school structure, which means that Grades 8 and 9 have moved back to secondary school but are still fee paying; this poses a challenge to those pupils who cannot afford school fees and may thus explain lower progression or transition rates between Grades 7 and 8.

Increased budget commitments (see Table 11) registered a rise in government budget to education from ZMK 486 billion in 2003 to ZMK 1.3 trillion in 2006, with releases to the sector averaging above 100%. BESSIP was given a specific budget line, which despite earlier fluctuations, was also steadily rising over the period under review. This budget line was for the procurement of school materials like books and pencils as part of the free education system.

Besides the policy interventions above, other priority areas like infrastructure were also considered. In the four-year period from 1999 to 2003, priorities under infrastructure were:

- The construction of about 3 000 new classrooms through demand driven community-based activities and targeted contractor implemented activities;
- The acquisition and distribution of about 20 000 desks to schools;
- The rehabilitation and maintenance of 1 600 classrooms; and
- The drilling of 1 190 boreholes to make schools environmentally friendly by providing water facilities that hitherto had been non-existent.

These investments and FBE policy led to some significant improvement in education enrolments and gender parity index. As a result of the abolition of Grade 7 exam fees, 50.3% of pupils were selected to Grade 8 in 2001 – an increase on the previous year. In 2004, a total of 2 626 readmissions were recorded which was an increase on 1 836 in 2003 for Grades 1–9. By 2003, there were 23 823 classrooms in 5 773 schools across the country, which increased to 29 009 in 6 796 schools in 2004. This can be attributed to the construction of 3 396 new classrooms with most of them replacing temporary structures.

BESSIP achieved considerable success despite the challenges. There were 5 300 basic schools in 2000, and by 2006 there were more than 8 000; the numbers remained relatively unchanged for 2008. The largest numbers were for community schools. Classrooms increased

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from 25 000 to 35 000 during the same period. Around 1.4 million books were distributed between 2000 and 2006, while the total numbers of teachers increased by 33%, from 37 000 in 2000, to 57 000 in 2007 and 61 811 by 2008.\textsuperscript{10} Enrolment in Grades 1–7 increased by 67% from 1.6 million in 2000 to 2.5 million in 2004 and 2.9 million in 2007;\textsuperscript{11} the enrolment figure was just over 3.5 million in 2010.\textsuperscript{12}

\textbf{Table 2: Enrolment in Grades 1–7 by agency/type and province}

<table>
<thead>
<tr>
<th></th>
<th>Private/Church</th>
<th>Grant aid</th>
<th>Community</th>
<th>GRZ</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central</td>
<td>7 376</td>
<td>7 590</td>
<td>76 926</td>
<td>259 817</td>
<td>351 709</td>
</tr>
<tr>
<td>Copperbelt</td>
<td>40 474</td>
<td>10 603</td>
<td>68 909</td>
<td>337 553</td>
<td>457 539</td>
</tr>
<tr>
<td>Eastern</td>
<td>4 440</td>
<td>15 090</td>
<td>62 034</td>
<td>279 090</td>
<td>360 654</td>
</tr>
<tr>
<td>Luapula</td>
<td>3 301</td>
<td>6 669</td>
<td>42 014</td>
<td>199 066</td>
<td>251 050</td>
</tr>
<tr>
<td>Lusaka</td>
<td>24 201</td>
<td>5 655</td>
<td>94 142</td>
<td>257 399</td>
<td>381 397</td>
</tr>
<tr>
<td>North Western</td>
<td>1 834</td>
<td>7 199</td>
<td>29 659</td>
<td>161 824</td>
<td>200 516</td>
</tr>
<tr>
<td>Southern</td>
<td>10 303</td>
<td>13 363</td>
<td>80 824</td>
<td>340 402</td>
<td>437 788</td>
</tr>
<tr>
<td>Western</td>
<td>2 980</td>
<td>4 512</td>
<td>24 393</td>
<td>175 621</td>
<td>207 506</td>
</tr>
<tr>
<td>National</td>
<td>98 108</td>
<td>88 009</td>
<td>546 899</td>
<td>2 312 261</td>
<td>3 045 277</td>
</tr>
</tbody>
</table>


\textbf{Table 3: Enrolment Grades 1–9 by agency/type and province}

<table>
<thead>
<tr>
<th></th>
<th>GRZ</th>
<th>Grant aid</th>
<th>Private/Church</th>
<th>Community</th>
<th>Total</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central</td>
<td>312 052</td>
<td>9 831</td>
<td>8 411</td>
<td>78 458</td>
<td>408 752</td>
<td>3.3</td>
</tr>
<tr>
<td>Copperbelt</td>
<td>431 399</td>
<td>12 091</td>
<td>47 425</td>
<td>69 715</td>
<td>560 630</td>
<td>3.3</td>
</tr>
<tr>
<td>Eastern</td>
<td>311 319</td>
<td>20 401</td>
<td>5 053</td>
<td>62 079</td>
<td>398 852</td>
<td>1.8</td>
</tr>
<tr>
<td>Luapula</td>
<td>231 036</td>
<td>7 823</td>
<td>3 675</td>
<td>42 383</td>
<td>284 917</td>
<td>4.0</td>
</tr>
<tr>
<td>Lusaka</td>
<td>318 380</td>
<td>8 000</td>
<td>30 794</td>
<td>97 706</td>
<td>454 880</td>
<td>18.2</td>
</tr>
<tr>
<td>North Western</td>
<td>189 696</td>
<td>7 727</td>
<td>2 028</td>
<td>39 715</td>
<td>229 166</td>
<td>2.3</td>
</tr>
<tr>
<td>Northern</td>
<td>375 342</td>
<td>17 126</td>
<td>3 857</td>
<td>81 197</td>
<td>477 522</td>
<td>3.9</td>
</tr>
<tr>
<td>Southern</td>
<td>355 138</td>
<td>24 999</td>
<td>11 978</td>
<td>68 725</td>
<td>460 840</td>
<td>2.8</td>
</tr>
<tr>
<td>Western</td>
<td>200 561</td>
<td>6 219</td>
<td>3 519</td>
<td>24 430</td>
<td>234 729</td>
<td>1.4</td>
</tr>
<tr>
<td>National</td>
<td>2 724 923</td>
<td>114 217</td>
<td>116 740</td>
<td>554 408</td>
<td>3 510 288</td>
<td>4.7</td>
</tr>
</tbody>
</table>


The enrolment of orphans increased by 44.9% between 2003 and 2004 (350 292 in 2003 to 507 452 in 2004) due to various interventions.\textsuperscript{13} The numbers continued to grow, though modestly, and by 2007 there were 672 960 vulnerable orphaned children in Grades 1–9 while


\textsuperscript{11} ZANEC, Status of Teachers in Zambia: A Study for the 2006 Global Week of Action, 2006; Ed Assist Statistical Data, MoE, 2007.

\textsuperscript{12} Exact figure 3 510 288; MoE 2004, 2005, 2006 and 2010 Statistical Bulletins.

\textsuperscript{13} MoE 2004 Statistical Bulletin.
there were slightly more than 46,000 in high school.\textsuperscript{14}

Enrolments of children with special education needs also increased owing to the ministry’s strategies to encourage access. They reached a total number of over 73,000 in 2004 (46% being female) and increased to 168,866 in 2008. But the delivery of basic education was challenged by inappropriate facilities and inadequate infrastructure. Consequently, despite increased enrolments, the quality of education was not assured due to lack of sufficient resources and infrastructure for the vulnerable, including those with disabilities.

In terms of absolute figures, the number of pupils enrolled in Grades 1–9 was 2.98 million in 2006,\textsuperscript{15} compared to 2.85 million in 2005\textsuperscript{16} and 2.5 million in 2004; however, figures were poor at secondary school level, which reflect the neglect of that sub-sector. These achievements were characterised by low progression rates beyond Grades 7 and 9.

\section*{Secondary education}

Secondary education is the most neglected part of the education sector. The last government high school was built in 1972 and the stagnation in high school expansion has drastically reduced student numbers. A little over 55,000 students graduate every year from secondary schools with O-level certificates. These low numbers partly explain the completion rates of only 53.23\% at Grade 9 level.\textsuperscript{17} This statistic suggests that nearly half of children who enter Grade 8 do not finish Grade 9; the demands for school fees are a major reason for attrition among students. There is further attrition due to limited spaces in Grade 10. Currently, there are just under 284,000 secondary school students in all high schools, compared to 465,000 in Grades 8 and 9.\textsuperscript{18} These figures are disturbing considering that 65\% of Zambia’s population belongs to the youth age group\textsuperscript{19} and Grade 1 enrolments number 472,238.\textsuperscript{20}

After years of neglect, the MoE from 2005/6 began to improve access to secondary education by increasing budget commitments and addressing access as a priority. This required expansion of some existing school infrastructure and building of new high schools country-wide. The Fifth National Development Plan (FNDP) reflected this new policy and focus.

There are nine technical secondary schools in the country designed to foster the development of science, mathematics and technology (SMT) subjects. Three of these are national technical schools – they recruit the best students who enter Grade 10 nationally. The others are not national schools; therefore they recruit from within their provincial domains but do not have access to the best of the Grade 9 school leavers or have much lower entry requirements. These secondary schools were previously male-only schools but they became co-educational schools when they were converted to technical schools. Other secondary schools in the country also teach SMT subjects but the nine technical secondary schools are dedicated centres for the transmission of SMT education.

\textsuperscript{14} MoE 2008 Statistical Bulletin, p. 73.
\textsuperscript{15} Exact number 2,982,718.
\textsuperscript{16} Exact number 2,852,370.
\textsuperscript{17} MoE 2010 Statistical Bulletin, p. 54.
\textsuperscript{18} Calculation from the MoE 2010 Statistical Bulletin.
\textsuperscript{19} The Youth Policy defines youth as 18–35 years.
\textsuperscript{20} MoE 2010 Statistical Bulletin.
Table 4: Enrolment in Grades 10–12 in all schools by gender and province

<table>
<thead>
<tr>
<th>Province</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
<th>% Female</th>
<th>% of total</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central</td>
<td>15.497</td>
<td>13.081</td>
<td>28.578</td>
<td>45.8</td>
<td>10.1</td>
<td>3.3</td>
</tr>
<tr>
<td>Copperbelt</td>
<td>37.338</td>
<td>33.736</td>
<td>71.074</td>
<td>47.5</td>
<td>25.0</td>
<td>10.7</td>
</tr>
<tr>
<td>Eastern</td>
<td>14.211</td>
<td>9.706</td>
<td>23.917</td>
<td>40.6</td>
<td>8.4</td>
<td>10.5</td>
</tr>
<tr>
<td>Luapula</td>
<td>11.043</td>
<td>7.022</td>
<td>18.065</td>
<td>38.9</td>
<td>6.4</td>
<td>2.6</td>
</tr>
<tr>
<td>Lusaka</td>
<td>25.444</td>
<td>22.967</td>
<td>48.411</td>
<td>47.4</td>
<td>17.1</td>
<td>8.4</td>
</tr>
<tr>
<td>North Western</td>
<td>10.660</td>
<td>7.617</td>
<td>18.277</td>
<td>41.7</td>
<td>6.4</td>
<td>0.6</td>
</tr>
<tr>
<td>Northern</td>
<td>14.577</td>
<td>9.249</td>
<td>23.826</td>
<td>38.8</td>
<td>8.4</td>
<td>1.7</td>
</tr>
<tr>
<td>Southern</td>
<td>18.527</td>
<td>16.108</td>
<td>34.635</td>
<td>46.5</td>
<td>12.2</td>
<td>5.0</td>
</tr>
<tr>
<td>Western</td>
<td>9.212</td>
<td>7.936</td>
<td>17.148</td>
<td>46.3</td>
<td>6.0</td>
<td>18.9</td>
</tr>
<tr>
<td>National</td>
<td>156.509</td>
<td>137.422</td>
<td>283.931</td>
<td>44.9</td>
<td>100</td>
<td>7.2</td>
</tr>
</tbody>
</table>


Table 5: Enrolment in Grades 10–12 in government and grant-aided schools by gender and province

<table>
<thead>
<tr>
<th>Province</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
<th>% Female</th>
<th>% of total</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central</td>
<td>14.854</td>
<td>12.398</td>
<td>27.252</td>
<td>45.5</td>
<td>10.2</td>
<td>6.2</td>
</tr>
<tr>
<td>Copperbelt</td>
<td>35.129</td>
<td>31.771</td>
<td>66.900</td>
<td>47.5</td>
<td>24.9</td>
<td>12.9</td>
</tr>
<tr>
<td>Eastern</td>
<td>14.000</td>
<td>9.590</td>
<td>23.590</td>
<td>40.7</td>
<td>8.8</td>
<td>16.5</td>
</tr>
<tr>
<td>Luapula</td>
<td>10.794</td>
<td>6.982</td>
<td>17.776</td>
<td>39.3</td>
<td>6.6</td>
<td>8.7</td>
</tr>
<tr>
<td>Lusaka</td>
<td>22.588</td>
<td>20.025</td>
<td>42.613</td>
<td>47.0</td>
<td>15.9</td>
<td>8.5</td>
</tr>
<tr>
<td>North Western</td>
<td>10.624</td>
<td>7.558</td>
<td>18.182</td>
<td>41.6</td>
<td>6.8</td>
<td>6.5</td>
</tr>
<tr>
<td>Northern</td>
<td>13.919</td>
<td>8.835</td>
<td>22.754</td>
<td>38.8</td>
<td>8.5</td>
<td>6.2</td>
</tr>
<tr>
<td>Southern</td>
<td>17.479</td>
<td>15.258</td>
<td>32.737</td>
<td>46.6</td>
<td>12.2</td>
<td>7.0</td>
</tr>
<tr>
<td>Western</td>
<td>8.962</td>
<td>7.680</td>
<td>16.642</td>
<td>46.1</td>
<td>6.2</td>
<td>20.0</td>
</tr>
<tr>
<td>National</td>
<td>148.349</td>
<td>120.097</td>
<td>268.446</td>
<td>44.7</td>
<td>100</td>
<td>10.1</td>
</tr>
</tbody>
</table>


Except for the national technical schools, other technical schools do not have adequate infrastructure arrangements for girls and while many of the boys are boarding, girls have to walk to school from neighbouring communities, which cuts into their study time. Ablution blocks are in a dilapidated state for all pupils and girls, in particular. The original vision for these technical schools has also been lost: they are no longer planned for as technical schools. There are more non-technical subjects and teachers than technical; nearly all have inadequate or dysfunctional laboratory and other facilities for effective SMT teaching, with the exception of the new all-girls technical school in Ndola.21

The FNDP (2006–2010) was designed to increase access to secondary education by building a total of 100 secondary schools. Construction plans began in 2007 with 31 secondary schools;

another 12 were planned for the following year.\textsuperscript{22} The ministry pioneered the community mode of construction to reduce costs (compared to the more expensive contractor mode of construction). The aim was to build two schools in each province using this more cost-effective approach, starting in 2009. The two construction methods – community and contractor – are now running simultaneously. The 31 secondary schools planned in 2008 were still under construction in 2009 and were unlikely to be finished in 2011. According to the Sixth National Development Plan (SNDP), which reviewed the progress of the previous plan, these schools were not completed as per schedule.\textsuperscript{23}

It is clear that progress is being made in secondary education but it is far too slow and out of pace with needs and plans including Vision 2030, which aims to make Zambia a middle-income country. The skills currently available and the educational level of the population are insufficient to sustain the growth of a viable middle class. It would, however, appear implementation and planning capacity problems have been key challenges in attempts to fulfil plan requirements and targets.

**Tertiary education**

The tertiary sub-sector can be divided into two groups. The first group includes those institutions that fall directly under the MoE. These are the University of Zambia, the Copperbelt University and 14 teacher training colleges. Twelve of these institutions provide training for teachers for basic schools up to Grade 7, while the two provide training for upper basic and high schools. The Natural Resources Development College provides teachers for agricultural sciences, while Evelyn Hone College of Applied Arts provides teachers for music and art.

The second group includes colleges registered under the Technical Education, Vocational and Entrepreneurship Training Authority (TEVETA). There are 151 TEVETA colleges offering diplomas in various fields. Nearly half of these are private while the government, religious organisations or communities, run the rest. However, with a total capacity of 26 000 places, the sector is unable to meet the demand. Until recently, TEVETA was the responsibility of the Ministry of Science, Technology and Vocational Training, but in 2011 it was placed under the administration of the MoE. It is yet to be seen how it will operate. Universities and colleges offer diploma and degree certificates at the end of either three to four years of training.

The tertiary sub-sector suffers from inadequate faculty, classroom space and even relevance of curriculum. The tertiary sector curriculum is full of content but lacks in the teaching of practical skills. The question is: at what pace will this challenge be given attention and resources? The SNDP refers to these challenges but it remains to be seen how far implementation will show intent and plan manifestation.

The government policy since 2004 has been to expand distance learning for students, increase admissions for privately-funded students and also improve the area of teacher education, curriculum review and development, special education, distance learning and adult basic education including adult literacy.\textsuperscript{24}

\textsuperscript{22} MoE. Education Sector, Infrastructural Operation Plan 2008, p. 1.


\textsuperscript{24} MoE 2004 Statistical Bulletin, p. 128.
The student–lecturer ratio nationwide is almost 18:1, which is a decent ratio though it may have no effect given the disconnection between theory and practice. The quality of education delivery is still quite poor. Many of the institutions are in a state of disrepair, with broken down workshops and laboratories. Even the quality of teachers entering these institutions is highly questionable and poor living and working conditions often dispirit them.

Universities are regulated by an Act of Parliament and are autonomous in operation, though they are overseen by the MoE and also funded by the ministry. There are also private universities that have emerged since the 2000 reforms. These include, among others, the University of Lusaka, Zambia Open University and the Catholic University. These private institutions offer teacher training programmes. They are not regulated by any piece of legislation but seek accreditation from the MoE and are registered under the Registrar of Societies Act. Any organisation operating in Zambia in the public interest must be registered, but there is no supervision of such educational establishments to monitor their standards.

C. Challenges in the education sector

Access

Since the introduction of the FBE policy, the enrolment of children has increased tremendously and this necessitates a corresponding increase in classroom space. Children with ECCDE experience entering Grade 1 all came from private institutions. The majority does not have early childhood education. The low participation in preschool education in Zambia can be attributed partly to parents’ inability to pay fees as preschooling is provided mostly by private institutions as a business. Though the MoE was mandated to coordinate ECCDE in 2004, participation in preschooling will continue to be poor for as long as provision remains in private hands.

Student intake at high school level is low. Only 28.71% of children are enrolled in secondary education (gross enrolment). The sub-sector has 283,931 pupils in Grades 10–12, of which 25.7% are girls and 31.77% are boys.

At tertiary level, private universities do not have clear statistics on student numbers because the MoE does not collect them. Government universities, however, had more than 16,000 students, TEVETA institutions about 24,000 and teacher training institutions around 8,763 in 2004. Access clearly remains an issue of concern. Of the 55,000 school leavers at O level, only about 15% can access entry to tertiary institutions, perhaps one of the lowest in the Southern African Development Community region.

School dropouts are also a concern. Though the dropout rates vary from region to region, in all cases the dropout rate for girls is higher than it is for boys. The school system loses many pupils along the way, which shows evidence of great inefficiency in the education sector service delivery.

So it is unclear as to whether the country is on track to achieve MDG 2 and EFA goal 2. School funding and learning materials are inadequate; so is school infrastructure. There are insufficient teachers and pupil–teacher ratios are high – in some primary schools there is one

25 Ibid.: 132.
teacher to 80 pupils. Secondary and tertiary levels have better ratios but mostly because of stringent entry requirements.

The country has FBE, which is now being proposed to extend to high school level, but funding is inadequate and education is not yet compulsory. Even though the new Education Act makes education compulsory, there is no policy movement in that direction and all appears to be business as usual. School uniforms have not been abolished but a policy is in place not to send away pupils without uniforms. It would appear, however, that this policy seems to lack effective implementation. Many schools are poorly equipped to teach science subjects due to either lack of laboratory time, space or equipment as well as adequately trained science teachers. Zambia will not meet 2015 deadlines and unless new initiatives are undertaken, another 30 years may be required.

There have been various innovations to support girls’ education in particular. The ministry has improved access to education for girls and the retention level of female students. Organisations like Forum for African Women Educationist of Zambia (FAWEZA) support girl-child education through bursary schemes and reading materials; in addition, the ministry’s school feeding and nutritional programme has helped alleviate the poverty situation of many learners. These are, however, modest efforts in the context of such great need. At tertiary level, the ministry has increased bursary support to the girl child and has lowered entry requirements at the University of Zambia by two notches lower than the male applicants.

**Equity**
The major problem in Zambia has been that of inequitable access to education. As highlighted earlier in this report, the gender parity index is almost even at Grade 1. Almost equal numbers of boys and girls enter Grade 1, but gender parity at higher grades has yet to be achieved. Girls are particularly under-represented at secondary and tertiary levels. In private and church schools, however, there is a higher proportion of female students – out of 94,077 pupils, boys total 46,003, while 48,074 (51.1%) are girls.\(^{26}\) The higher proportion of girls in this category of school suggests several things. These schools have better water and sanitation facilities, superior learning environments and more boarding facilities with better facilities with a higher proportion of girls-only schools compared to government schools. These schools also tend to retain better skilled teachers and experience low levels of teacher turnover compared to government schools.

The inequalities affecting pupil performance have socio-economic and geographical causes. There are problems of poverty and poor school environments such as water and sanitation, long distances to schools and social cultural factors that demotivate the girl child. Orphans and vulnerable children (OVCs) and children with special needs have begun to receive attention in the school system but more especially within the Education Our Future policy.

The main focus of the MoE’s equity programme is to respond to challenges affecting cross-cutting issues in education. The equity concerns are targeted at addressing gender, orphans and OVCs, children with special educational needs, school health and nutrition and HIV/AIDS. Each of the components of the equity programme has been implementing interventions aimed at

\(^{26}\) Ibid.
mitigating the needs of vulnerable children. With regards to gender concerns, there have been policy interventions and strategies aimed at promoting the retention of girls in the education system; for example, the reentry policy relating to pregnant girls who return to school after giving birth. The provision of bursary support to orphans and vulnerable children, including girls, is another intervention to promote the participation of the various categories of children who would otherwise not be able to afford an education. This kind of support has seen an increase in the number of OVCs accessing education at the various levels of the system. The provision of a feeding scheme through the school health and nutrition programme has improved attendance of children particularly in the hunger-prone areas hit by droughts and general poverty.

The number of children with special needs accessing education has increased and this has been supported by the training of teachers in special education and the provision of learning materials. The ministry is implementing an HIV/Aids workplace policy and needs to strengthen the HIV/Aids response for learners as well as the peer education activities.

Quality of education
The delivery of quality education has been a major problem in Zambia, despite advances in access. It would appear that policy initiatives have paid greater attention to access than quality. BESSIP and FBE emphasised access and the secondary school expansion programme is also centred on improving access. Even expansion in the tertiary sector is focused more on access than quality. It was assumed that quality would follow access, but this has not happened in practice. For example, numeracy scores for Grade 1–5 pupils are lower than 35%.[27] This shows that pupils proceed to high grades with very poor arithmetic skills suggesting that the school system is failing to deliver quality education despite the investments in the sector.

Pupil–teacher ratios are very high and vary from region to region. Some extreme cases range from 80:1 and sometimes 100:1,[28] while the ideal average is 35:1. This reduces pupil–teacher contact and contributes to poor education delivery. In some cases, there are too many poorly trained teachers.

Other factors contributing to the poor quality of learning are the unavailability of teaching and learning materials, inadequate teacher qualifications, insufficient contact time between pupil and teacher and the poor motivation level of teachers. Teachers feel demotivated because of poor conditions of service and insufficient and inadequate teacher housing.

The 2008 Annual School Census reported an increase in the number of school teachers from 71,612 in 2007 to 77,223 in 2008; 36,941 were female and 40,282 were male, representing an increase of 7.84% over the 2007 year.[29] Of the total number of teachers, 61,811 were teaching in basic schools and 15,412 in secondary schools, which only marginally improved pupil–teacher ratios. The average ratio in lower basic education is around 76:1. However, the supply of teaching and learning materials remained erratic and the curriculum was not revised.

Teacher training and qualifications are important indices of quality education delivery. There is a low inflow of teachers qualified with university or higher diplomas at the basic school

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level. The majority are graduates with primary teacher certificates (68.5%), followed by diploma holders (11.6%), while only 1% of teachers hold degrees.

Teacher housing is a major problem in Zambian schools. Better service conditions are provided in grant-aided and private schools. Teacher accommodation is an indicator of quality, that is, better housing tends to improve teacher welfare and dedication to work; this in turn improves teacher retention. Data for 2004 shows that there were 38,276 basic school teachers against 12,753 permanent houses and 4,817 temporary structures, that is, an average of 2.2 teachers per house that meant that over 19,000 teachers had no houses.

The factors discussed so far appear to have combined to affect examination results in the country. Despite some achievements and improvements, the examination pass rate is relatively poor. In 2008 and 2010 the pass rate is approximately 53% for boys and 43% for girls; at Grade 12 it is approximately 63% for boys and 57% for girls. This means that more than half the girl pupils fail primary school examinations; and the figure is equally unimpressive for boys – almost half fail. The secondary school exam pass rate is a little better but not meritorious either. More recent reports in the media have suggested that pass rates at secondary and primary school levels have fallen even further in 2012. It demonstrates system inefficiency despite the investments made in the sector.

The tertiary sub-sector faces similar challenges of neglect and being out of pace with the times. In a bid to upgrade teachers with certificates and diplomas, some continuing professional development programmes have been introduced, such as the Primary Teachers’ Diploma by distance learning, along with the existing distance learning programmes at both the University of Zambia and secondary colleges.

**The impact of HIV/AIDS**

Zambia has approximately 12 million inhabitants and an annual population growth rate of 2.9%. It is among the sub-Saharan African countries that are worst affected by the HIV/AIDS pandemic. The HIV prevalence rate is estimated at 16% among the most sexually active age group (15–49 years). Women are 1.4 times more likely to be HIV-positive than their male counterparts.

Studies have reported an HIV prevalence rate of up to 40% among teachers. Given the prevailing high rate of mortality and morbidity, the scarcity of human resources is further aggravated.

The MoE has developed and implemented the HIV/AIDS workplace policy designed to strengthen the HIV/AIDS response of pupils and teachers alike. There has been a decline in the number of teachers dying in basic schools, dropping from 824 in 2004 to 690 in 2010. The decline in deaths is connected to the robust HIV and intervention strategies that include counselling and provision of free anti-retroviral drugs.

A growing number of pupils are orphans who are at greatest risk of repeating or dropping out of school. There are many child-headed homesteads in Zambia, which compromises the potential educational achievements of these pupils. That is the value of the HIV/AIDS intervention strategy, as well as bursary schemes for vulnerable children that have been

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important in addressing the plight of this category of children. The Youth Policy and the Child Policy\textsuperscript{32} recognises the need to provide special needs to OVCs. Many are also affected or afflicted by HIV/AIDS. However, there are domestic and international NGOs that support OVCs to compliment government efforts such as Care International, Plan International, World Vision and FAWEZA, among others.

D. Conclusion

The state of education delivery shows both progress and retrogression. The following conclusions are made:

- Progress on education delivery is being made but the MoE shows low capacity in its programme implementation.
- The completion rate statistics for Grade 7 (97\%) and for other grades are misleading. Consequently it becomes difficult to measure progress on the EFA goals and the MDGs in education.
- There are high pupil–teacher ratios which compromise delivery of quality education. These are exacerbated by poor conditions of service for teachers.
- Girl-child performance is still lower than that of boys, reflecting both gender imbalance as well as poor quality education delivery.
- Rising enrolments reflect advances in addressing access but quality of education delivery has been lacking at all levels of the education delivery system.

Zambia has signed and ratified several international human rights treaties. It has also subscribed to other policy commitments such as the Education for All (EFA) goals and the Millennium Development Goals (MDGs) that deal with the right to education for children. But it has had a poor record in reporting to treaty monitoring bodies. There have been slight improvements in recent years, especially with regard to the African Peer Review Mechanism dealing specifically with issues of governance and human rights of civil and political nature. Key international conventions such as the Convention on Economic, Social and Cultural Rights, the African Charter on Human and Peoples Rights and the African Charter on Rights and Welfare of the African Child have all been signed and ratified, but have not been incorporated into Zambian law. They thus have no legal force. There is now a draft Constitution that domesticates all these treaties and conventions. The new Education Act that was legislated in April 2011 has been placed under review by the new government, which means that it is in practice not yet effective.

**A. International law**

The right to education is an important principle in the human rights framework. There are several human rights articles included in international treaties that guide education in Zambia, at least as ratified by the Zambian government. These have influenced the draft Constitution as well as the new Education Act. The new draft Constitution domesticates all international treaties and conventions and treats education as a right, as does the Education Act, as it provides for universal free and compulsory education. Both are influenced by:

- Article 26 of the Universal Declaration on Human Rights;
- Article 17 of African Charter on Human and Peoples Rights;
• Article 11 of the African Charter on Rights and Welfare of the Child;
• Article 28 of the Convention on the Rights of the Child; and
• Articles 13 and 14 of the International Covenant on the Economic, Social and Cultural Rights.

Other conventions to which Zambia is a party eliminate discrimination against women and prohibit all racial discrimination in the education sector. Zambia is also a signatory to the EFA and the MDGs, sections of which deal with education delivery and identify specific targets.

The government reporting to international bodies, with the exception of a few areas, has not improved significantly especially with regard to the United Nations Human Rights Charter on Economic Social and Cultural Rights that gives educational rights a human rights perspective. The governments under the Movement for Multi-party Democracy (MMD), from Mwanawasa to Banda, were opposed to the Human Rights Charter in the Constitution. This set the tone for government inertia in dealing with such international instruments. No official within the government system, not even the governance section of the Ministry of Foreign Affairs, ever acknowledged the Charter on Public Services. It is therefore almost impossible to tell how compliant the civil service is to this charter.

**B. The Constitution**

Zambia has a Bill of Rights in its Constitution which guarantees everyone civil and political rights and freedoms. Some of these rights and freedoms are:

- Liberty;
- Protection from torture and inhuman or degrading punishment;
- Privacy of home and other property;
- Fair trial, assembly and association; and
- Protection from discrimination on the grounds of race, sex, tribe, place of origin, marital status, political opinions, colour or creed.

For children, in particular, there is provision for protection of young persons from physical or mental ill treatment, all forms of neglect, cruelty or exploitation and from being the subject of trafficking in any form.

These rights and freedoms are justiciable, which means that any person who feels his/her rights have been, are being or are likely to be infringed upon, can take legal action against the government in the High Court which has broad power to award remedies. These include the common civil and political rights that also broadly cover children.

However, some economic, social and cultural rights, though guaranteed in part 10 of the Constitution of Zambia, exist only in the form of Directive Principles of State Policy. They are listed as follows:

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33 See the Constitution of Zambia, Articles 11–24.
34 Ibid.: Article 28.
• Adequate means to livelihood;
• Clean and safe water;
• Adequate educational, medical and health facilities;
• Decent shelter;
• Equal and adequate educational opportunities in all fields and at all levels for all;
• Provision to persons with disabilities and to the aged benefits and amenities as are suitable to their needs and are just and equitable;
• Right to culture, tradition, custom or language;
• A clean and healthy environment for all; and
• Fair labour practices coupled with safe and healthy working conditions.

The most relevant of these are those relating to education, health and sanitation for they are critical elements of the education delivery system. Unlike civil and political rights however, the directive principles are not justiciable. They are therefore not legally enforceable in any court, tribunal or administrative institution or entity.\textsuperscript{36} Moreover, the directive principles may be observed only in so far as state resources are able to sustain their application, or if the general welfare of the public so unavoidably demands, as may be determined by Cabinet.\textsuperscript{37}

Their value lies in the fact that they are supposed to guide the executive, the legislature and the judiciary in the development and implementation of national policies, the making and enactment of laws and the application of the Constitution and any other law.\textsuperscript{38}

The directive principles in part 10 of the Zambian Constitution and the wording of Article 4 of the United Nations Convention on the Rights of the Child (‘to the maximum extent of their available resources’), allow government the latitude not to operate effectively as protector of last resort and therefore do not impose a sense of urgency and binding responsibility. This legal lacuna is reflected in persistently poor budget planning and financing of education programmes and all programmes relating to children’s welfare. This means that all government policies regarding education for children are merely Directive Principles of State Policy and are not legally binding. Thus the education policy and various other documents that support and protect children’s education do not have legal backing and are therefore not legally binding. In essence, laxity on the part of the state in the effective implementation of state policy on education cannot be litigated thus, removing from the state any sense of legal obligation to the provision of quality education for all children in Zambia. This issue has often raised concern among non-governmental organisations and other sections of society that have considered this to be a neglected issue. This issue arose in the discussion of the draft Constitution (see below).

The current constitution-making has had two distinct review processes. During the 2006–2011 review there was a constitutional conference, but the Bill failed to get parliamentary support due to resistance by the government to include key civil society demands such as the Human Rights Charter that would have covered the right to education. The new government that took office in September 2011 began another constitutional review process, which has since produced

\textsuperscript{36} Ibid.: Article 111.
\textsuperscript{37} Ibid.: Article 110(2).
\textsuperscript{38} Ibid.: Article 110(1).
a draft document that is being subjected to public scrutiny. This draft Constitution provides for international treaties and protocols Zambia is party to, including a dedicated Human Rights Charter enshrining cultural, social and economic rights.

Part V of the draft Constitution is dedicated to the Bill of Rights. Article 24 states that the Bill of Rights provided for in this part is fundamental to democracy and constitutionalism and shall form the basis of Zambia's social, political, economic and cultural policies. It further adds that the purpose of the Bill of Rights is to preserve the dignity of individuals and communities by promoting social justice and realising the potential of all human beings. It emphasises that these rights are inherent in each individual and cannot be granted or taken away by the state. Article 25 further makes the state the duty bearer in the respecting, promotion, protection and fulfilment of the Bill of Rights. It places the burden of responsibility on the President to report each year to the National Assembly on the measures taken by and the achievements of the state in the realisation of the Bill of Rights.

Article 61 mandates Parliament to enact legislation ‘that provides measures, which are reasonable, to achieve the progressive realisation of the economic, social and cultural rights under the Bill of Rights’. Thus the draft Constitution makes health, water and sanitation, social security and protection and education justifiable and justiciable rights. If passed by Parliament in its present form, this will be a landmark Constitution that will have domesticated the United Nations Charter on human rights and other international agreements, treaties and protocols as they relate to social cultural and economic rights.

C. Legislation

The Education Act of 1966 that was repealed and replaced by the Education Act of 2011 governs the financing and management of education delivery services in the country. The 1966 Education Act gave general principles on the provision and management of education services at all levels in the country. All prior policy initiatives on education have been undertaken without legal provisions.

Under the 1966 Act and current Constitution, the rights to education are only implicit as such freedoms and rights and the limitations thereof and can be assumed to have an indirect impact on the right and ability to access quality education. However, in relation to children's rights to education, Zambian law has until recently been silent on the matter. While there is a policy framework that includes education, Free Basic Education (FBE) and others, these policy guidelines are merely statements of intent and good will on the rights of children and citizens to education. They have not been backed by law and are therefore not justiciable. There has been no law to compel the government to provide for universal primary education and neither could one litigate on these rights. But commitments of the government in the absence of a legal framework can only be measured through its policy frameworks and the budgetary efforts to commit resources to the education. This means that outside the legal framework, only the policy framework has provided a guide to the understanding of government commitments to children’s right to education. This means that policy implementation inconsistencies and lapses

39 Article 24 Chapter 2.
40 Article 25 Chapter 3.
in political will have always remained challenges in advancing the rights of children and citizens to education.

The Education Act of April 2011, which was passed by an Act of Parliament, has not yet been operational as 2011 was an election year. The new government has not yet adopted it, preferring instead to review it. Details regarding the review process are unclear, but certain amendments are being sought. The Ministry of Justice (MoJ) is managing the review or amendment process, but it is not a transparent process that is subject to public scrutiny. The exact content and form of the new Education Act and government adherence to its fundamental principles will only be seen after the review process has been completed. The Education Act of 2011 is meant to harmonise policy and law, as well as provide for the education delivery services as per citizens and children’s rights.

The most important part of the Act for this discussion is its reference to learners under Part IV. Article 14 provides every person with a right to the following: early childhood care, development and education, as well as basic education, including adult literacy education and high school education. Article 15 provides for free basic education while Article 17 makes education compulsory and places the burden of responsibility on the parent to ensure that a child who attains school-going age attends school. Chapter 3 of the Article grants school authorities power and authority to follow up on the parents or guardians of a child who is not enrolled at an education institution, or where a learner who is enrolled fails to attend school without reasonable excuse, or fails to respond to a notice for exculpation designed to remedy the situation from school authorities is thereby penalised. School authorities are therefore obligated to report such a matter to the police; if such a person is convicted they would be fined or sent to prison for one year or both. Article 18 prohibits the marriage of learners who are children and the Act penalises whoever marries a child to imprisonment of not less than 15 years. The Article further bans all government, grant-aided institutions and community schools from turning away a child from school on the grounds of failing to pay school fees, or particular clothing (e.g. uniform or sportswear). It also prohibits the turning away of a child who does not subscribe to the mission or religious practice of that educational institution.

There are penalties for parents who either marry off their school-going daughters or fail to send their children to schools to ensure the right of learners to education. However, a penalty such as imprisonment may actually work against the interests of the learner, that is, losing a parent to take care of the home and the learner. Instead an alternative way to support the learner’s right to education must therefore be sought. The police can be encouraged to instil the fear of the law; perhaps the system should encourage intervention between the police, the community and school authorities to create a more workable formula.

The Act also guides authorities towards ensuring equality of access to education for children with special education needs and promotes affirmative action in relation to this category of learners including identification, diagnosis and assessment for the placement of learners with special education needs. Other matters such as the decentralisation of education services and Ministry of Education (MoE) policy instruments such as the reentry policy have been included in the new Education Act.

At the time of compiling this report, civil society organisations and MoE officials were
unclear about which elements of the Act were due for review. But it seems clear that part of the review is to realign the structure of the education system in the Act to bring it in line with new policy changes that intend to restore primary and secondary school systems to the original post-independence structure.

D. Conclusions and recommendations
Despite Zambia being a signatory to many international treaties and protocols, it has not domesticated many of them, in particular those enshrining the right to education. Under the current Constitution, the right to education cannot be litigated and thus is not justifiable.

The Education Act of 2011 domesticates all international treaties and protocols dealing with the right to compulsory and free education. This Act, though passed as law, has not been implemented and is currently undergoing a review process by the new Patriotic Front (PF) government. It is not clear yet what is being reviewed, but it seems to be the preserve of the MoJ, which has given no clear road map to the amendment process. The MoJ also does not appear to be in consultation with anyone outside the government machinery.

The following recommendations are therefore proposed:

• The policy of FBE must be made effective by provision of adequate funding to the primary school sub-sector. As such, pronouncements to undertake free education at secondary school must be seen as a long-term goal and to be implemented only after FBE is adequately resourced and quality education delivery assured.
• In keeping with the country’s Vision 2030 – designed to make the country reach middle-income status by 2030 – skills training must be enhanced and financed adequately. Bursary schemes for students who cannot afford school fees at tertiary level must be put in place. But given the limited resources, a meritorious approach can be undertaken to implement this for a given percentage of students.
• The government must comply with its reporting obligations under the international human rights treaties, in particular by reporting on its implementation of the right to education.
• In line with the new Education Act, policy instruments need to be put in place for its operation, even as the review process is being undertaken. It was passed as an Act and implementation must take place and need not await the new Constitution.
• With regard to penalties for parents who either marry off their school-going daughters or fail to send their children to schools, an alternative way of enhancing the learner’s right to education must be found instead, such as a combination of police, community and school involvement.
• A clear road map is necessary for the implementation and enactment of the draft Constitution since it is currently unclear.
Information collection, publication and management

The main sources of information for education matters are the Central Statistical Office, the Ministry of Education (MoE) (which compiles an annual Statistical Bulletin) and other related government departments and ministries. The information produced by the MoE is generally credible as there is considerable attention to accuracy and methodology. But its presentation in the Statistical Bulletin is sometimes questionable, that is, it is occasionally misleading and unreliable and thus fails to provide correct analysis, especially regarding information related to pupil completion rates. This chapter highlights some of these areas of concern in information collection, publication and management. The Freedom of Information Bill has been prepared in draft form for the last two years but has yet to be passed into law by Parliament.

A. The Central Statistical Office

The Central Statistical Office (CSO) is the main collector and custodian of information and statistics in Zambia. It is the official data collector of all statistics, for example, population census, demographic trends and poverty monitoring surveys. The information is generally good with a clear methodology of its collection and publication. Some data on education is collected together with the MoE, though the MoE is the custodian and chief collector of most education related data.

The CSO was established through the legal mandate for the National Statistical System (NSS). The Act is outdated and no longer able to provide for the policy, administrative and economic changes that have taken place in the country since 1964. In particular, the Act is due for review as it does not provide for the following:

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41 As articulated in Part IV of the 1964 Census and Statistics Act, Chapter 425 of the Laws of Zambia.
• An elaborate ethical code of conduct for staff;
• Many areas of comprehensive social and economic statistics;
• Provision of data for non-centralized planning;
• An institutional arrangement for a NSS which facilitates a statistical policy formulation and implementation; and
• Elaborate sections and subsections that are commensurate with the current institutional arrangements with regard to data collection, penalties and fines.

The organisational structure of the CSO faced some changes in 1992 when the Zambian government initiated a Public Service Reform Programme (PSRP) as part of its adjustment programme. The purpose of the PSRP was to improve the efficiency and performance of the civil service. Since then, the need to restructure the CSO was under discussion until 2000 when the department was partially restructured. The restructuring upgraded a number of posts but it also led to downsizing the office. The CSO has 656 staff members compared to 1340 employees before restructuring. This restructuring was an interim measure pending the amendment of the current Statistics Act.42

The CSO is currently headed by a director and has four subject matter divisions:
• Economic and Financial Statistics Division;
• Social Statistics Division;
• Agriculture and Environment Statistics Division; and
• Research, Dissemination and Data Processing Division.

Each division is headed by a deputy director who is also responsible for respective sectoral statistical production. Besides the subject matter branches and sections, there are service units that principally service the day-to-day operations of subject matter divisions. In addition, the CSO has an office in each of the nine provinces. Under the new structure, provincial statistical offices are headed by principal statisticians.43

The CSO has several staff categories, including:
• Professional staff with university degrees in statistics or related fields;
• Professionals who hold degrees in accounts, management, sociology and library science;
• Lower-level staff who work in supportive roles to professional staff in data collection, compilation and computing;
• Technical staff with expertise in cartography, printing, mapping and repairs of various types; and
• Support staff.

The main statistical capacity-building programme of the CSO was the In-Service Training Programme. The programme was started in July 1975 with financial and technical assistance

43 Ibid.: 39.
from the UNDP in order to improve data collection and processing in Zambia. Government undertook to fund the programme when UNDP assistance came to an end in 1984. However, in 1994, the British Overseas Development Agency sponsored the programme through a Household Budget Survey that included training.

The CSO has its headquarters in Lusaka and offices in all nine provincial capitals of the country and also in some selected districts in each province. Provincial offices are mainly responsible for data collection, manual editing and data entry.

Although the information is generally good, there are times when it is questionable, especially with regards to analysis and projections on inflation – areas where there are vested political interests. Whether true or false, there is a perception that such data is manipulated for political reasons, especially when inflationary figures show decline but the key economic indicators show an upward trend in commodity prices. In 2011 it was reported that inflation had dropped to single digits, which was hard to believe when fuel and food prices were rising.

The CSO does not collect statistics on education-related data; instead it obtains data from the MoE for production and dissemination. The education-related data it collects is related to poor and vulnerable households, the out-of-school-age population, as well as the school-age population not attending or enrolled in school.

The CSO is compliant with regional and international protocols on statistics such as the African Charter on Statistics. It is part of the ongoing reviews and meetings of the Statistical Commission for Africa that calls upon member organisations to ‘adopt[s] the standards and guidelines on the implementation of the African Charter on Statistics and commits to work towards its implementation’.\(^\text{44}\) It is a growing institution still dependent on support from cooperating partners for some of its publications and surveys because it is still not fully equipped with manpower and financial resources.

The CSO has a library which provides a valuable source of information to the public, policymakers, students and researchers concerning issues on population, agriculture, economics and gender. The library helps to make available published statistical information. It also serves as a reference and depository centre for local and international statistical information, thereby reinforcing capacity of the institution in providing and responding to information demands from the international community and the public. The CSO library has an estimated collection of well over 8,000 publications. The clientele of the CSO library includes CSO staff, researchers from both private and government institutions, students from different institutions (especially those from the Demography Department of the University of Zambia), non-governmental organisations, international organisations and agencies, as well as the public at large.\(^\text{45}\)

Since 2003, a new system of sending the weekly list of new publications received to staff has been introduced. Members of staff are sent titles with short abstracts of publications received either via the intranet or as hard copies. In the past, staff had to visit the library to be able to find out what had been received. Computerisation of the CSO library has finally been concluded. However, the exercise was lengthy because of inadequate staff. Currently only two library

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\(^{44}\) ACS Newsletter, March 2012.

assistants work in the library. There has been no librarian or assistant librarian for a long period. A CSO official (who sought anonymity) pointed out that the librarian who left in 2007 has not been replaced. It would appear such replacements are outside the mandate of the CSO; like most government departments, the library has to wait for movement on new appointments from the Civil Service Commission at Cabinet office.

B. The Ministry of Education

The ministry has a statistical package called the Education Management Information System (EMIS). The EMIS is housed in the Directorate of Planning, which collects the data for planning and budgeting purposes. The data collected covers all levels and aspects of education delivery system from Early Childhood Care, Development and Education, primary, secondary to tertiary levels.

The MoE stores education-related data in the EMIS. Some of this data is published in an annual bulletin of education statistics, which is a more accessible and user-friendly form itemised according to the category of each set of data. The data published is comprehensive enough as it includes government, private and community schools, though the diversity of data is more reliable in relation to government and grant-aided institutions.

This bulletin is supposed to be updated annually but there was a two-year backlog at the time of writing and the 2010 report was just printed (meaning that the publishing of the 2011 report will probably only take place in 2013). The ministry’s EMIS wing faces many challenges relating to capacity in terms of personnel, resource base and timely release of data.

Compliance with the questionnaires used to be a problem in the early years of the EMIS system and was only resolved when the ministry began to attach grant disbursements to questionnaire compliance. This has led to improvements of close to 100%. It would seem there are times when compliance is affected slightly for some reason. At a discussion involving a study on education indicators commissioned by the Forum for Women Educationalists of Zambia (FAWEZA) in November 2012, the issue of reliability of education statistics arose, especially with regard to the 2011 Statistical Bulletin where some figures of enrolments showed a marked decline at Grade 1 level from previous years, which given the rising enrolments over the years, does not seem likely.

An officer explained that the system of data collection, though reasonably accurate, is dependent on a number of variables. Sometimes compliance with the questionnaires is poor and 2010/2011 data suffered from a slightly lower compliance rate by schools, which affected the data record. Since the data is collected on a particular day of the year, it may be that pupils are absent from school that day to attend a community agricultural activity. Another problem cited was when pupils move to another school without transfer documents and they become registered as having dropped out when in fact they are attending a nearby school within the community. Until school systems are computerised and constantly monitor and record changes in student numbers, this problem will persist.
c. Access to information

A vital part of service delivery that promotes accountability and transparency is access to and availability of information. Section 37 of the draft Constitution provides for access to information in the following words:

A citizen has the right of access to information held by the state; and information held by another person who is lawfully required for the exercise or protection of any right or freedom.\(^{46}\)

The same section provides further obligation on the part of the state: ‘The state has the obligation to publicise any information that is in the public interest or affects the welfare of the nation.’\(^{47}\)

The legal requirement is at the discretion of ministry officials and bureaucratic guidelines. It is very difficult to get information that is not published, such as inspection reports. In order to obtain these, a letter is required addressed to the permanent secretary, who then will make the decision to provide or deny access. Experience has shown that it is difficult to find a willing and available PS as they constantly have to attend meetings or workshops.\(^{48}\)

The MoE procurement procedures are governed by the Public Procurement Authority, a government agency that sets standards, rules and regulations and procedures for the undertaking of public procurement in all government business and contracts. Such procedures must be subjected to an open tender so that transparency and accountability can be guaranteed. Financial accounting is subjected to the Auditor-General that issues an annual report and often cites irregularities in resource use and accounting in all government ministries and departments. However, the Auditor-General Report is often two to three years behind schedule owing to manpower problems; mechanisms to follow up and bring culprits to book are therefore weak. Furthermore, the police fraud division does not have sufficient administrative powers and resources to follow up such cases. Cases of poor resource use and accountability in education have been reported without any tangible consequence. However, the government is required to establish financial and procurement systems that are robust and transparent enough to curb resource waste and provide confidence to stakeholders such as cooperating partners who finance a large proportion of the MoE budget. Even the government budget is not itemised clearly between capital projects and personal emoluments that take a large chunk of the education budget. This information is not readily available and would require an officer in the ministry to provide it out of good will and within the time limitations given the shortage of manpower.

The quest for correct, timely and relevant information is partly undermined by the failure of government to pass the Freedom of Information Bill that was submitted to Parliament in 2009 and withdrawn due to particular concerns. A legal counsel (who is also a Member of Parliament) indicated that the government seems to have lost interest in the Bill and is stalling just as the previous government did.\(^{49}\) He reported that MPs may have to raise the matter

\(^{46}\) Draft Constitution section 37, Chapter 1.

\(^{47}\) Ibid. Chapter 2.

\(^{48}\) An attempt to get to the PS was futile as she was constantly in meetings and when she became accessible, she was fired from the ministry without explanation.

\(^{49}\) Interview with Jack Mwiimbu, MP for Monze Central and legal counsel, 25 August 2010.
again when Parliament opens. Newspapers report that this Bill is currently under review and some amendments are still being done, and that the Access to Information Bill will be released soon.\(^{10}\) However, the current review process is unclear with regards to how soon it will be concluded. This Bill would not necessarily improve the current state of information collection and publication as that is a problem of funding, procedure and methodology. Specifically, the Bill would help reduce bureaucratic procedures in seeking information, especially that which lies outside the published format such as disaggregated budget expenditures and inspection reports. Until this Bill is passed, access to information shall remain limited.

The government does make published information freely available to the public, especially to civil society organisations and cooperating partners on policy formulation and implementation. There is a Sector Plan Advisory Group involving cooperating partners, civil society organisations in education, scholars and government officials and departments relevant to education where reports are presented on the state of education and the progress made thus far and projections for the future. Positions are taken further on what needs to be done. The Statistical Bulletin and other policy and implementation plans are usually freely available to stakeholders. But it is information outside the published format that is a challenge. Even the EMIS data which can be made available on request depends to a large degree on whether an officer in the office is available and ready to provide it, given the often stretched human resource of the Planning Division.

The ministry needs to provide timely and relevant information on the progress towards Education for All (EFA) goals. There is no clear realignment of plans and investment regarding reaching the 2015 target. At the end of each planning period, an evaluation of achievements and what needs to be done to reach specific targets in line with the Millennium Development Goals and the EFA goals is expected. Unfortunately this is not being done. Instead there are simply projections of percentages of enrolments, as well as teacher recruitment and progression rate targets for a given period. Currently, there is no clear road map to the 2015 EFA target, other than bland optimistic projections.

**D. Quality of education information: Issues for advocacy**

Useful and reliable information is essential to proper planning of education service delivery. Generally, the MoE has a good statistical package for the storage and generation of information. The Annual Bulletins are reasonably useful and reliable sources of information. However, compilation and tabulation is sometimes unreliable, especially regarding the methodology used to work out the pupil completion rates. Unlike Malawi where there are issues regarding the lack of clarity of data on the number of children, adult literacy rate numbers of repeaters and dropouts at different stages of the school system,\(^ {51}\) this is not the case in Zambia. The figures are reasonably accurate and the data collection methodology is periodically reviewed when issues arise, as is the partnership with the CSO in the collection of certain types of data. All education indicators (e.g. access, progression rates, completion rates, pass rates) are disaggregated nationally and by province. The EMIS will even provide data up to district and school levels, although the latter is not

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\(^{10}\) See *Times of Zambia*, 28 August 2010.

easy to access for reasons already outlined. Good quality information is clearly an impediment to planning for better education delivery, but good quality information should be complimented by aligning goals with plans, and commitment and political will to stay the course.

There are still challenges, however, to accessing information given the lack of a legal framework as the Freedom of Information Bill is yet to be passed and would appear to be held up at the Ministry of Information. Only pressure from civil society and political opposition parties may persuade government to bring this Bill to Parliament.

Good quality information is produced but its publication is often undertaken by development partner support. This is a weakness in the sense that donor fatigue could see reduced financial support to information collection and publication. It could become a greater problem in the light of current development partner support uncertainty, especially as the inspections department (a major information collection division) currently faces underfunding.

E. Difficulties of access

Some of the main challenges in the access to information in the MoE are as follows:

- **Red tape**: Bureaucratic procedures and systems do sometimes hinder accessibility of information.
- **User-unfriendly programs**: The MoE Statistical Bulletin is a user-friendly bulletin published from EMIS data. The ministry offers updated data on the EMIS and can cut a CD for a user. This information is more up to date than the published Statistical Bulletin, but it requires considerable training and practice to access this data because of the coding system the EMIS uses, thus this format is not user-friendly.
- **Information scattered among various sources**: Some information regarding education is scattered in different ministries such as the MoE, Youth and Sport, Community Development and Social Welfare, Labour and until more recently, Science and Technology. Thus, finding this information is difficult and time consuming.
- **Some users are unaware of the information that is available**, for example, government printers, gazettes and bulletins, while others lack the capacity to utilise and analyse the data. This however is a problem of skilling and training employees.

F. Weak capacity to produce and publish

Government systems in the production and distribution of information are often constrained by two things: technical capacity and actual manpower shortages. This compromises the delivery of good quality information within a given period of time. The budget and auditing functions of the Ministry of Finance and National Planning (MoFNP) face these problems and the Auditor-General is unable to produce his report on time for the same reasons. The reports on the audit of government ministries have a time lag of between two and three years.

The EMIS system falls under the Directorate of Planning, a section that has been understaffed for years. It has in the last few years not only been understaffed, but it even lost three to four members of staff causing the remaining officers to be overworked and have difficulty meeting operational deadlines.\textsuperscript{32} Staff shortages, much more than the staff skills, have

\textsuperscript{32} Interview with Mr Gondwe, Principal Planning Officer, Budget, MoE, 23 October 2011.
been the major handicap of the MoE and, more so, for information production. The planning system has not changed since the 1990s reforms. The MoFNP allocates the MoE a budget ceiling based on what the MoFNP (through the Cabinet) decides are key priorities for each ministry. The ministry allocates to provinces and districts the budget lines and asks them to plan accordingly so that there is finally a comprehensive annual plan that marries the centre and the regions. The ministry has little influence over how much money they are allocated, other than the annual budget planning request that all ministries submit and MoFNP decides how much to allocate to each ministry, based on the consideration of the resource envelope.

The main source of data at the MoE is the Annual School Census. This census collects the following data:

- Pupils (age, grade, gender, nationality, impairment, repeaters, dropouts, deaths, pregnancies);
- Staff (age, gender, qualification, date of appointment, employment status);
- Infrastructure;
- Finances; and
- Books.

The census involves the ministry sending census questionnaires to all head teachers in government schools through Provincial Education Offices and District Education Offices. The head teachers are supposed to fill in the questionnaires and then return them. Previously all head teachers used to get training on how to fill in questionnaires, however, resource constraints have made it difficult to continue to train head teachers. As a solution to this problem, the ministry in 2002 organised training for District Education Officers on how to complete the questionnaires in anticipation that they would in turn train head teachers.53

In the past, the census covered only government-aided schools. However in 2001, the ministry adopted a policy of covering all schools irrespective of ownership, as well as tertiary institutions both public and private. For some time, non-response was a serious problem. Where there was no response, the previous year’s figures would be used. In order to improve response rates, government decided to tie school grants to the return of the questionnaires. Accuracy and response have thus improved considerably since those early years; 98% of questionnaires were returned in 2001.54 The ministry still does data cleaning to make it useable and it is this data that is finally published in the annual Statistical Bulletin. However, there were still issues of compliance that hampered the 2010 Statistical Bulletin and compliance cannot be enforced on private institutions, especially those at pre-tertiary level.

G. Weak legal framework
The ministry publishes information in the form of policy briefs and plans and basic education data. However, this data comes out late and efforts to obtain a bulletin that is not yet officially sanctioned (or any other information outside the official bulletin) is often taken as a favour, especially in the light of manpower shortages. Until the Freedom of Information Bill (which has

53 CSO Draft Strategic Plan, p. 15.
54 Ibid.: 16.
been renamed the Access of Information Bill) is passed, access of information will continue to be limited. There is no guarantee either that even with such an Act, it will be easy to access such information due to red tape and considerable slowness of the administrative and legal process.

H. Conclusions and recommendations

The sources of information on education are the MoE and the CSO. Despite concerns of the reliability of information on pupil completion rates, the information is generally good with an acceptable and clear methodology of collection. The MoE’s main source of information is the yearly educational Statistical Bulletin which is assembled from the EMIS system. The challenges of accessing data are as follows:

- **Red tape:** Bureaucratic procedures and systems do sometimes hinder accessibility of information.
- **User-unfriendly programs:** The MoE Statistical Bulletin is a user-friendly bulletin published from EMIS data. The ministry offers to update data on the EMIS and can provide a user with a CD. This information is more up to date than the published Statistical Bulletin, but it requires considerable training and practice to access this data because of the coding system used by the EMIS. It is thus not user-friendly.
- **Information is scattered across various sources:** Some information regarding education is found in different ministries such the ministries of Education, Youth and Sport, Labour, Community Development and Social Welfare and until more recently, Science and Technology. Thus, finding this information is difficult and time-consuming.
- **The lack of a legal framework to access information:** Currently it remains at the discretion of officers and their availability to commit time to enable access to information.

Therefore this study makes the following recommendations:

- To improve data collection and publication of the National Statistical System, the government must adequately fund the CSO and make sure that there is provision of adequately qualified personnel.
- The MoE must increase the number of the personnel in the Planning Division so that data updates and timely delivery of information is assured. In this regard, education-related NGOs such as the Zambia National Education Coalition, FAWEZA, the Zambia Civic Education Association and the United Nations Children’s Fund must engage the ministry on the manpower requirements of the Planning Division.
- The government must ensure quick passage of the Access to Information Bill. Civil society organisations must lobby and advocate for the quick enactment of the Access to Information Bill. They must demand a time frame for the current review process and final submission to Parliament.
- Civil society must additionally advocate for the timely publication of the Statistical Bulletin so that it is published regularly at the end of each year and not at two-year intervals.
- The MoE must review its reporting on completion rates in the EMIS data, starting with Grade 7, which is the last grade of primary school education, and then address the issue at higher grades.
Strategic planning, monitoring and evaluation

Strategic planning is an important tool in any programme to ensure accurate and timely delivery of goods and services. It helps to focus on what can realistically be achieved within a given time and with available resources. The education sector, defined broadly in terms of both general education and skills development, is considered a priority sector for poverty alleviation and economic growth in the Fifth National Development Plan (FNDP) 2006–2010. In line with the plan, the Ministry of Education (MoE) developed the National Implementation Framework 2008–2010 (NIF) that covers all sub-sectors in the education system: early childhood, basic schools, high schools, teacher training colleges, universities and adult literacy.

The NIF is a successor of the Strategic Plan 2003–2007 that saw the rise of the Basic Educational Sub-sector Investment Programme (BESSIP) and the eventual development of the High School Sub-sector Development Plan. The NIF was a plan designed towards achieving the Education for All (EFA) goals, as agreed upon at the World Education Forum in Dakar in 2000, as well as the Millennium Development Goals (MDGs). It aimed to achieve universal access to quality primary education and gender equality for both boys and girls.

The Sixth National Development Plan (SNDP) was designed to pick up from the last plan and continues to be the cornerstone of the Education Sector Plan. However, it would appear that planning and management of the education sector has certain weaknesses. There is no reflection on goals set, successes scored, shortcomings realised and what is needed to overcome the shortcomings. The FNDP and the SNDP reviewed the past performance and what was achieved and not achieved. But there was no assessment designed to identify the problems and find ways to overcome these in the new plan. The review is presented as if it
were for information purposes only and not for improving planning and implementation tools.

Each yearly plan lacks an adequate programme review to monitor achievements made and thus ensure progress and continuity of successor plans, that is, plans succeed each other incrementally but there is no clear programme succession. The plans do not really give a good sense of how far Zambia is on the MDGs and the EFA goals and what plans are needed to stay on track. Growth and progress take place because of increasing budget commitments but there is no convincing linkage between planning and the goals. There is also no clear strategy that takes into account the burgeoning private sector at every level of the education system to bring the sub-sector within a clear and notable regulatory framework. Many private schools and universities are competing for student enrolments but there is no monitoring of standards for this sector.

A. The National Development Framework

Zambia has seen several stages of its National Development Framework. It began with the reforms of the 2000s that ushered in the Poverty Reduction Strategy Paper (PRSP) covering the 2002–2004 period. This was a multi-pronged initiative aimed at addressing the serious poverty situation in the country that emerged within the context of adjustment programmes supported by the Bretton Woods Institutions. The PRSP was a response to the mass poverty generated by adjustment programmes and was thus a mitigating policy to the shocks of adjustment and stabilisation policies.

The PRSP is Zambia’s development planning and resource programming tool and as such, it is the overall framework for national planning and intervention for development and poverty reduction. It will roll over every three years and will continue to solicit for broader stakeholder input in its planning, implementation, monitoring and evaluation. It is the nation’s medium-term development framework. The PRSP is not independent of other public planning instruments and processes such as national development vision, public investment programming, sector investment programmes and strategy, as well as the national budgeting process.

The Transitional National Development Plan (TNDP) covered a four-year period from 2002 to 2005. It was followed by a five-year national development plan starting in 2006 and ending in 2010. The drafting of the TNDP drew heavily on the PRSP. However, it went beyond the PRSP to include aspects on national life such as foreign affairs, defence and security, and law and order. It also includes chapters on development of each province. The TNDP was launched in July 2002 following the reintroduction of the planning process after planning in Zambia had been abandoned for over ten years. The theme of the TNDP was to achieve sustained economic growth, employment creation and poverty reduction. Thus the overall goal was to reverse Zambia’s deteriorating socio-economic conditions and stimulate economic growth, create employment and thereby reduce poverty.

The SNDP (2011–2016) has yet to acquire a strategic focus and visibility because 2011 was an election year which was followed by a change in government. Part of the strategy was dealing with poverty through expansion of budgetary requirements for social service delivery. This shift was clearly in response to a critique of adjustment polices that focused on economic sectors and slighted social sectors. The social sector budget has been larger than that of the economic sectors.
and the budget for education, in particular, has been growing ever since. There has also been a heightened realisation that economic growth needs education and skills training, especially in the context of the country’s commitments to the MDGs and the EFA goals.

B. Education sector plan


- **Liberalisation.** Private organisations, individuals, religious bodies, non-governmental organisations (NGOs), faith-based organisations (FBOs), community-based organisations and local communities will have the right to establish and control their own learning institutions.

- **Decentralisation.** The ministry will devolve power from the centre to local levels to allow various stakeholders to share in decision-making and take responsibility for education at the local level.

- **Equality and equity.** Where access, participation and achievement in education are impeded by gender, physical, mental, economic or social factors, the government will seek to eliminate sources of educational disadvantage in order to achieve equality and equity.

- **Quality.** The government will promote a high standard of education and learning for all.

- **Partnerships.** The government will create conditions that allow human, financial and other resources under the control of private and voluntary agencies, communities and religious bodies to be channelled without hindrance into the education sector.

- **Accountability.** The government will ensure that effective systems are in place at national, provincial, district and institutional levels for evaluating the effectiveness and efficiency with which resources are used.

Educating Our Future laid the foundation for the nine years of basic primary education. The goal of the education system in Zambia is that every child should have access to nine years of good quality education. The inauguration of the Basic Education Policy and Free Basic Education (2004) after considerable stakeholder consultations was in line with the policy document which means that children would progress to Grade 9 without exam requirements at Grade 7. However, inadequate infrastructure and funding has compromised transition from Grades 7 to 8, although progress is being made in this regard.55

The Strategic Plan 2003–2007, which was supported by the Netherlands and 10 other donor agencies, was designed to provide better strategic planning and focus in dealing with education delivery for basic schools upon which BESSIP was founded. Thus the policy was set to address declining standards as well as access and progression among pupils in the primary (or basic) schools. After the High School Sub-sector Review, a new policy was inaugurated to take care of all sectors of education.

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The NIF covering the period 2008–2010 was inaugurated and covered all sub-sectors in the education system: early childhood, basic schools, high schools, teacher training colleges, universities and adult literacy. It worked towards achieving the MDGs and the EFA goals, as agreed upon at the World Education Forum in Dakar in 2000. It aims to achieve universal access to quality primary education and gender equality. The NIF was designed to be aligned with the FNDP (2006–2010). The FNDP placed emphasis on improvement of quality, while still regarding increase in access as a priority for early childhood care, development and education, upper basic, high school, vocational training and tertiary education. In this regard, the following were to be among the key reform areas:

- Curriculum development;
- Syllabus design;
- Professional teacher enhancement;
- Making the learner environment more productive and conducive to learning and the welfare of the learner; and
- Attainment of educational standards.\(^5\)

In the area of access to education, the major reforms in the FNDP were to involve provision of education through low-cost/high-impact interventions for different categories of learners who previously were not sufficiently catered for as children, youth or adults. One reform was to focus on the expanded use of open and distance learning and provision of literacy and basic skills education. Other reforms would continue to ensure that pro-poor policies are instituted to offer equitable education to vulnerable members of society, notably under gender, HIV/AIDS, school health and nutrition, orphans and vulnerable children (OVC), learners with special education needs (LSEN) and out-of-school children. Reform of existing policies and/or development of new ones will focus on the following areas:

- Curriculum diversification and assessment;
- Development, production, procurement and supply of educational materials;
- Teacher education, deployment and retention;
- Governance, community participation and cost-sharing;
- Early childhood care, development and education;
- Literacy education;
- Distance and open learning;
- Community schools – ownership, management and financing;
- Equity; and
- Decentralisation.

In order for these policy reforms and priorities to be translated into viable programmes, partnerships were to be built and/or strengthened, especially between government, on the one hand, and donors, NGOs, FBOs and private providers of education and training on the other.

\(^{5}\) National Implementation Framework (NIF), MoE, 2007.
Additionally, appropriate legislation will be instituted for the proposed policy reforms.\textsuperscript{37}

Finally, the government planned to significantly increase the levels of funding to the education and training sector; additional funding will be sourced from external funding agencies. This entailed an increase to Southern African funding levels of a minimum of 5% of the gross domestic product devoted to education and training by 2010. The plan expected external partners to increase the present levels of funding and move towards unrestricted sector support (pool funding), as well as providing general budget support to address the challenges the sector is facing in other key sub-sectors.\textsuperscript{38}

The plan of the FNDP was to achieve the targets of education achievements through the indicators reflected in Table 6. The NIF thus sought to achieve these indicators, which are achievement goals in education and were part of the planning tools of the education component of the FNDP.

\textbf{Table 6: Key education indicators}

<table>
<thead>
<tr>
<th>Indicators</th>
<th>Grade</th>
<th>Baseline 2005</th>
<th>Target 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net enrolment ratio</td>
<td>Grades 1–7</td>
<td>94.7%</td>
<td>97.3%</td>
</tr>
<tr>
<td></td>
<td>Grades 8 and 9</td>
<td>23.5%</td>
<td>48.5%</td>
</tr>
<tr>
<td></td>
<td>Grades 10–12</td>
<td>21.3%</td>
<td>32.6%</td>
</tr>
<tr>
<td>Completion rate</td>
<td>Grade 7</td>
<td>89.9%</td>
<td>90.0%</td>
</tr>
<tr>
<td></td>
<td>Grade 9</td>
<td>42.7%</td>
<td>65.4%</td>
</tr>
<tr>
<td></td>
<td>Grade 12</td>
<td>17.6%</td>
<td>29.6%</td>
</tr>
<tr>
<td>Pupil–teacher ratio</td>
<td>Grades 1–4</td>
<td>80.3</td>
<td>60.1</td>
</tr>
<tr>
<td></td>
<td>Grades 5–7</td>
<td>37.5</td>
<td>41.1</td>
</tr>
<tr>
<td></td>
<td>Grades 8 and 9</td>
<td>32.5</td>
<td>36.8</td>
</tr>
<tr>
<td></td>
<td>Grades 10–12</td>
<td>21.7</td>
<td>27.6</td>
</tr>
<tr>
<td>Gender parity index</td>
<td>Grades 1–7</td>
<td>0.96</td>
<td>0.98</td>
</tr>
<tr>
<td></td>
<td>Grades 8 and 9</td>
<td>0.95</td>
<td>0.97</td>
</tr>
<tr>
<td></td>
<td>Grades 10–12</td>
<td>0.81</td>
<td>0.82</td>
</tr>
</tbody>
</table>


The total cost of the NIF was ZMK 7.8 trillion (USD 2.1 billion). The Zambian government was to fund 80% of the total costs of the NIF, while the cooperating partners (CPs) were to provide 8–10%. However, this left a financing gap of approximately USD 121 million. The CPs expected that USD 61 million could be mobilised locally, mainly through increased tax revenue, but also by scaling up by local donors. Already Germany, then not an education donor, had indicated an interest in supporting the education sector through a silent partnership with the Netherlands. For the remaining gap, the local donors resolved to support a request by the MoE for additional funding from the Education for All/Fast Track Initiative for an amount of USD 60 million.\textsuperscript{39}

\textsuperscript{37} Ibid.: 20–23.
\textsuperscript{38} Ibid.
\textsuperscript{39} Fifth National Development Plan, NIF, 2008–2010.
As highlighted earlier, the MoE NIF, strategic plan and budget are undertaken through stakeholder consultations from private sector, cooperating partners, NGOs and individuals and consultants in much the same way as the National Development Plans are undertaken. The Education Sector Plan, the NIF and all planning instruments and guides formulate plans on the basis of systematic reviews of past performance, often containing an impressive array of baseline data as shown in Table 6. Each plan makes a statement of objectives, strategies, indicator targets and resource needs as already outlined by the NIF and the FNDP. They explicitly identify problems of access, progression, gender, quality and efficiency of education services including the poor and vulnerable groups. Issues of pupil–teacher ratios, infrastructure development and teacher retention are dealt with. The purpose has been to find ways and means by which the problems can be addressed effectively. But the MoE still has limited absorptive capacity and plans. The decentralisation policy is a big step if it can come through with a clear implementation framework because it will provide capacity and ownership at provincial, district and school levels. This means that school management committees, education boards, parent–teacher associations, church groups and NGOs would recommend locally generated ideas to solve local problems.

Based on statements made so far, the current government seems anchored in decentralisation policy but no implementation road map has been laid out and nothing tangible is in place a year after coming into office. Creation of more districts has often been touted as reflecting decentralisation, though in practice nothing appears tangible as these districts are formed without local-level consultation and are not part of the budget planning either.60

c. HIV/AIDS strategic planning
The MoE has sought to combat HIV/Aids in the education sector. In line with the National AIDS Policy, an HIV/AIDS policy has been in the workplace since the early 2000s. Public sector mainstreaming of HIV/AIDS is currently being addressed at national level and is one of the focal points of the National AIDS Council in partnership with other stakeholders.

The MoE has invested time in redefining how the education system could best contribute to the fight against HIV/AIDS. Central-level structures have recently been established, including an HIV/AIDS Focal Point Unit that deals with curriculum development for teaching about HIV/AIDS, monitoring and evaluation, coordination of workplace HIV/AIDS programmes and coordination of collaborative HIV/AIDS efforts with donors.61 The placement of the HIV/AIDS Focal Unit in the Human Resource Department of the ministry has resulted in a strong workplace focus. Innovative systems are slowly being introduced into the formal educational system. For example, the teaching of HIV/AIDS has been integrated with the curriculum at all educational levels and handbooks have been developed to serve as guidelines for all educators. The mission of the education system is also being redesigned to go beyond academic learning to integrate counselling and care, targeting mainly those in the sector that are already infected. Moreover, the sector is undertaking capacity-building programmes targeting the pandemic. Specialists are also

60 There is a widespread view that the districts are part of job creation for ruling party cadres who get appointed as District Commissioners, the majority of whom are neither civil servants nor people of any professional calibre.
being trained at this level. To date, more than 4 000 specialist educators on HIV/AIDS Interactive Learning Methods have been trained.62

With respect to workplace interventions, the focus is on developing and implementing comprehensive workplace policies that take into consideration issues around education, awareness and prevention, treatment care and support. Workplace programmes in companies and businesses are currently being designed and implemented through the private sector-driven network Zambia Workplace AIDS Partnership comprising the following private sector NGOs:

- The Zambia Integrated Health Programme;
- Afya Mzuri (formerly known as the Zambia HIV/AIDS Business Sector Project);
- The Zambia Health Education and Communications Trust;
- The Zambia Business Coalition on HIV/AIDS; and

In December 2004 the Public Service Management Division commissioned a study to investigate the capacity of the ministries of Education, Agriculture and Health to handle workplace programmes. The education sector has often been cited as having one of the most comprehensive programmes for mainstreaming HIV/AIDS.63 In 2006, guided by the country-level HIV/AIDS Strategic Plan, the MoE developed its own AIDS Workplace Policy for the Education Sector for Management and Mitigation of HIV/AIDS. The policy guides the education sector’s response to the pandemic, focusing on four main areas: prevention; care and support; HIV/AIDS in the workplace; and planning, management and mitigation. Initially, the response focused on the integration of HIV/AIDS into the curriculum, as an approach that saw the mainstreaming of the pandemic in all primary education subjects. The same is currently being done for secondary and teacher pre-service education. So far, the focus of interventions is on prevention and support to affected teachers with voluntary counselling and testing (VCT) being rolled out to them. As a result of this effort, support groups have emerged through the Anti-AIDS Teachers Association of Zambia (AATAZ).

The NIF summarises the main achievements of the education sector’s mainstreaming of HIV/AIDS:

- The MoE is widely recognised as a frontrunner in the fight against HIV/AIDS;
- The fight against HIV/AIDS has been institutionalised from the MoE central structures down to the school level through the establishments of an HIV/AIDS unit at the MoE, with focal points at other levels;
- Concrete activities around HIV/AIDS are today evident in many schools in youth clubs, assembly messages, and so on;
- AATAZ was established in 2002; today it has over 1 500 members with support groups for HIV-positive teachers in many localities;
- Young people and the general public demonstrate high levels of knowledge on HIV/AIDS prevention;

62 NIF, MoE, 2007, p. 76.
63 Ibid.: 77.
• A handbook of attitudes towards HIV/AIDS (2006) has been developed and launched;
• HIV/AIDS education has been mainstreamed in the primary education curriculum (through infusion in all subjects) and the development of materials on life skills and HIV/AIDS education is ongoing;
• A review has been undertaken for the high school level and the MoE has set priorities on HIV/AIDS content to be implemented;
• HIV/AIDS content was introduced for the first time in all pre-service teacher training institutions from 2007;
• HIV/AIDS material has been developed locally and distributed widely;
• The workplace programme has to date reached 174,433 teachers;
• VCT for teachers has been rolled out to schools and over 5,300 teachers were reached in three years;
• Provision of anti-retrovirals for teachers has improved, with an estimated 2,000 teachers currently on medication; and
• There is evidence of a number of best practices, especially the VCT and peer education models.64

It remains a challenge to coordinate the programmes managed by NGOs with those managed by the government and the MoE, in particular, and those within the government departments of different ministries to avoid duplication of effort. There is a generally accepted view that a coordinated effort is necessary, as the MoE still has limited capacity despite having made great progress that has contributed to the lowering of the mortality rate of teachers.

D. Planning efficiency and outcomes

The SNDP reviewed progress achieved under the previous plan. It reported that during the FNDP period, the plan was by 2010 to construct 7,500 classrooms that should have resulted into the provision of places for 600,000 pupils. However, only 4,627 classrooms were constructed, that is, a shortfall of more than half the projected places for pupils. In order to increase access at high school level, the plan was to construct a total of 100 high schools. However, only 47 were completed which translated into 564 classrooms thereby creating learning space for 22,560 pupils. With regard to high school education, pupil school enrolments increased from 162,019 in 2005 to 257,100 in 2009.65 It is clear the ministry’s planning and absorptive capacity was weak since it failed to meet the targets.

At tertiary level, two double story lecture rooms each comprising five rooms and one lecture theatre were under construction at Nkumah College of Education, Copperbelt Secondary Teachers College (COSETCO) and the Zambia Institute of Special Education (ZAMISE). Libraries were also under construction at Mulungushi University, ZAMISE, Nkumah and COSETCO. At Mulakupikwa University College in Chinsali, two double-story lecture halls comprising five rooms and two lecture theatres were also constructed.

64 NIF, MoE, 2007, p. 77.
With regard to teacher education, a number of colleges had their programmes upgraded. In the case of tertiary education, COSETCO and Nkrumah College of Education were upgraded to offer degree programmes. A diploma programme for upper basic teachers was also introduced at three colleges, namely Mufulira, Livingstone and Charles Lwanga. This was in an effort to increase the number of teachers with higher qualifications and improve the quality of education provision. In addition, three classroom blocks were also constructed at every college of education in order to increase student-teacher intake. In 2009, there were 5,461 student teacher enrolments, of which 2,567 (47%) were females.66

In order to increase access to tertiary education, government encouraged the establishment of private universities. These efforts led to the establishment of 14 private universities and an additional public university bringing the total of public universities to three.67 Total enrolment in public universities increased from 12,774 in 2005 to 19,086 in 2009.68

Regarding skills development, the total annual enrolment in Technical Education, Vocational and Entrepreneurship Training (TEVET) institutions reached 33,399 in 2009 up from 30,511 in 2005, with 59% males and 41% females. Efforts made to increase access to skills training included the establishment of the Lapidary and Gemstone Processing Training Centre and the construction of permanent facilities at Chipata, Mongu, Solwezi, Kaoma, Mwinilunga and Petauke Trades Training Institutes. Rehabilitation works were also carried out at 15 colleges country-wide.69 It would seem that while increased enrolments improved access to tertiary education, learning spaces in terms of classrooms were not increased which led to overcrowding and poor quality delivery.

To provide equitable access to education, various interventions and policy decisions were put in place during the FNDP period, which included expansion of adult literacy education, trade testing and distance vocational education. With regard to OVCs, 126,284 pupils (66,219 females and 60,065 males) from Grades 1 to 12 received bursaries in 2009 compared to 76,776 pupils (39,867 females and 36,909 males) in 2005.70 Access to education from Grades 1 to 12 for LSEN increased from 89,269 in 2005 to 207,437 in 2009, out of which 46% were females. With regards to skills development, 3% of the total enrolments in TEVET institutions were LSEN, of which 2% were physically challenged and 1% were hard of hearing and mentally challenged.71

E. Monitoring and evaluation

The main agency or department in the MoE responsible for monitoring and evaluation of schools is the Directorate of Inspections. The inspectors consider the quality of education standards including the state of infrastructure, such as laboratories, water, sanitation and the state of buildings in general. They also examine availability and state of learning and teaching materials, as well as the quality of teachers and their academic qualifications. The inspections

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66 Ibid.
67 These are: University of Zambia, Copperbelt University and Mulungushi University, respectively.
68 Ibid.: 92.
69 Ibid.
70 Ibid.
71 Ibid.

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also calculate the numbers of teachers and pupils in schools at every level. All education indicators are assessed by the inspectorate to provide for better planning by the MoE. They have guidelines for the inspection process as well as classroom inspection forms to establish that the teachers are in line with curriculum and teaching standards.

These inspection guidelines are guided by the amended 1966 Education Act; the new Act came into force in April 2011. The inspection reports are practically impossible to access by a researcher as they are not in any officially published form. The 2010 Education Act provides for an annual report to be submitted to the Minister of Education for action. While that may have been the practice during the years directly after independence, since the decline of education standards in the 1990s, it appears these reports were no longer available in any comprehensive form to the MoE Planning Division. Three years ago a provincial education officer in Western province reported that these reports were considered too bulky and hence, no longer part of the Planning Division guidelines. The current standards officer at the MoE reported manpower shortages and therefore sometimes only carried out quarterly reports on a provincial basis, that is, a one-page summary report submitted to the MoE planning section. This is after submitting the data in the Education Management Information System (EMIS) statistical package. There is no plan for improving the manpower challenges of the planning division that have been plaguing the division since the early 2000s.

F. Planning and investment challenges
The MoE has a planning and regulatory framework for its educational institutions through the Education Act, (1966 and 2011) and the NIF, as well as the national Five Year Development Plans. However, the liberalisation of the education sector has led to a mushrooming of private educational institutions at primary, secondary and tertiary levels. These institutions lack a planning, regulatory and monitoring framework and structure, at both legal and administrative levels. The Education Act merely provides guidelines for registration, establishment and administration of private educational institutions. It provides for certificates of registration and minimum requirements to meet the registration criteria. The MoE expects the private institutions to provide for their own educational materials and determine their own standards and level of education certification.

Many private schools operate from places that are not conducive to learning do not meet the minimum standards and employ teachers with dubious qualifications. The MoE has no legal foundation for the supervision and monitoring of private schools. It is therefore failing to control or manage the establishment and even more so, the standards of many private schools that have proliferated in the country. It has also failed to provide for an inspection system for these schools mostly because there is no law or policy in place to reinforce, let alone guide supervision and monitoring.

While it is understood that in a liberalised school system environment, the MoE cannot control and manage private schools, there still exists the need for some measure of management and monitoring of these private establishments so as to ensure that learners’ rights are not

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72 Interviews with Mr Sinda, Chief Education Standards Officer, MoE, 6 September 2012.
73 See Part IV, ‘Private educational institutions’, Education Act, April 2011.
violated and certain international standards are complied with. It is hoped that the Education Act Review will take heed of these concerns. However, even if the Act is amended accordingly, the MoE may not be able to implement supervision and control because of manpower shortages. The MoE would need to see an establishment of an adequate human resource base for effective operation. Even EMIS data on private educational establishments is weak. There is only data on the number of such institutions at every level and the number of students. This is not an issue of money, but one of commitment and setting the right priorities. For example, teachers who die and officers who have left the planning section were already budgeted for and financial constraints cannot be blamed for their posts not being filled; the bureaucratic inertia is perhaps more responsible since such replacements are mandated by the Cabinet Office.

The MoE involves non-state actors in the formulation of its strategic plans; this process needs to be institutionalised at all levels. The private sector is not fully involved in the education delivery system, despite the policy statements on public private partnerships. They could be more effectively engaged through participation in the Annual Joint Reviews where cooperating partners and NGOs have a strong presence, but not at the stage of the development of annual plans. The mandate of the planning unit in the whole education sector could be extended to include private schools since they already have the skills and the knowledge. Only capacity-building or development would need to be undertaken.

G. Monitoring and evaluation constraints
The monitoring and evaluation ability of the Inspectorate Division is constrained most of all by inadequate funding, especially funding dedicated to inspectorate work. If the quest for quality education is to be seriously pursued, it is impossible for these activities to be sacrificed because of the financial limitations of the MoE.

A review of past performance is an important part of an evaluation process. A key problem lies in the lack of proper review of the planning and implementation process. A composite review of targets exists in the previous plan but without a comprehensive review of the implementation of those plans, an evaluation of the results and a proposition on how to make the next cycle better. For example, the SNDP reviews the achievements of the FNDP and shows shortfalls in achievement, but there is no explanation why targets were not achieved. It merely narrates what was achieved and what was not achieved according to plan, but no analysis of the challenges faced in fulfilling the plan is made. All goals of the FNDP in education were not met, except for the access indicator. The developments in the tertiary sector are also pointed out but it is not clear that these developments were linked to the actual goals of the FNDP; they appear to have occurred by chance or during the course of implementation.

H. Conclusions and recommendations
Strategic planning is an important tool in any programme to ensure accurate and timely delivery of goods and services. It helps to focus on what can realistically be achieved within a given time and with available resources. The education sector, defined broadly in terms of both general education and skills development, is considered a priority sector for poverty alleviation and economic growth in the FNDP. In line with the plan, the MoE developed the NIF (2008–2010)
that covers all sub-sectors in the education system: early childhood, basic schools, high schools, teacher training colleges, universities and adult literacy.

The MoE is understaffed and consequently the staff is overworked and often have difficulty meeting deadlines. Thus the following recommendations have been made:

- To make strategic planning effective and efficient, capacity must be built in the Directorate of Planning. Efficient and skilled personnel must be recruited into the Directorate.
- Adequate financial resources must accompany the planning system to support the work of the Directorate of Planning.
- The Directorate of Inspection must be strengthened with skilled manpower, but more so with adequate financial resources for effective management and monitoring of the delivery of quality education to ensure that the school system is compliant with the ministry’s guidelines and standards.
- While there are limited resources to implement the three above, resource mobilisation must be considered through increased revenue collection from the mining sector in line with civil society demands and even the recommendations of the Breton Woods Institutions. This requires a broader societal lobby and advocacy approach.
- The voices of civil society organisations (CSOs) need to be heard during the planning, monitoring and evaluation of education programmes to increase their knowledge base and thus make their advocacy work far more informed and effective. An effective way is to have real input in the Annual Joint Review as well as in the annual plans of the ministry.
- The Central Statistical Office and the MoE must improve collaboration in data collection and other education related surveys.
- The MoE must ensure that annual education sector plan reviews clearly set out steps for collecting and harnessing views and priorities of communities through their organised agents if decentralisation of services delivery as well as ownership of the programme by local communities is to have meaning. It must set out procedures and steps by which local voices can be heard and heeded to. CSOs in education must provide the framework for identifying these voices as they work with them in the communities.
The needs of education financing in Zambia do not correlate with the budget commitments and expenditure, either as a proportion of gross domestic product (GDP) or as a percentage of the government budget. In view of the analysis undertaken in the previous chapters, the country is unlikely to meet the target of universal primary education under Millennium Development Goal 2 or Education for All goal 2. The introduction of the comprehensive Public Expenditure Management and Financial Accountability (PEMFA) programme of reform in the area of public expenditure management is a step in the right direction. PEMFA is viewed as central to meeting the targets for economic growth and poverty reduction, key to Zambia’s development aspirations.

The overall objective of PEMFA is to contribute to government’s efforts to improve its capacity to effectively and efficiently mobilise and utilise public resources (improve public expenditure management) and to strengthen overall financial accountability. PEMFA was launched in 2005 with a full-time secretariat coming into place in February 2006. The programme is a fully government-owned but supported by cooperating partners. Each component is managed by a task manager and a deputy task manager, who are responsible for results and deliverables as outlined in their logical framework.

However, there needs to be greater access to information on how funds are allocated and spent. There is also a greater need for the Ministries of Education and Finance to track the use of resources allocated to and spent in each sector and sub-sector for the sake of improving accountability of financial resources.

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A. Management of education financing
The main assumptions of the budget arise out of the macro-economic situation which includes the ability to raise revenue through tax collection, development partner pledges, the world economic outlook and projected exports, including the debt stock situation, both international and domestic. These are covered in budget documents such as PEMFA and the Fifth National Development Plan. The Joint Assistance Strategy for Zambia is a collection of development partners who participate in the support to the Zambian government. They offer ‘pool funding’, which means that they pool resources in one basket for extra-budgetary support to the Ministry of Education (MoE). The government budget to Parliament is therefore inclusive of donor funds that go through the government financial management system and are thus audited by the government. This includes government financial support to some faith-based schools, faith-based organisations and non-governmental organisations (NGOs). There are other donor-funded projects in education that are administratively and financially managed by donors such as Japanese International Cooperation Agency, the United States Agency for International Development and others that work on education projects in cooperation with the MoE. The funds used for these projects are not included in the government budget presented to Parliament.

To help strengthen financial management in the ministry, the public sector and government (with development partner support) introduced the Financial Management Information System (IFMIS) during the 1990s, to provide accurate and timely budgeting and financial information across the government system. This is meant to be computerised to enable accounting procedures for all expenditures and that way promote accountability and transparency of public resources in all government ministries or sectors. From the start, the IFMIS has faced challenges of compatibility with government departments as well as a lack of skilled manpower to manage it well, a problem that has hampered its adoption in many developing countries. Some progress has been made since its inception though manpower shortages continue to persist.

B. Government expenditure
After the decline in education funding and delivery during the early 1990s, the Poverty Reduction Strategy Paper (PRSP) and subsequent policy interventions saw increased funding to the education sector. Since 2000 the education budget has been growing. In 2008 the budget for education was 17% of the government budget, rising to 18.2% in 2009 and 25% in 2010. The recurrent expenditures have fluctuated over the years but remained steadily on the increase from previous years.

It is important to note that the releases do not necessary reflect resource expenditure but actual disbursements from the Ministry of Finance and National Planning (MoFNP) to the MoE. It is impossible to tell whether all these funds were actually utilised and spent by the MoE. There have been reports of insufficient absorptive capacity by the MoE, which has sometimes

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75 There are ten cooperating partners supporting education financing. These are the African Development Bank, the Arab Bank for Economic Development in Africa, the European Community, the United Nations system, the World Bank, Canada, Denmark, Finland, Germany, Ireland, Japan, the Netherlands, Norway, the United Kingdom and the USA. These are the same donors (other than the USA) involved in the basket funding.

76 Interview with Mr Gondwe, Principal Planning Officer, Budget, MoE, September 2012.
led to project funds being returned to the MoFNP when such funds have not been utilised by the end of the financial year (31 December). The delay in the release of funds by the MoFNP is partly responsible for the problem affecting absorptive capacity. It is not uncommon for funds to suddenly be disbursed in the last quarter, leaving insufficient time for them to be utilised resulting in these funds having to be returned to the MoFNP by year end.

Table 7: Education budget 2001–2006 (ZMK billion)

<table>
<thead>
<tr>
<th>Year</th>
<th>Budget Releases</th>
<th>Variance</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>307.9</td>
<td>393.1</td>
<td>85.2</td>
</tr>
<tr>
<td>2002</td>
<td>463.0</td>
<td>465.1</td>
<td>2.0</td>
</tr>
<tr>
<td>2003</td>
<td>486.2</td>
<td>691.7</td>
<td>205.5</td>
</tr>
<tr>
<td>2004</td>
<td>756.8</td>
<td>645.8</td>
<td>-111.0</td>
</tr>
<tr>
<td>2005</td>
<td>864.0</td>
<td>1,016.1</td>
<td>152.0</td>
</tr>
<tr>
<td>2006</td>
<td>1,277.1</td>
<td>1,280.1</td>
<td>3.1</td>
</tr>
</tbody>
</table>


The level of funding for the Zambian education sector significantly explains the poor sector performance in terms of both access and service delivery quality. In 1998, the government spent only 2.5% of the GDP on education and this declined to 2.1% in 2002. The education sector National Implementation Framework reports that recently the government has increased the funding to 3.2% of the GDP on education and training (including Technical Education, Vocational and Entrepreneurship Training expenditures under another ministry). Notwithstanding this effort, funding level is still much lower than the average government expenditure on education in three comparator countries (Kenya, Uganda and Malawi) where this is 5.3% of the GDP. The comparator countries devote at least 25% of their domestic discretionary budgets to education, compared to Zambia’s 20%. Expenditure on basic education from the government’s own resources is only 1.8% of the GDP, a low level in comparative terms. In per capita terms, government expenditure per basic school pupil in 2004 was only 8.6% of the country’s per capita GDP, as compared with 12.4% of the per capita GDP among developing countries generally. Furthermore, about 90% of the government’s own expenditures on basic education have been devoted to personal emoluments, leaving little for educational requisites.

C. Expenditure at primary and secondary schools

Recurrent expenditure at basic school level is a fixed grant of between ZMK 1 million and 1.5 million a month and has remained the same over the years. This fund is used for managing administrative school expenses, except textbooks. It is a fixed amount, irrespective of the actual student population of the school. Therefore it is unsurprising that many of these government schools charge various user fees in order to meet their school’s administrative costs. These user fees are a form of school fee, that is, it is widely acknowledged to be free schooling that is not entirely free. Some schools in remote rural areas do not charge user fees not because of the free

78 NIF, p. 13.
education policy, but due to the poverty of the neighbourhoods in the vicinity of the schools. On the other hand, all secondary schools charge school fees ranging between ZMK 600,000 and ZMK 1.5 million per term. These fees supplement the government budget support to these schools. Consequently, the school funding system is a burden on parents and highlights disparities in the population regarding education and economic standing.

Although MoE grants to schools are supposed to be paid per term or monthly, sometimes payments are irregular or erratic. Unfortunately, the non-released funds are not held in balance to be paid over later in the year. So a school may miss two or three funding periods in one year and have to start charging students user fees to compensate for the inadequacy of the funding system. Almost all schools surveyed reported insufficient and irregular funding. It was clear that most school administrators seemed reluctant to release funding information for their school.

**Expenditure at sample schools**

Mungwi Technical High School (now a secondary school) in the Northern province reported a grant of ZMK 10 million per month; payment had been fairly irregular and sometimes would be received only once or twice a term. Funding had recently become more stable at Mungwi.

Kambule in the Western province is supposed to receive a grant of about ZMK 15 million a month, but it too is irregular.

Ndola Technical High School in the Copperbelt province is the only technical high school for girls and it charges about ZMK 1.2 million a term for school fees – a modest figure for a school that gets no government funding. It has the advantage of being a new school and thus faces no infrastructure and equipment rehabilitation costs. It also seems to be well managed administratively and financially.

David Kaunda Technical High School in Lusaka charges about ZMK 1.4 million a term while Chiwala in Ndola charges about ZMK 600,000.

Kambule Technical High School charges a mere ZMK 200,000 a term per pupil; this is the lowest user fee charged by a technical secondary school. The school revealed that it is impossible to charge more because of the poverty of families in Mongu. However, the school requires about ZMK 300 million a term, which is about the average requirement of many technical schools.

The funding formula is also out of date: schools like Kambule, Chizongwe (Eastern province), SOLTECH (Solwezi, North Western province) and Chiwala have higher intakes of students compared to other schools, but funding levels do not reflect the differences.

User fees do not only disadvantage those who cannot pay, but they are also insufficient to meet the needs of each school. Table 8 shows the funding to schools. The moneys allocated to these schools are too little for effective delivery of education, especially in the case of schools offering maths, science and technical subjects. Ndola Tech for girls has been operating for three years but has not received any government funding. The MoE states this is because it has not yet been gazetted; meanwhile the author speculates that this is a result of inertia or confusion on the part of the MoE.
### Table 8: Funding to technical high schools

<table>
<thead>
<tr>
<th>School</th>
<th>Funding per year (ZMK million)</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Kaunda</td>
<td>200</td>
</tr>
<tr>
<td>Hillcrest</td>
<td>200</td>
</tr>
<tr>
<td>Kambule</td>
<td>190</td>
</tr>
<tr>
<td>Ndola Tech</td>
<td>0</td>
</tr>
<tr>
<td>Chiwala</td>
<td>190</td>
</tr>
<tr>
<td>Soltech</td>
<td>180</td>
</tr>
<tr>
<td>Mungwi</td>
<td>120</td>
</tr>
<tr>
<td>Chizongwe</td>
<td>160</td>
</tr>
</tbody>
</table>

Source: Approximate figures given by schools, 2011.

School infrastructure is run down in many schools partly because government has not provided a capital fund to enable rehabilitation and repair for more than 20 years. Hence the infrastructure has so deteriorated that in some cases it is non-existent. Toilet facilities and laboratory equipment in schools are as old as the schools themselves. A provincial education officer was asked whether the standards officers ever make recommendations regarding schools’ infrastructure, water and sanitation. Apparently this is done regularly, but there appears to be no connection between standards officers’ reports and the MoE budgeting process. The respondent further noted that the MoE appears to be committed to building new schools but there is no provision for the rehabilitation of existing schools; the grants received are for running the schools but do not include capital fund for rehabilitation of schools and school equipment.

Other fees and costs combine to make education costly for parents and communities. Apart from the school fees (often called user fees) at both primary and secondary school levels, there is the cost of transport; pupils must buy textbooks, exercise books, school uniforms and shoes. These costs vary from city to city and from one part of the country to another. Private schools charge even higher fees ranging up to ZMK 20 million (USD 5 000) a term in some cases.

### D. The budget cycle and consultation process

The budget cycle is used by all line ministries and government departments to prepare their annual policy reviews and annual budgets policy statements which lay the groundwork for development objectives the government intends to pursue. The budget process, on the other hand, influences the actual expenditure priorities. Therefore, the players involved in identifying priorities and the classification system used to reflect these priorities are important elements for helping to gauge the budget formulation process.

Budget planning and preparation systems are the basic mechanisms for deriving expenditure projections and provide policy-makers with guidelines on what budget proposals are feasible and desirable from macro-economic and micro-economic perspectives. Indeed, the budget is designed for the purpose of providing a framework in which aggregate expenditure is controlled for achieving a balance between what is affordable and what is desirable while remaining consistent with macro-economic constraints; it is a means of achieving resource allocation
that reflects expenditure policy priorities. It is worth mentioning that without macro-economic stability and sustainable growth, it would be difficult for any government to sustain a level of public expenditure to finance key social services. In the Zambian case, lack of macro-economic stability and growth in the 1990s has led to a decline, in real terms, of both government expenditure as a whole, and in education, health and other vital social services in particular.

The budget process is a cycle of events that takes place over an annual time span. Knowledge by stakeholders of the various stages involved leading to the culmination of the budget is of importance as the stakeholders concerned usually time themselves better on asserting their influence on the budget in their respective areas, thus enabling better resource allocation. Therefore, the timing of events in the budget process is communicated prior to the commencement of the process. The budget process itself is governed by the organic budget laws; these laws guide the preparation, approval and execution. They are called organic because they relate to organisational matters and systems and therefore do not require annual reenactment except under special conditions determined by Parliament.

There is no fixed time schedule for budget preparation. The law only specifies that the Minister of Finance must prepare the budget and submit it to Parliament no later than three months after the commencement of the new year. Figure 1 has been the operational guide for many years since independence. The timing of the budget schedule has changed since 2011 to make budget allocations follow the calendar year and avoid line ministries having no budget lines from January to about April, during which time the budget for the year is going through the parliamentary legislative processes. While the process has remained unaltered, the cycle has since changed to make the budget process begin during the full course of the preceding year, so that by October the budget is presented to Parliament and enacted into law before the beginning of the actual budget year. This is designed to ensure that by the beginning of January actual disbursements begin to take place and also that operational programmes can be funded and begin to be implemented early in the budget year.

As mentioned earlier, the budget cycle in Zambia occupies a calendar year and the period for budgeting is outlined in the Constitution of the Republic of Zambia:

> The minister responsible for finance shall cause to be prepared and shall lay before the National Assembly within three months after the commencement of each financial year estimates of the revenues and expenditure of the Republic for the financial year.

Broad programmes for the country are included in the national plans such as the PRSP and the National Development Plan (NDP). The PRSP and the NDP guide the budget in its documentation and implementation. Resource allocation, therefore, is based on the broad guidelines laid down by the above-mentioned economic programmes or plans.

The budget preparation cycle can be divided into the following stages, which are discussed in more detail below:

79 Article 117(1) of the Constitution.
- Stage 1: Issue of call circulars;
- Stage 2: Permanent secretaries’ workshop;
- Stage 3: Invitation of submissions from civil societies and the business sector;
- Stage 4: Tax policy review and budget hearings;
- Stage 5: Cabinet approval of the draft;
- Stage 6: Parliament’s approval and enactment into law;
- Stage 7: Implementation of budget; and
- Stage 8: Audit, monitoring and evaluation.

**Figure 1: The budget cycle**

<table>
<thead>
<tr>
<th>July/August</th>
<th>September/October</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission of expenditure estimates to MoFNP at the Permanent Secretaries’ Workshop. Discussion and setting of ceilings. Invitation of submissions from Civil Society and the business sector.</td>
<td>Collection on information regarding expenditure estimates and revenue estimates, and analysing it accordingly.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>May/June</th>
<th>October</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparation of call circular. Issues of call circular sent to all ministries and provinces. All ministries and departments hold meetings to discuss the expenditure estimates.</td>
<td>Revenue estimates established by the Tax Policy Task Force. Review and adjustment of expenditure, estimates and civil society interests in light of the revenue estimates.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>February to April</th>
<th>November</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discussion and approval by Parliament and enacted into law by Presidential Assent.</td>
<td>Finalisation of budget preparation by MoFNP.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>December</th>
<th>December</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget Day</td>
<td>Cabinet discussion of the budget.</td>
</tr>
</tbody>
</table>
Stage 1: Issue of call circulars
Before the call circular is issued, questionnaires are sent to various ministries during May, to collect historical or baseline data on the performance of the previous year. Responses reveal information on aspects of delivery, for example, the number of positions currently filled and their value, outstanding payments and commitments, problems faced during the previous year, patterns of expenditure, priority areas and if these are in accordance with overall priority of the nation. During June, the MoFNP sends out a call circular to all ministries, departments and provinces inviting submissions of detailed expenditure estimates for the following year. The circular gives guidelines on the areas of prioritisation as well as the time frame and formats for submission of expenditure estimates.

Stage 2: Permanent secretaries’ workshop
The budget estimates are discussed and revised at the Annual Permanent Secretaries’ Workshop held by the MoFNP. All the permanent secretaries and controlling officers are invited to discuss the fiscal policies, the macro-economic framework and major issues and financial obligations likely to influence the resource allocation in the current financial year. Soon after this workshop, budget ceilings for the ministries and provinces are determined. There are no formulae for allocating ceilings according to priorities among the sectors and ceilings are also estimated on the basis of the resource envelope (revenue estimated using GDP projections) for the current year. The ceilings are usually given after the line ministries have started working on their budget estimates. Hence the ceilings are usually below the original estimates, causing debates and discussions between the MoFNP and the permanent secretaries as ministries negotiate and lobby for as much allocation as possible.

Stage 3: Invitation of submissions from civil society and the business sector
Organisations are invited to submit suggestions to MoFNP on what they would like to be the main emphasis of the budget. The most active organisations are:

- The Catholic Commission for Justice and Peace (CCJP);
- The Economic Association of Zambia;
- The NGO Coordination Committee;
- The University of Zambia;
- The National Union of Accountants;
- The Federation for Employers; and
- The Zambia Association of Chamber and Industry.

This stage gives stakeholders the opportunity to add their voice to the budget process on behalf of ‘the man on the street’. They are mainly concerned with the expenditure side of the budget. The CCJP usually has a pre-budget forum to express their expectations of the new budget. They also issue a pre-budget statement to the same effect, in addition to several publications on economic issues.
Stage 4: Tax policy review and budget hearings
The MoFNP, through its Tax Policy Task Force, commences a review of all submissions on tax policy measures from all stakeholders. During the same period, the ministries have meetings with the MoFNP (budget hearings) where ministries justify their estimates. These budget hearing meetings broadly agree on what is to be the final designated budget allocation. Adjustments can be made to the estimates in accordance with the final resource envelope before the budget is finally submitted to Parliament for debate and approval.

Stage 5: Cabinet approval of the draft
Cabinet approval is required for any item that will form part of the budget. It is for this reason that Cabinet meets more than once to chart the course of the budget. The first Cabinet meeting takes place around November/December (now much earlier, possibly June/July) to consider the direction the budget should take. The subsequent Cabinet meeting ensures that all observations made during the preparatory Cabinet meeting have been taken into account. On the resources side, a legislative Cabinet committee (made up of a few selected Cabinet ministers, including the Minister of Finance, and chaired by the Minister of Legal Affairs, or the entire Cabinet under the chairmanship of the President) meet to consider the proposed draft revenue measures before they are incorporated into both the printed budget speech and the Estimates of Revenue and Expenditure Book (also called ‘The Yellow Book’). During the same period, a team works on the draft budget speech. On the eve of budget day, a special Cabinet meeting convenes to discuss the draft budget speech, which is read by the Minister of Finance. The resolutions of Cabinet are then incorporated into the speech before it is sent to the government printing department for printing. The budget is then presented to the National Assembly on budget day.

Stage 6: Parliament’s approval and enactment into law
The Minister of Finance presents his budget speech to Parliament and recommends it for approval. Subsequent debates ensue with a view to either endorsing or making changes to the budget. When the budget is finally endorsed by Parliament, it becomes an Act of Parliament.

The following publications are supposed to be available at the time the budget is being announced in the National Assembly:

- Budget speech;
- Estimates of revenue and expenditure, including capital, constitutional and statutory expenditure (‘The Yellow Book’);
- The complements and grading of posts in ministries and provinces, formally called the Establishment Register; and
- The economic report.

The budget speech
The budget speech is a policy document setting out government’s macro-economic policy framework for the following year. It contains five types of information:

- It reports on the performance of the previous budget, as well as the general economic outlook for the country;
• Aggregate estimates of government’s planned level of expenditure and revenue for the following year;
• Areas of priority for the expenditure side;
• The methods of raising the planned revenues; and
• Expected economic impact of the fiscal and monetary measures proposed.

The Yellow Book

The Yellow Book is a document containing a description of government’s expenditure estimates, detailed to the lowest level possible. The expenditure is listed by ministry, by province and by department and is subjected to scrutiny by Members of Parliament. Each item of expenditure is contained in a single line, which is given a unique number and the debate in Parliament is made in reference to each line. The budget is classified as follows:
  • Personal emoluments;
  • Recurrent departmental charges;
  • Grants and other payments; and
  • Capital expenditures.

The structure is therefore limited to an administrative and very broad economic classification as stated. It has however, been noticed that some of the administrative votes, as in education, reflect the functional purpose of the expenditures. Sometimes under the grant items and capital items, the purpose of expenditure is reflected by the name of the grant-aided institution or the capital project, if the name of the institution/project is synonymous with its purpose.

The economic report

The economic report gives an overview of the general global and domestic economic outlook. It contains information such as an overview of the global economy and its impact on the domestic economy, performance of the previous budget, performance of the domestic economy by sector and prospects for the following year.

Apart from legislation that is aimed at formalising the measures contained in the budget speech, two Bills are prepared and presented in the National Assembly by the Minister of Finance, namely, the Supplementary Appropriation Bill and the Excess Expenditure Appropriation Bill. The Supplementary Appropriation Bill formalises the supplementary expenditure approved by the National Assembly. The Excess Expenditure Appropriation Bill formalises the unconstitutional (excess) expenditure reported in the Auditor-General’s report.

Stage 7: Implementation of the budget

The law stipulates that public expenditures must be executed on presidential warrant on the condition that it is authorised by an Appropriation Act; after all expenditure for ministries, departments and provinces have been discussed and approved by the National Assembly, the MoFNP presents the Appropriation Bill, which when passed, becomes the Appropriation Act.

The Provisional General Warrant comprises figures that are one-quarter of the proposed budget, prepared for signature by the President before the inception of the financial year to
which it relates. It applies only to ongoing projects, recurrent expenditures and wages and salaries. New capital projects have to await approval of the budget by the National Assembly, unless a provision exists for the expenditure and the President deems it urgent to incur these expenses in the public interest. The President signs the Provisional General Warrant to authorise the secretary to the Treasury to spend public funds during the first quarter because during this period the budget is still being debated and not yet approved by Parliament. The President signs the General Warrant only after the approval of the budget and passing of the Appropriation Act.

Stage 8: Audit, monitoring and evaluation
As soon as the President has signed the Provisional Warrant, it is referred to the Auditor-General for scrutiny and also to the Cabinet Office for approval of the expenditure limitations. The General Warrant (authority for the secretary to the Treasury to release funds for programmes) is also subject to the same treatment except that, for the Auditor-General to accept the General Warrant, copies of the assented printed Appropriation Act should accompany it.

E. The Medium-term Expenditure Framework process
The government introduced the Medium-term Expenditure Framework (MTEF) as a new approach to budgeting envisaged to correct most of the weaknesses of the budgeting process and ultimately strengthen the entire management of public expenditure. The government started the implementation process of the MTEF as a tool for budgeting in 2004–2006 submissions. The MTEF process is a multi-year budgeting system that allows government to plan expenditures for a number of years. Budgeting within the MTEF is aimed at building on previous reforms in order to strengthen the linkages between government priorities, strategic plans and budgeting and service delivery.

The MTEF is a three-year framework within which available resources (both government and donor) are divided between sectors on the basis of achieving government objectives. It is a process of matching limited resources with unlimited needs. It is an integrated system through which all resources are allocated on the basis of priorities. It can also be described as a medium-term focus into resource planning, so as to plan ahead for changes in policy and expenditure reallocations, as well as enhancing predictability in the flow of resources.

While the budget process appears elaborate and consultative, the process is not without challenges and difficulties. The MoE Planning Directorate has serious human resource capacity problems. Currently the Principal Planning Officer (Budget) is under-resourced and thus tends to be overworked due to limited manpower. This makes for long delays and protracted meetings and workshops over the budget process within the MoE. The other problem is that of failure to change to an outcome-based budget system in which emphasis is laid on the linkage between budget cost and planned related activities. The budget execution stage has challenges executing the budget to the letter, such that controlling officers fail to spend the money budgeted and end up retiring it to the MoFNP at the end of the year. This is a common problem in many government ministries and departments. Sometimes this is influenced by political decisions outside the design of the MoE, which controlling officers feel powerless to stop. The consultations between the MoE and other stakeholders, like civil society organisations, are neither deep nor elaborate.
enough. Since budgeting is treated as a government prerogative, these organisations tend to be left out all together after having made their submissions in Stage 3 of the budget cycle.

Limited funding of departmental, provincial and district offices and late disbursement of funds have been identified as some of the problems affecting the operations of the MoE. The implication of late disbursement of educational sector funding is that the money cannot be utilised within the short period remaining up to the end of the fiscal year, with the result that part of the money has to be returned to the MoFNP at the end of the fiscal year. In certain instances funding is insufficient even to perform the most basic of the ministry’s functions. The ministry’s budget has to be adjusted to suit the allocations given and in most cases ministry headquarters – without informing the respective departments, units, provincial and district offices – adjust their budget accordingly.

F. Planning and budgeting constraints

The planning system of the MoE suffers from a lack of consistent budget allocation in line with the plan; there is usually a shortfall that makes implementation rather difficult to fulfil. Even though the capital budget has been rising considerably in line with school infrastructure development and rehabilitation, the largest portion of the budget goes to personal emoluments. Apparently, after the MoE prepares its budgetary requirements, the MoFNP will make an arbitrary decision on how much to allocate to each ministry based on its resource envelope. This explains fluctuations in budgetary allocations and disbursements to the MoE. The MoE then instructs the district planners to plan according to their own resource envelope and submit these budgetary plans to central ministry for consolidation. This plan has built-in flaws, that is, the plan often does not match the resource allocation despite intentions to do so.

The government disbursement system has not moved away from the culture of consistent fluctuations where disbursements are inconsistent in the course of the planning year. Some schools have reported lack of funding during particular terms.

Despite promises, the government has been unable to reach the Southern African Development Community threshold of 5% of the GDP being committed to the education budget. The MoE hoped to reach 4.5% threshold, but instead only reached about 4% by 2010. The budget for education has in absolute figures been rising over the years. In 2008, 17% of the budget went to education, increasing to 18.2% in 2009 and 25% in 2010.\textsuperscript{80} These figures show improvements in funding, but there is need to be mindful of inflationary pressures that actually may reduce the real impact of these increases.

It would be important to have a budget line that is dedicated to the inspectorate directorate so that it would have adequate finances to assess the level of compliance with the standards of quality set by the MoE. It would further be of great assistance if these standards reports were published annually in the same manner as the Statistical Bulletin so as to provide a good sense of the challenges and progress in the education sector. It would be even more helpful if the reports came out on a quarterly basis by region covered. It would offer greater validity to the reliability of the data and mapping progress.

\textsuperscript{80} Interview with Mr Gondwe, Chief Planning Officer (Budget) MoE, 6 September 2011.
G. Procurement procedures and policies

The Zambian public procurement system is governed by the Zambia Public Procurement Authority (ZPPA), formerly the Zambia National Tender Board. The ZPPA was established in December 2008 under the Public Procurement Act (No. 12 of 2008). The ZPPA is an independent regulatory body with responsibility for policy, regulation, standard setting, compliance and performance monitoring, professional development, as well as information management and dissemination in the field of public procurement. The goal of the ZPPA is to institutionalise best procurement practices in the public sector by 2011 in order to obtain value for money.\(^1\) This Act was amended in 2011. The object of this Bill was to amend the Public Procurement Act of 2008 in order to achieve the following:

- Empower the ZPPA to recommend disciplinary measures against approvals authorities that contravene procurement procedures;
- Extend the tenure of the Central Tender Committee;
- Require approvals authorities to obtain confirmation of the use of bid solicitation documents before they are issued; and
- Provide for matters connected with, or incidental to, the foregoing.\(^2\)

This Act sought to bring competitive bidding and advertising to the tender process, as well as transparency and efficiency in the use of public finances.

The ZPPA has many functions, some of which are to:

- Regulate the procurement of goods, works and services by procuring entities and ensuring transparency and accountability in public procurement;
- Monitor compliance with the Public Procurement Act and the procurement performance of the procuring entities and make recommendations to the minister on the performance and functioning of the public procurement system;
- Issue standard bidding documents and other standard procurement documents for use by procuring entities;
- Advise the government and procuring entities on procurement policy and other matters relating to public procurement;
- Commission and undertake investigations in public procurement matters and institute procurement audits; and
- Promote economy, efficiency and maximum competition to ensure value for money in the use of public funds.

A bidder or supplier who is aggrieved with a decision made by a procuring entity may appeal against the decision to the ZPPA under section 70 of the Act. The amendment to the Act was clearly designed to deal with violations of the tender process and the need to provide for sanction to either the bidders or the officials within the ZPPA. This was hoped to increase confidence in the management of the tender process. The tender process has however, proved to be long and

\(^1\) Zambia Public Procurement Act, 2008.
\(^2\) Public Procurement Amendment Bill, 2011.
tedious leading to delays in project implementation. The process is long in that adverts have to be released, followed by the process of selecting successful bidders which leads to delays in the process of procuring services timely, often due to busy schedules within the governance system.

Information on the awarding of contracts is not made routinely available to the public and neither are funds provided for delivery service units or organs. Contract awards are made public through the print media but there is no information available to the public on service providers in the government gazette after the contracts have been awarded.

The print and online press carries reports that indicate political influence, nepotism and graft are relatively widespread in the procurement process and especially among high-stake sectors such as construction and oil procurement. The Anti-Corruption Commission (ACC) has recently announced investigations of two ministers belonging to the one-year-old government who used their influence to gain tender privileges for oil and delivery and supply of Zambia Electricity Supply Corporation (ZESCO) electric poles. Geoffrey Mwamba, the Minister of Defence, is accused of physically soliciting a tender to supply poles to ZESCO, while Wynter Kabimba, who was recently appointed to the Ministry of Justice, is accused of benefiting from oil kickbacks. The Zambian government awarded an oil procurement contract to Traficruga; Kabimba allegedly benefited from kickbacks using his newly set up Midlands Energy firm. Meanwhile the African Parliamentarian Network Against Corruption charged that the ACC was compromised, as the matter had been in the public domain since 2011, and questioned the timing of investigations. It was the view of the parliamentary body that the ACC was being used by certain government ministers who were engaged in a vicious power struggle to succeed incumbent President Sata in 2016. Parliamentary chairperson, Cornelius Mweetwa, who is also a Member of Parliament for Choma, argued that because the matter had been in the public domain for a while, the current investigation was a mere window-dressing exercise designed to acquit Mwamba and Kabimba.

While the MoE has not come under the spotlight, this is probably due to the small size of the ministry projects. The combination of donor interests in the projects has tended to reduce the more flagrant violations. It must be stated that a number of schools built by the MoE through contractors have been substandard. The author has viewed teacher’s houses being built at a basic school in Mumbwa and learned that the contractor came onto the site and began construction without consultations with anyone in the school. The poor quality of construction was also very noticeable, even to someone ignorant of the building trade. The contractor had since left the site for unknown reasons, but was clearly responsible to no one. Incidents such as this could be the consequences of poor and corrupt tender processes, though most likely the result of poor supervision by the MoE once the contract had been awarded. Either way, it is evidence of inefficiency and poor use of public resources. It is hoped that the contractor and community modes of construction would have addressed such problems, but this remains unclear. Political interest motivated by the pressure of the 2011 election year created publicity regarding ongoing construction projects undertaken by contractors which were sometimes exposed as incomplete and inadequate. It was not uncommon to see television footage of new schools being opened.

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83 Zambia Reports (online publication), 8 October 2012.
84 Daily Nation, 8 October 2012.
85 Ibid.
but without teachers’ houses; in some cases cameras would focus on the classrooms filled with pupils, only to show them sitting on the floor because there were no desks in these newly opened schools.

**H. Conclusions and recommendations**

The planning system of the MoE suffers from inconsistent budget allocation in line with the plan. There is usually a shortfall that makes implementation difficult to fulfil. Even though the capital budget has been rising considerably in line with school infrastructure development and rehabilitation, the largest portion of the budget is taken up by personal emoluments.

Apparently after the MoE prepares its budgetary requirements, like all other ministries, the MoFNP will make an arbitrary decision on how much to allocate to each ministry based on its resource envelope. This explains fluctuations in budgetary allocations and disbursements to the MoE.

The MoE is understaffed, especially the Planning Division, making the few staff overworked and finding it hard to meet work schedules and deadlines.

The following recommendations have been made:

- The MoE must increase capital budget above personal emoluments to help improve equipment and infrastructure in the school system. These improvements can be phased in starting with certain districts and be scaled up over time.
- Funding to the school system must be systematic and timely. The erratic release of school grants must end to enable school programmes to run smoothly and systematically in line with the budget.
- Civil society organisations must agitate for an increase of resources, especially for vulnerable groups (orphans and vulnerable children, as well as learners with special education needs).
- The MoE must improve sector plan delivery so that resources allocated to the sector actually achieve intended results. The planning and budgeting must be better linked so that budgeting is target specific and in line with the Annual Strategic Plan and five-year plans.
- Civil society organisations must seek greater participation in planning and budgeting, as well as assessment and evaluation of education sector goals and achievements. They must seek to highlight views of local communities in education service planning and delivery. This participation can be advocated through the Annual Joint Review meetings.
Human resource management

The number of teaching staff is not keeping pace with the needs of the major expansion in the school system since the years of the Basic Educational Sub-sector Investment Programme (BESSIP) and the poverty reduction paper policy framework, that is, between the mid-1990s and the late 2000s. The years of the Heavily Indebted Poor Countries (HIPC) initiative imposed on Zambia by the Bretton Woods Institutions during the early to middle years of the Movement for Multi-party Democracy (MMD) government saw expansion of primary school infrastructure under BESSIP, but a freeze on civil service recruitment was imposed as part of meeting the HIPC debt relief initiative. Despite meeting the HIPC conditionality and increasing teacher recruitment over the last few years, efforts have not met the demand or need, but progress is being made and the pupil–teacher ratios are improving, though more marginally in certain regions than others.

The HIV/AIDS epidemic has had serious consequences for child school performance leading to many child-headed homesteads and many teacher deaths, especially in the years 2004–2007. Ministry of Education (MoE) interventions have been worthwhile and there was a decline in teacher deaths subsequent to 2007, despite the massive recruitments of teachers.86

The MoE has been unable to effectively stem the flow of teachers from the education system. Similarly, disciplinary mechanisms to respond to staff or ministry officials’ misconduct are in place on paper, but they are of limited effectiveness in practice. The MoE is a member of the African Charter for the public service in Africa; however, the guidelines have not yet been put into effect.

86 See HIV/AIDS section in Chapter 1.
A. Recruitment, retention and promotion

The management of the human resource is central to the work of the MoE. The education sector has the largest workforce after the Ministry of Health – making these two the largest social sectors in the country. Therefore, the MoE needs to protect and develop its workforce. In practice, there are huge deficiencies in the management and development of MoE human resources. There are serious challenges in the retention of staff, paying staff on time and mitigating the impact of HIV/AIDS. These factors are currently undermining the effective performance of the education system.

The Free Basic Education policy of 2002 did not in itself cause manpower problems as happened in Malawi where untrained teachers were recruited to meet the demand, rather the human resource shortage was a product of HIPC conditionality. However, in order to improve the quality of education (particularly in rural areas) the ministry stopped posting new teachers to urban areas and started deploying all newly qualified basic schoolteachers to rural schools. The ministry also reintroduced the employment of untrained teachers to remote schools, which for a long time had relatively few teachers. As a result of this intervention, most rural schools had at least three teachers each. But the teachers feel demotivated due to poor conditions of service, late or non-payment of the rural hardship allowance and other factors. The payment of salaries and rural hardship allowances has improved, although salaries have never risen to a satisfactory level and combined with other factors, inadequate salaries contribute to the continued drift of human resources from the sector.

During the BESSIP years, the number of teachers rose significantly. The total number of pupils was over 2.5 million in 2004 and more than 3.5 million in 2010, while the total number of teachers was 79,734. Teacher housing units increased from 17,570 country-wide in 2004 to 23,567 in 2010. There continued to be a shortage of qualified teachers, especially at secondary school level, but in favour of urban areas as teachers often found reasons to leave remote rural schools.

Formally, staff recruitment is the responsibility of the Human Resources Department. Rules of recruitment are clearly stipulated and are generally respected at most levels. The education sector in Zambia focuses on ensuring that the MoE recruits, retains and upgrades the performance levels of its employees through a variety of approaches ranging from on-the-job training to medium- and long-term courses. According to a director, the ministry ensures that clear career paths are defined while providing guidance and policy direction on issues of career development and management. The ministry also ensures that adequate human resources are deployed at all levels as the functions of the ministry are decentralised. He further reported that the MoE, under the Directorate of Human Resources and Administration, coordinates with other directorates, units and other operational levels in determining human resources policy.

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87 See Malawi’s Effective Delivery of Public Education Services report, p. 63.
89 Exact number 2,519,141.
90 Exact number 3,510,288.
92 Interview with Mr Siame, Director, Human Resources, MoE.
and management. The policy on staff recruitment and the general guide to operations of human resources is guided by the Public Service Commission. It outlines policies and procedures for employment in the public service made under section 21 of the Public Service Commission Act Cap 259 of the laws of Zambia (reviewed June 2003).93

The directors of the MoE tend to be seconded from other ministries by the Cabinet Office and they rarely go through the standard recruitment procedure. Thus, the MoE tends to have little input in that process. Often the Cabinet Office will post or second a director and rarely has there been an inside process to appoint the many directors, just as permanent secretaries (PSs) tend to be political appointments at the discretion of the executive. There is a widespread perception that some of the appointed PSs tend to be untrained political cadres. This has been a reversal of the long-standing policy of PSs emerging from the civil service ranks as executive heads of their respective ministries. Thus there is no transparent performance-based criteria by which the process of staff promotions are undertaken, especially of directors and PSs.

There is theoretical commitment to staff retention but in practice that does not exist. Consequently this has caused capacity-building challenges including difficulty in maintaining quality delivery of education services. The teaching profession loses teachers yearly, many of whom either take up non-teaching assignments or leave the service all together.

Table 9: Teacher attrition in schools

<table>
<thead>
<tr>
<th>Year</th>
<th>Primary (basic) school</th>
<th>Secondary (high) school</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>2002</td>
<td>6,957</td>
<td>2,678</td>
</tr>
<tr>
<td>2003</td>
<td>5,442</td>
<td>2,395</td>
</tr>
<tr>
<td>2004</td>
<td>5,631</td>
<td>2,475</td>
</tr>
<tr>
<td>2005</td>
<td>3,031</td>
<td>1,934</td>
</tr>
<tr>
<td>2006</td>
<td>4,126</td>
<td>2,821</td>
</tr>
<tr>
<td>2007</td>
<td>4,520</td>
<td>3,248</td>
</tr>
<tr>
<td>2008</td>
<td>3,918</td>
<td>2,827</td>
</tr>
<tr>
<td>2009</td>
<td>3,918</td>
<td>4,287</td>
</tr>
<tr>
<td>2010</td>
<td>5,426</td>
<td>4,102</td>
</tr>
</tbody>
</table>


Table 9 shows a depressing overview of teachers leaving the service at precisely the time the ministry is engaging in massive teacher recruitment exercise. It simply has not found a strategy for keeping teachers in the service. Between 2002 and 2005, the primary school sub-sector lost 30,531 teachers while secondary schools lost 1718; the losses increased in the 2006–2010 period to 40,718 in primary schools and 6,338 in secondary schools. This is an on-yearly average of 8,000 primary school and 1,268 secondary school teachers who leave the teaching service. Service delivery cannot be deemed efficient when one considers the costs of training of teachers who do not participate in education delivery; this is an unsustainable means of developing an

93 Ibid.
education system. The reasons have not been fully studied but issues of teaching conditions, lack of housing and poor wages have also combined to work against the teaching service.94

B. Teacher training
There were 25 colleges of education that reported data to the MoE in 2010 (16 public and 9 private). There were 11,984 students enrolled in these colleges of education. Nkrumah had the largest number of students studying secondary education with 2,545 males and 2,398 females enrolled, followed by Kitwe with 287 male and 289 female students. In terms of gender disparity, the gap seems to be narrowing at the Nkrumah College of Education. The Theological College for Central Africa had the least number of students enrolled, with only 10 students (four males and six females).95

The tertiary education sub-sector can be subdivided into two categories. The first are those institutions falling directly under MoE; for example, the Natural Resources Development College trains teachers in agricultural science, while the Evelyn College for Applied Arts and Commerce trains teachers in art and music. The second category includes those institutions registered with the Technical Education, Vocational and Entrepreneurship Training Authority (TEVETA) under the Ministry of Science, Technology and Vocational Training (MSTVT). The MSTVT collects statistical information pertaining to the technical education, vocational and entrepreneurship training sub-sector. Previously the ministry produced statistics that reflected only activities of the 23 MSTVT technical education vocational and entrepreneurship training institutions, but now all the 314 institutions registered in 2004 by TEVETA are targeted.96

As a way of improving quality related issues, a number of interventions have been taken to scale and are now officially school-based activities. These include the Primary Reading Programme, Primary Diploma by Distance, Grade 4 Competence Testing, Life Skills, Inclusive Schooling Programme, Interactive Radio Instruction and Multi-grade Teaching. There has been a marked increase in the number of teachers attending in-service training at resource centres. The School Programme of In-service Training for the Term (SPRINT) system has enabled the ministry to plan and implement more in-service training to teachers. Additionally, coordinators at schools, zonal and district levels have been appointed and are called School In-service Coordinator, Zonal In-service Coordinator and District In-service Coordinators, respectively. The SPRINT system is mostly school-based and enables many teachers to access in-service training faster and more cost-effectively.97

Government is still the largest employer of teachers with 77% employed in government schools, 10% in community schools, 8% in private schools and 5% in grant-aided schools. However, almost all the teachers in grant-aided institutions are employed by government. Also, some of the teachers in community schools are government employed because government has been deploying teachers to community schools since 2009.98

95 MoE 2010 Statistical Bulletin.
96 Ibid.
Teachers’ academic and professional qualifications are very important factors with regard to the delivery of quality of education. In 2010, about 94% of the teachers had the minimum qualification of a Form 5 or Grade 12 Certificate. However, it is of concern that 3% of teachers did not have the minimum qualifications (even though most of them were at community schools). This will undoubtedly impact on the education system negatively. The minimum academic qualification for secondary school teachers is also a Form 5 or Grade 12 School Certificate. In 2010, about 97% of the teachers had a Form 5 or Grade 12 Certificate. However, with regards to professional qualifications, only 14.6% were qualified to teach at secondary school (i.e. they had Bachelors degree qualifications). Nonetheless, if a diploma and an advanced diploma were considered as part of the required qualifications, then 82.9% of the teachers would be qualified to teach at this level.99

The minimum qualification required at basic education level is a certificate in teaching. Of the 63 052 teachers working at this level in 2010, about 7.8% had no qualifications while about 2.5% only had the preschool teacher’s certificate. These teachers need to upgrade themselves and attain the required qualifications. Of the 6 485 teachers who either had no qualifications or were holders of preschool certificates, Lusaka and Copperbelt provinces had the highest totals of non-qualified teachers (1 361 and 1 200, respectively). Otherwise, 61% had the minimum required qualification of a certificate and about 23% had more than the required qualifications.100 The MoE reports that with the numerous numbers of in-service programmes, it is anticipated that those without the required qualifications will be encouraged to upgrade themselves. If they fail to do so, they may be retired in the national interest.101

c. Mitigating the impact of HIV/Aids

According to the 2007 Zambia Demography and Health Survey, HIV prevalence was estimated at 14.3% for adults aged 15–49 years, compared to 16% in 2002 for the same age group. In an effort to address the HIV/AIDS pandemic, the sector scaled up the implementation of prevention and treatment strategies. The number of voluntary counselling and testing (VCT) centres increased from about 450 in 2005 to 1 563 in 2008. Prevention of Mother-To-Child Transmission (PMTCT) services were also rolled out to all the districts (with the exception of the newly created district Ikelenge) with 936 health facilities offering the service by the end of 2008, an increase from 67 sites in 2005. Despite these interventions, surveys conducted between 2008 and 2009 show that the number of new infections is still high.102

Regarding treatment, the upscaling of PMTCT services resulted in an increase in the percentage of HIV-positive pregnant women who completed prophylaxis from 29% in 2006 to 53% in 2008. Furthermore, the percentage of HIV-positive eligible clients accessing anti-retrovirals increased from 33% in 2006 to 79% in 2009, translating to 283 863 clients on anti-retroviral therapy. Out of this total, more than 21 000 (7%) were children aged below 15 years. Overall, it is currently estimated that over a million people are living with HIV in Zambia.103

99 Ibid.
100 Ibid.
101 Ibid.
103 Exact number 1 063 309; Ibid.
The MoE has been implementing the HIV/Aids Workplace Policy in line with the national HIV/AIDS policy. Despite challenges, this has been one of the more successful ministry programmes which has had considerable support from development partner organisations such as the United States Agency for International Development. The programme has seen some impact in reduction of teacher mortality, as well as pupils and households living with HIV/Aids. This has involved free VCT services and access to anti-retroviral medications. The ministry has treated this challenge as a cross-cutting issue.
D. Salaries and conditions of work

The remuneration package for staff at the MoE includes housing and pension contributions. The civil service is generally underpaid in Zambia, especially at the lower ranks. Teachers suffer the most given the conditions of service under which they operate and the state of housing at many schools. Real salaries of teachers began to decline with the inflationary pressures of the early years of International Monetary Fund (IMF) and World Bank inspired policies of liberalisation in the 1990s to the mid-2000s of the HIPC years, until the salary renegotiation of the post-HIPC period raised salaries and general inflationary pressures slowed down. The general perception is that teachers’ salaries are low and the general incentives are poor. Teachers tend to leave rural schools in favour of urban ones and sometimes lie that they are married in order to join their urban-based ‘husbands’. This is because living conditions (water, sanitation and housing) tend to be better in urban schools than rural ones. The payroll is managed inefficiently leading to unpredictable payment dates, thus dispiriting many teachers. There is a serious shortage of teaching materials, especially in rural schools.

Teachers belong to teachers’ unions and often join strike action when called upon despite limitations on this right, such as the need to get police clearance. There are three major teachers’ unions – Zambia National Union of Teachers, Basic School Teachers’ Union and Secondary School Teachers’ Union. They engage the government on collective agreements on an annual basis and this provides the framework for teachers’ salary negotiations. During the structural adjustment reform years leading to the HIPC initiative, the Ministry of Finance and National Planning (MoFNP) was responsible for conditions of service and any proposed reforms in these conditions, but they were mostly dictated by central government which was dictated to by the IMF and the World Bank on issues of pay reform and conditions of service. This was in line with the desire of the IMF and the World Bank to institute fiscal discipline and prudence in public service. This is why there was a pay rise freeze until the now infamous HIPC completion date in 2005. The following conditions were set for Zambia in order to reach debt relief under HIPC.\footnote{Zambia – HIPC Approval Document: Decision Point under the Enhanced Framework, ref. ADB/BD/WP/2001/07.}

- Adoption of a full Poverty Reduction Strategy Paper and its satisfactory implementation for at least one year;
- Maintenance of macro-economic stability through satisfactory implementation of the IMF-supported Poverty Reduction and Growth Facility programme;
- Progress in meeting specific social sector targets (two objectives in HIV/AIDS, three criteria in education and four targets in health);
- Satisfactory implementation of key structural reforms (one in the electricity sector and one in the financial sector); and
- Satisfactory implementation of two public expenditure management processes.

In short, this meant continuing with the highly unpopular structural adjustment programme, which included reining in public expenditure (teacher recruitment and salaries), selling off the country’s only nationally owned financial institution – the Zambia National Commercial Bank – and commercialising the electricity supply company. This concluded the country’s loss of its...
economic assets in return for debt relief. Only after 2005 could new teacher recruitment and salary increases be undertaken. These increases were often marginal given inflationary pressures. In 2006 the lowest-paid teacher received about ZMK 500 000 (USD 166) and the highest about ZMK 1.5 million (USD 300), for a head teacher with a Masters degree.105 The salaries have not risen more than 30% since then. The teacher unions also monitor the attrition rates for public servants and are involved in the welfare of the teachers. The unions do, however, complain that most issues in the collective agreement are not acted upon by government.106 Though no real study has been commissioned to explain the teacher attrition, it is not too difficult to conclude that teaching conditions and conditions of service are at the centre of the problem.

Since 2006, there has been increased funding to build more schools and teachers’ houses, but very little money remains in the budget to improve the delivery of quality education and the bulk of the education budget (about 80%) still goes towards paying for personnel emoluments rather than infrastructure or capital development.107

E. Codes of conduct and ethics
The MoE is governed by the Public Service Commission on policies and procedures for employment in the public service.108 The disciplinary code and procedure for handling offences in the public service under the terms and conditions for public service is not specific to the education sector but the whole public service. The disciplinary procedure is done at different levels. Responsible officers are disciplined by ministry departments, Cabinet office and Office of the Auditor-General if it involves monetary issues. The judiciary is the final disciplinary body and court of appeal for certain cases, especially of financial misappropriation. The Teaching Service Commission has disciplinary codes for certain improprieties such as teachers behaving immorally with pupils or students of any education institution. There is a disciplinary committee within the MoE that handles disciplinary cases involving teachers and staff. One of the most common causes of teacher dismissals involves sexual harassment of girls by male teachers – in particular, making school girls pregnant. The educational bulletin reports thousands of girls falling pregnant each year (the majority are girls in rural schools).109 Unfortunately, it does not state who made the girls pregnant; a certain percentage of teachers must have been responsible.

Exam leaks are another disciplinary issue in the education sector. Every year pupils are dismissed from school for being found in possession of exam papers prior to the examination date. Disciplinary procedures are often ineffective. Some teachers escape disciplinary procedures for defilement while many civil servants get away with non-performance because matters are ignored or merely discussed without any serious consequences. It is not uncommon to hear comments such as: ‘It’s very difficult to lose your job in the civil service.’ Few cases have been

106 Interview with Mr Chipango, Director for Public Affairs, Basic Teachers Union of Zambia, 10 September 2012.
107 There is a view in political opposition and civil society that government is bloated with too many useless ministries and that streamlining them would release to a saving of about ZMK 3 trillion (USD 300 million) not mention an estimated USD 400 million for windfall tax on copper.
109 The Statistical Bulletin 2010 reported that 1 817 pupils in Grades 10 and 12 and 13 769 pupils in Grades 1–9 fell pregnant in 2009 alone. Clearly there is a need for better reporting as Grades 1–4 are in general too young to fall pregnant.
taken to court and the ones that do often involve top civil servants in financial impropriety and abuse of office. However, there is no systematic reporting and recording of all complaints of wrongdoing by ministry and teaching staff; therefore, no reporting can be made on cases that have not been acted upon.

**F. Conclusion and recommendations**

The MoFNP does not monitor the use of funds once these funds are disbursed to the line ministries. The MoE’s monitoring of funds used is also weak and in some cases non-existent, consequently the Auditor-General reports misuse of public funds. Capital project work is often behind schedule due to weak implementation capacity and monitoring of projects.

There is a continual loss of teaching personnel and there does not appear to be a strategy to reverse the trend. Reversing teacher attrition would provide the basis from which to improve the quality of education delivery as it would lower pupil–teacher ratios.

A major part of the MoE challenge is a budget dominated by personal emoluments which accounts for 80% of the budget. This explains the weakness in meeting the demands of the education sector.

The following recommendations have been made:

- The ministry needs to reduce the pupil–teacher ratios by scaling up building of more schools and related infrastructure including the training and recruiting of teachers.
- There is a need to improve conditions of service for teachers and offer improved remuneration packages to attract teachers into the teaching profession.
- The civil society organisations and stakeholders in education should develop an advocacy strategy that seeks human resource management and development strategy to address the real issues and needs of staff so that teachers are retained and teacher attrition is eliminated to negligible levels.
- The disciplinary code of conduct is clear but it needs enhanced enforcement mechanisms, that is, the ministry and stakeholders must develop improved reporting and recording and procedures in disciplinary cases. This also requires greater sensitisation about ministry codes of conduct and ethics.
External oversight mechanisms

There are several oversight institutions in Zambia that are supposed to provide oversight into a number of sectors and institutions of governance and service delivery, that is, Parliament, the Office of the Auditor-General (OAG), the Human Rights Commission, the Anti-Corruption Commission (ACC), the parent–teacher associations (PTAs), school management committees and the media.

Parliament is the most important oversight body for the executive wing of government. In practice, the oversight capability and effectiveness is weak. The education budget documents are discussed and approved without rigorous critique. The OAG is the most important oversight financial mechanism. However, it has serious limitations with regard to its human resource capacity. Its reports of financial misconduct go unheeded as it possesses no prosecutorial powers; the institutions that do – such as the police – almost never respond to the reports of the Auditor-General on financial misconduct by government departments and officials. The ACC has had some important successes in tackling corruption and abuse of power or office, but these have been scattered cases and most public concerns and reports of corruption in the media have not made much progress on investigating and prosecuting major cases. Many reports of corruption in government have been highlighted by the media but little progress has been made in dealing with such matters leading to serious concerns about the effectiveness of the ACC. Oversight by PTAs has occasionally been useful in combating petty corruption. However, these too are weak and rarely highlight misconduct. Therefore, the role of civil society organisations (CSOs) and the media in offering another layer of oversight mechanism is even more important.
A. National Assembly

Parliament hears and receives estimates of expenditure for the year and other related documents for deliberation and voting from the Ministry of Finance and National Planning (MoFNP). The process of budget oversight is clearly ineffective and tends to merely ratify the presentation despite occasional criticism from opposition parliamentarians. Members of the ruling party almost never question the budget presentation draft and proposal. The Public Accounts Committee of Parliament is mandated by law:

The Public Accounts Committee shall examine the accounts showing the appropriation of sums granted by the Assembly to meet the public expenditure, the report of the Auditor-General on the accounts and such other accounts. The committee also exercises powers conferred on it under Article 117(5) of the Constitution of Zambia.\textsuperscript{110}

The committee can summon civil servants to answer questions on budget execution and financial mismanagement and can demand a better report if unsatisfied with the responses. But beyond public ridicule through media reports of the findings and questioning of the committee, nothing further happens as the committee has no prosecutorial powers and merely makes recommendations that can either be followed or ignored, or attended to in half measures. For example, regarding the budget the parliamentary committee raised questions on the Auditor-General report on financial misconduct in the Examinations Council of Zambia (ECZ), a semi-autonomous wing of the Ministry of Education (MoE). An examination of records at the ECZ Headquarters revealed that between 1999 and 2001, cash amounting to more than ZMK 376 million\textsuperscript{111} (approximately USD 122 million) was misappropriated by various officials in five provinces.\textsuperscript{112} As of March 2005, no recoveries had been made from the officials concerned. The issues were explained away in many ways, including promises to improve performance and record-keeping. Similar reports have emerged on an almost yearly basis regarding the state of government finances. Recently the chairman of the Parliamentary Committee on Legal Affairs, Jack Mwiimbu, reported that there was considerable corruption in the MoE tender process due to influence from certain officials.\textsuperscript{113} But such revelations have not led to tangible results in the form of investigation and possible sanction.

The main issues with Parliament oversight are as follows:

- Weak capacity of parliamentary committees, for example, budget, education and public accounts, as well as limited resources to effectively discharge their duties and responsibilities;
- Inadequate sitting time for Members of Parliament (MPs); and
- Recommendations of the Public Accounts Committee are often ignored.

\textsuperscript{110} Standing Orders Committee of Parliament, 2005.

\textsuperscript{111} Exact figure ZMK 376,568,432.


\textsuperscript{113} See Daily Nation, 17 October 2012.
The parliamentary education committee can summon the permanent secretary to answer questions concerning the performance of his or her ministry. But as the chairman of the Committee on Education recently revealed, the committee requires information from the public to improve its oversight role – information it sometimes lacks. It also has no mandate beyond making recommendations to the relevant authorities and cannot do much beyond that. It is up to the relevant authorities to follow and implement the recommendations or do nothing at all.\textsuperscript{114} If an action plan is undertaken following these recommendations, it takes one year before a report is made to the same committee on the action undertaken.

Furthermore, the committee needs time to scrutinise and thoroughly study the budget before presentation to Parliament in order to make recommendations. There is no time for careful analysis before budget presentation because the documents are sent late. There is also the issue of some committee members’ limited skills and knowledge of education issues and challenges which limit the committee’s ability to be critically analytical. The parliamentarians have a legal right to exert significant influence on the contents of the budget and even ask for modifications to the budget. However, instead of deeper critique and analysis, MPs from the ruling party often seek to outdo each other with a parade of shallow questions and answers and sometimes windy verbosity with limited substance – a caricature of real debate.

As a result, the budget tends to get passed after an endless debate that leads merely into a parliamentary record and little else. MPs do not frequently ask for changes to the proposed budget allocations – except to their own salaries. The committee, just like many government departments, is hampered by lack of funds to carry out its functions to the full. In early December 2012, the parliamentarians on the agriculture committee had a caucus with the Ministers of Agriculture and Finance over their concerns that government has borrowed large amounts of money through the Eurobond and there has been inadequate or little allocation to agriculture, a sector that has the potential to pay back the loan. The consultative meeting also raised issues of the need to dedicate budgeting for water harvesting, livestock development and other agricultural sub-sectors where there is even greater value than the current trend of concentration on maize production to the neglect of other areas.\textsuperscript{115} The caucus clearly ended on a purely consultative note and the results of such a meeting have yet to bear fruit, if any.

**B. Office of the Auditor-General**

The Office of the Auditor-General (OAG) is established by law under the Constitution of Zambia which states in part that ‘there shall be an Auditor-General for the Republic whose office shall be a public office.’\textsuperscript{116} The Constitution provides that the Auditor-General shall be appointed by the President subject to ratification by the National Assembly. The staff of the Auditor-General are public officers whose appointments, promotions, remunerations and other conditions of service are determined by the Public Service Commission. This office is the only supreme audit institution in Zambia mandated to audit all government institutions, parastatal organisations, statutory boards, donor-funded agencies and any other institutions

\textsuperscript{114} Interview with Dr Kalila, MP and Chair of the Parliamentary Committee on Education, 26 November 2012.

\textsuperscript{115} Interview with Gary Nkombo, MP for Mazabuka, 13 December 2012.

\textsuperscript{116} Article 121(1)
in which public resources have been invested. The OAG is a public institution whose role is to scrutinise the public sector to ensure that there has not been any wastage of taxpayers’ money and that government delivers services in an equitable, efficient and effective manner for the benefit of all the citizenry.

This office provides Parliament with independent information, guidance and assurance to help hold the government to account for the public funds it has been entrusted with. It also informs Parliament on public sector performance thereby contributing to facilitating a better performing public sector. The office is responsible for carrying out a number of audits among them financial audits of the government’s financial statements (public accounts) and performing special examinations and annual financial audits of public corporations, special reports and performance audits.

The office comprises of two divisions, namely the Corporate Services Division and the Audit and Consultancy Division. Each division is headed by a Deputy Auditor-General. The position of Deputy Auditor-General is equivalent to the rank of Permanent Secretary (PS) in a government ministry or department. The divisions are further broken down into directorates, which are each headed by a director.

The Corporate Services Division is responsible for providing support services to the AGO. There are two directorates in this division:

- Planning and Information; and
- Human Resources and Administration.

The Audit and Consultancy Division is responsible for carrying out the audit function, which is the core business of the institution. There are five directorates in this division:

- Specialised Audits and Consultancy;
- Revenue Audits;
- Provincial Appropriations Audits;
- Ministerial Appropriations Audits; and
- Public Debt and Investments Audits.

The Auditor-General reports to Parliament on his/her findings from the work carried out and these reports take different forms depending on the types of audits undertaken:

Annual Audit Report on the Accounts of the Republic of Zambia: The Annual Report on the accounts of the Republic is the preoccupation of the Auditor-General. This is a constitutional requirement and the report is produced 12 months after the end of each financial year. The financial year of government ends on 31 December.

Performance, Environmental and Information Technology Audit Reports: These are special reports issued by the OAG from time to time. Unlike the financial audit reports which have constitutional time frames, these reports are issued as and when they are completed. The period of the execution and reporting depends on the size and complexity of the programme.

A performance audit is an investigation into whether public resources have been utilised economically, efficiently and effectively.

The OAG has undergone a restructuring programme that has brought on board new directorates and positions that have since added a new look to the institution. The restructuring programme of staff ended in 2007 and should have seen the institution hire more qualified staff and increase its audit coverage by having a presence in all the 72 districts. According to the Auditor-General, Ms Anna Chifungula, the restructuring has been successful so far. Ms Chifungula reported that once the restructuring is concluded, it was hoped that the office would be working on full establishment of over 450 officers across the country. But by the end of the year, the office still had a deficit in staff positions. She reported:

My office still has a total number of 169 staff vacancies and will not be able to meet all the planned activities. These vacancies should have been filled in within this year as the last phase of the restructuring exercise but could not because of inadequate funds.

This report-back coincided with a grant of USD 3 million to the OAG by the Danish government. Audit reports have often been delayed because of manpower and financial problems. It was not unusual for such reports to be two or three years behind. However, matters appear to have since improved and reports are more regular. The problem hampering the OAG is that once the report is made and submitted before Parliament, the matter ends there. It has no prosecutorial powers – hence the often detailed reports on abuse of funds by government ministries and departments and even the MoE go without effect and consequence.

The following classic example of the Ministry of Community Development and Social Services reflects the far-reaching problem in all ministries, including education. During its 2007 sittings, the Public Accounts Committee (chaired by Luena MP Charles Milupi) took to task the PS for Community Development and Social Services, Davison Chilipamushi, over financial irregularities in excess of ZMK 2 billion (USD 2 million) by officers in his ministry as highlighted in the Auditor-General’s report for the 2006 financial year.

The committee, which was displeased by the ministry’s performance, reminded the PS when he was summoned to appear before it to discuss the 2006 report, that there had been fewer irregularities previously and wondered why the situation in the current year had not improved. The chairperson observed: ‘What is happening, PS, at your ministry, is a clear indication that your principal accountant is flouting Financial Regulations No. 19 of 2006.’ The opposition Mbabala MP and member of the committee, Emmanuel Hachipuka, told the PS that in case he was unaware of the regulations, imprest by an officer was supposed to be retired within 48 hours of one returning to base. The committee also showed displeasure that there were no supporting documents for funds released under the grants for public welfare assistance scheme, citing Livingstone as one such scheme that received more than ZMK 108 million to

118 Ibid.
119 Ibid.
120 Ibid.
121 Ibid.
buy foodstuffs, and that ZMK 26 million was paid to deserving beneficiaries. The matter was closed with apologies from the PS who responded that despite the underperformance, he was confident that he would be able to reverse the trend by ensuring that all imprest was retired in time and the monthly imprest reports would be prepared for onward submission to the Secretary to the Treasury. He stated:

I value the comments by the committee and these will serve as a reminder to us. I can therefore assure the honourable committee that from now onwards, we shall prepare monthly reports and ensure that imprest is retired on time.

The recommendations of the parliamentary committee are often ignored because of political influence and also because by the time the report is made, the officer in question may have left government service or been reassigned. Fundamentally however, there is no political will to follow through the recommendations of the committee.

**c. The courts**

Courts do not provide oversight on policy and financial matters of the MoE, or any government department for that matter. It only hears cases of corruption and fraud involving financial matters by officers of the government and other interested parties. The courts have occasionally tried and imprisoned officers involved in financial misconduct such as theft of public funds or abuse of office.

For instance, in 2007, the Lusaka High Court upheld a five-year sentence given to the former Ministry of Health PS Kashiwa Bulaya in the magistrate’s court for corruption and abusing the authority of his office. He also had his assets seized by the court. Supreme Court Judge Marvin Mwanamwambwa dismissed Bulaya’s appeal when he sat as High Court judge. The judge said corruption was an offence in the class of crime for financial gain and the rationale for forfeiture was to make the crime non-profitable. In this case the state had entered a *nolle prosequi* and thus had abandoned the case altogether, due to political interference it would appear. It was only through media and civil society pressure that the case led to the eventual conviction of Bulaya. Another civil servant, Edward Kapoko, was acquitted in October 2012 under dubious circumstances for stealing ZMK 1 billion from the same ministry in 2006. The case dragged on for six years; eventually the witnesses and documents disappeared, leading to acquittal. Kapoko seems to have had political influence within the Movement for Multi-party Democracy (MMD) government and the succeeding Patriotic Front (PF) government. The question of what happened to the money remains unanswered.

Another case is that of the much celebrated tribunal led by Malawian Judge Chikopa, that was set up by the President to investigate three judges accused of improper conduct in a matter involving Mutembo Nchito (the current Attorney–General), Nchima Nchito (his brother) and their business partner Fred Mmembe (the editor of *The Post* newspaper). The three were

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122 Exact figure ZMK 108,832,469.
partners in a business deal that went sour and led to the closure of the airline they jointly owned. They were heavily indebted and owed ZMK 18 billion to the Development Bank of Zambia, a parastatal.

All three are close associates of the PF government and were facing trial for the monies owed to the bank on the grounds that they engaged in fraud as they then knew that the airline did not have capacity to pay back the loan they contracted. The paper trail started in the Banda government. During the PF government Mutembo Nchito was made Attorney-General, despite a public outcry that he was facing criminal charges and therefore could not hold that office with integrity. The case was transferred from Judge Wood, a known friend of the trio, on unclear grounds; insiders report that the judge did not want to convict his friends and thus had to recuse himself. The matter was then brought before Judge Nigel Mutuna who found the accused had a case to answer. Thereafter, the three are believed to have sought state house intervention on grounds that the transfer of the case to Judge Mutuna was improper and hinged on corruption. Three judges were suspended and a Judicial Review Commission, chaired by a Malawian judge, was set up.

The issue here is that President Sata jumped the process and set up the commission without due process. The right procedure would have been for the complainants to take the matter to the Judicial Complaints Authority, which would have investigated the matter, and, if necessary, recommended to the President to constitute a Judicial Review Commission. The suspended judges then sought a judicial review on the matter in the High Court, arguing that the President’s action on the matter was unprocedural and illegal. They won the case and were returned to duty. The government is still trying to find ways of bringing the commission to life. It instituted the retirement of Supreme Court Judge Sakala and appointed as acting Chief Justice the President’s aunt, Judge Lombe Chibesakunda, who was called from retirement and is believed to be more amenable to the President. The media and CSOs have decreed the President’s act as collusion to corruption. The matter still hangs in limbo.

The general sense is that the judicial system is on trial and also under siege by the PF government. Insiders suggest that the judiciary is currently feeling the pressure and accusations of corruption are a smokescreen to undermine it. So far the judicial system seems to be tenaciously holding onto its independence.

In general, the problem of the court system in Zambia is that it is clogged with cases owing to insufficient numbers of courts and judges. As a result, cases take too long and eventually the prosecutorial process gets fatigued by time and circumstances, leading to the disappearance of witnesses and documents, and eventually to the miscarriage of justice.

D. The Anti-Corruption Commission

The Anti-Corruption Commission (ACC) is mandated to spearhead the fight against corruption in Zambia. It was established in 1980 under an Act of Parliament, the Corrupt Practices Act (No. 14 of 1980). Over the years, this Act has been reviewed in a bid to strengthen the anti-corruption legislation. In 2012, a new Anti-Corruption Act (No. 3 of 2012) was enacted, following the repeal of the Anti-Corruption Act (No. 38 of 2010). As the lead institution in the fight against corruption

125 This was the same judge that who represented Sata when he was deported from Malawi, where he had gone under unclear circumstances during his time as an opposition leader in 2006.
in Zambia, the ACC is geared to professionally execute its mandate through investigations and prosecutions of suspected offenders, establish corruption prevention mechanisms, mobilise support and enlighten the citizenry of Zambia through community education programmes.\textsuperscript{126}

The ACC, as the main body tasked to combat corruption in Zambia, is mandated to perform the following functions:

- Prevent and take necessary and effective measures for the prevention of corruption in public and private bodies;
- Receive and investigate complaints of alleged or suspected corrupt practices;
- Prosecute those suspected of involvement in corruption, subject to the directions of the Director of Public Prosecutions;
- Investigate any conduct of any public officer which in the opinion of the ACC may be connected with or conducive to corrupt practices;
- Disseminate information on the socio-economic effects of corrupt practices;
- Enlist and foster public support against corrupt practices; and
- Do such things as are incidental or conducive to the attainment of the functions.

In order to effectively and efficiently perform these functions, the ACC has established five main departments:

- Investigations;
- Legal and Prosecutions;
- Corruption Prevention;
- Community Education; and
- Finance and Administration.\textsuperscript{127}

The development of the ACC is in line with certain institutional and policy initiatives the government has undertaken since 2000. In March 2000, the government launched the National Capacity Building Programme for good governance. This programme and the Poverty Reduction Strategy Paper acknowledged that corruption is a serious governance challenge which significantly contributes to poor public service delivery and affects economic and social development in Zambia. In 2004, the government launched the national Governance Baseline Survey Report. The report provided a firm empirical basis for developing a comprehensive anti-corruption policy and appropriate anti-corruption measures in order to take the anti-corruption fight to a higher level.\textsuperscript{128}

This saw the development of the National Anti-Corruption Policy approved and launched by President Rupiah Banda on 27 August 2009. The policy, which is the first-ever comprehensive policy on corruption in Zambia, provides a framework for developing ways and means of preventing and combating corruption in a comprehensive coordinated, inclusive and sustainable manner. It is thus designed to strengthen the anti-corruption strategies and frameworks and make the work of the ACC more effective.

\textsuperscript{126} Function of ACC. See http://www.acc.gov.zm.
\textsuperscript{127} ACC website: http://www.acc.gov.zm.
\textsuperscript{128} Ibid.
The ACC prosecutes suspects after getting permission from the Director of Public Prosecutions, who is the head prosecuting authority in Zambia. It also has the power to summon any person to appear before it to answer questions pertaining to their duties and to get financial statements or documents from any financial institution. It also has the powers of arrest, property seizure or confiscation connected to corrupt practices.

The ACC is a semi-autonomous government department and exercises its powers and functions without interference from any person, body or authority. The director and deputy of the ACC are appointed by the President and subject to parliamentary ratification. The director and his deputy can be suspended by the President in the public interest (either through failure to perform or infirmity), although the Act protects the director from removal from office, a provision that was recently violated by the PF government when it removed and appointed another director in 2012. The fact that there has been no consequence to this anomaly points to the weakness of the legal framework for redress when the executive oversteps its powers. The ACC makes generic reports to the President and Parliament. These reports do not particularly focus on service delivery in education or health, but they do list complaints received by the sectors involved. The ACC also makes brief summaries of cases where necessary and a committee of the National Assembly may summon the director to appear and answer questions on the performance of the commission.

Like most government departments, the ACC is underfunded and must rely on significant foreign assistance supplements from cooperating partners. It is also hamstrung by manpower shortages despite the improvements over the years as recruitment is hampered by inadequate resource allocations. Complaints made to the ACC relate to examination administration and sexual pressure by teachers and examiners on female pupils. Other complaints relate to procurement services like contracts and supplies of school materials, misappropriation of funds or public resources and delays in settling allowances and terminal benefits.

The ACC investigations have led to the arrest and prosecution of some suspects and imprisonment of many of them. Newspapers have carried several reports of such developments but not much has been reported on arrests and investigations in education. Media houses have mixed feelings regarding the effectiveness of the ACC in fighting corruption. Delayed investigations and prosecutions have been factors affecting a positive image of the ACC; for example, the case of Kapoko in the Ministry of Health took over five years of indifferent prosecution and eventually led to his acquittal, despite the arrest and imprisonment of one of his accomplices. Transparency International’s Corruption Perception Index ranks Zambia very low, though it is difficult to associate the poor rating to the effectiveness of the ACC in fighting corruption.

The general perception is that the fight against corruption was strongest during the Mwanawasa years (2001–2006) but declined under Rupiah Banda. Perceptions of the current PF government were good during the initial few months owing to its pronouncements on corruption. But it has suffered rapidly and badly owing to perceived regional and family

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130 See Daily Mail and Times of Zambia, for 3rd and 4th week of December 2008.
connections dominating the nature of its Cabinet and the recent oil procurement scandal and other matters linked to Finance Minister Kabimba and Home Affairs Minister Mwamba. The view is that the ACC is effective when the cases are not politically inclined. Recently, the President overreached his rights when he swore in another commissioner after asserting that the ACC must not embarrass his ministers and has to inform him of any investigations of his officers and that there should not be a trial by the media. Consequently the Minister of Justice refused to be interviewed by the ACC, except in the presence of his political party cadres. The Law Association of Zambia (LAZ) responded to this as an affront on the rule of law and further stated that there was nothing in the law that requires the ACC to inform the President when one of his ministers is under investigation. A state house spokesman quickly dismissed the press statement of the LAZ, showing total disregard for the issues raised.

E. The Human Rights Commission

The Human Rights Commission (HRC) is a constitutional body established under Article 125 of the Constitution of the Republic of Zambia. The HRC derives its functions and powers from the Human Rights Commission Act (No. 39 of 1996) (HRC Act). The HRC Act provides that the HRC shall consist of a chairperson, vice-chairperson and five other commissioners.  

In addition to the head office in Lusaka, the HRC had four provincial offices, located in Chipata (Eastern province), Kasama (Northern province), Mongu (Western province) and Ndola (Copperbelt province) at the end of 2005. It is now present in six of the ten provinces. The plan is for the HRC to have offices in all the provinces. The main limitation has been inadequate or poor funding from the government.

The functions of the HRC, as stipulated by the Act, are as follows:

- Investigate human rights violations;
- Investigate any maladministration of justice;
- Propose effective measures to prevent human rights abuse;
- Visit prisons and places of detention or related facilities with a view to assessing and inspecting conditions of the persons held in such places and make recommendations to redress existing problems;
- Establish a continuing programme of research, education, information and rehabilitation of victims of human rights abuse to enhance the respect for and protection of human rights; and
- Do all such things as are incidental or conducive to the attainment of the functions of the commission.

The HRC is empowered by the Act to appoint a director, deputy director and such other staff as it may consider necessary. In addition, the HRC has power to set up committees to which it can delegate its functions as it considers fit. During 2005 there were five committees:

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131 Section 5(1).
132 Section 9.
134 Section 18.
135 Section 15 of the Act.
• Access to Justice and Freedom from Torture;
• Children’s Rights;
• Civil Political Rights;
• Economic, Social and Cultural Rights; and

In 2005 the HRC participated in a meeting held by the Curriculum Development Centre of the MoE to finalise the proposed syllabus for senior secondary school civic education. The syllabus includes a component on human rights. The HRC also took part in the training of teachers from schools in Lusaka, Central and Northern provinces where the teaching of the new syllabus was being piloted. The training included teaching on the Zambian legal system as well as international, regional and national human rights systems.

The HRC, like many government institutions and departments, is underfunded. It thus depends on support from cooperating partners in many areas, including bringing its reports up to date, the latest most recent report being for 2008.\footnote{2008 Annual Report of the Human Rights Commission.} The staff situation remained critical during the year with only 46 permanent staff out of the required 131. Positive developments in 2007, however, included the recruitment of five new investigations officers, a new deputy director and new principal legal counsel.\footnote{2007 Annual Report of the Human Rights Commission.}

The HRC has not reported anything relating to education, which is covered under the general title of social economic and cultural rights. It makes a general report on the state of rights to education and health but no specific investigations have been reported. Its reports tend to deal in greater length on juveniles and the penal system. No report has been made on education for 2012; there has been an investigation on the education sector previously but the report was not accessible at the time of writing as investigation reports are not in the public domain except the main annual reports that are merely summaries of key work.\footnote{An officer of HRC who had the report on previous investigations on education sector, was out of the office, making the report inaccessible.}

\section*{F. Community oversight: Parent–teacher committees}

The participation of communities in planning, monitoring and evaluation of service delivery is an important measure of responsiveness to local needs and demands. Local communities participate through parent–teacher committees (PTAs). They play a vital role in fostering smoother cooperation and communication between teachers and parents, especially in secondary schools where they are strongest. They are voluntary associations and are thus not governed by an Act of Parliament or any other specific legal authority. The 2011 Education Act has made provision for PTAs. It merely states that ‘there shall be established, as a governance structure in a public institution, a parent–teacher committee.’\footnote{Part V, section 46, 2011 Education Act.} Community schools have also been provided with PTAs under the 2011 Act.\footnote{Part VII, section 73.} PTAs are more well known for mobilising funds...
for school projects such as buying transport for the school and equipping schools with certain provisions such as fences and desks.\textsuperscript{142} These PTAs are frequently involved in disciplinary issues, resolving problems among parents and teachers. They also provide a channel for addressing grievances about the delivery of quality education services, especially among those issues arising at the local level, such as teacher behaviour and the provision of learning materials. However, PTAs suffer from inadequate information on the policy and budget preparation processes and systems and thus, their intervention is limited, but could be strengthened through sensitisation and collaboration with CSOs and the ACC.

G. Media and civil society organisations

Freedoms of the media and civil society advocacy have been characteristic of Zambia’s burgeoning democracy since the end of the one-party state and the inception of plural democracy in 1991. From 2000, the Catholic Church through the Catholic Commission on Justice and Peace spearheaded such work, especially in its Jubilee Campaign Against Debt.\textsuperscript{143} This led to the formation of economic justice non-governmental organisations (NGOs) and then a plethora of others. The founding of \textit{The Post} newspaper at the end of the Kaunda period gave birth to independent media. In education, key civil society organisations (CSOs) that emerged were the Zambia Children’s Civic Education Association (ZCEA), which deals with children’s right to education, the Forum for Women Educationalists of Zambia (FAWEZA) and the Zambia National Education Coalition (ZANEC), which became coalitions of a number of education advocacy CSOs.\textsuperscript{144}

Such networks tend to have a number of weaknesses that include the following:

- Donor-dependent financing makes them fail to criticise those donors whose practices may be at odds with quality education delivery, fundamental policy outlooks and practices of NGOs.
- Sometimes their advocacy work is judged by governments as antagonistic and dismissed as such.
- Unfortunately politically or democracy-orientated NGOs tend to suffer a level of government indifference. However, education NGOs have carved a niche of respectability and have a working framework with the government.
- Their urban base and poor rural presence can cause the government to ignore them if that becomes convenient. Politicians and policy-makers can easily disregard them (if that becomes a political expedience) as organisations of urban elites within rural bases.

Despite these weaknesses, CSOs have played and continue to play an important role in creating an acceptance of an increasing public participation in policy-making, assessment of service delivery and the budget process. They have commissioned studies in the education sector such as public school projects such as buying transport for the school and equipping schools with certain provisions such as fences and desks.\textsuperscript{142} These PTAs are frequently involved in disciplinary issues, resolving problems among parents and teachers. They also provide a channel for addressing grievances about the delivery of quality education services, especially among those issues arising at the local level, such as teacher behaviour and the provision of learning materials. However, PTAs suffer from inadequate information on the policy and budget preparation processes and systems and thus, their intervention is limited, but could be strengthened through sensitisation and collaboration with CSOs and the ACC.

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\textsuperscript{142} Mungwi and Kambule Technical Secondary Schools are building a perimeter fence with PTA resources.

\textsuperscript{143} Author was part of the Jubilee campaign in 2000, then based in Harare.

\textsuperscript{144} ZCEA deals with children’s right to education, FAWEZA advocates for girl-child education, while ZANEC advocates for quality education for all.
as budget tracking and education indicators that have been important instruments for advocacy. The FAWEZA, ZANEC, the ZCCEA and a number of NGOs and education specialists participate in the MoE Annual Review meetings and their work has enabled greater access to education information as well as proactive planning in education issues. The only problem is that after the Joint Annual Review, these organisations are left on the sidelines of the MoE planning and implementation process.

The media have been a major means of advocacy through the dissemination of education messages and implementation activities designed to improve the quality of education delivery. Until more recently when The Post newspaper shifted political support to the ruling party, it was a major player in information dissemination on education and general public service delivery system. It has played a critical role in exposing corruption and bringing to attention the state of governance, including education. Even the state media, which have been known to stay silent about public service issues except those that satisfy the establishment, have become increasingly informative on the state of education and public service delivery in general. A new newspaper, the Daily Nation has since begun to fill the void left by The Post, while a number of online publications have been critical voices of public accountability. Radio Phoenix opened its airwaves to independent community broadcasting despite run-ins with the authorities in its earlier years. Media freedom has grown with the development and growth of community radio stations that now offer alternative information to the state media. There are now a few community radio stations per province, on average, providing alternative views and debates on public service, governance and community issues.

Civil society activism has taken many forms such as petitions and press releases targeted at particular authorities. Transparency International often lobbies and writes to relevant authorities on governance issues, while education NGOs continue to lobby and advocate various issues within their respective concerns. A new Constitution, if passed, should be an avenue for class action suits as it provides for the Human Rights Charter.

**H. Conclusion and recommendations**

There are several institutions in Zambia that are supposed to provide oversight in a number of sectors and institutions of governance and service delivery. These are Parliament, the AGO, the HRC and the ACC. There are also PTAs, school management committees and the media. Parliament is the most important oversight body for the executive wing of government. In practice, however, the oversight capability and effectiveness is weak.

The following recommendations have been made:

- The AGO, the HRC and the ACC need to operate truly autonomously in order to carry out their mandate as oversight institutions that ensure proper utilisation of public resources in the MoE and other government institutions. CSOs, such as the LAZ, must examine the legal frameworks of these institutions with a view to strengthening them.

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145 The author has consulted for many education NGOs whose work has been useful in engaging MoE in advocacy work on education delivery.

146 Online publications such as the Zambian Watch Dog and Lusaka Times are accessible on the Internet.
• The AGO needs authority and power to work with the ACC and police so that its reports can have prosecutorial sanction.

• Oversight institutions need to be properly resourced to carry out their mandates and to remunerate their staff adequately. CSOs, especially the Economic Association of Zambia and the LAZ, must lobby for this.

• CSOs must take stock of the activities of oversight bodies and build synergies with these institutions to find ways to improve their advocacy skills. The current cooperation should not be limited to a few training workshops between oversight bodies and CSOs, but focus must be on building sustainable synergies and cooperation.

• PTAs must be sensitised by education NGOs to act as stronger oversight institutions for their schools in their respective communities, especially in cases of corruption. In common forms of petty corruption they should liaise with the police and anti-corruption offices where necessary.

• Education NGOs must liaise with the Parliamentary Committee on Education to ensure their recommendations on improving service delivery are adhered to and in particular, be able to undertake monitoring and evaluation of their respective sectors.

• The Speaker must be lobbied to undertake, through the Parliamentary Reforms and Modernisation Committee, a review and modernisation of the committee system to make it more effective and have power of sanction.
Development assistance

Zambia is heavily dependent on development partner support, including budget support, to the education sector. Development partners collectively provide about a third of budget support to the government, although this has been declining in recent years. A number of European Union embassies have either closed or have been in the process of closing since the 2011 elections. The implications are far reaching and the consequences may only be fully appreciated towards the end of 2013 and after.

A. Forms of development assistance

It is inconceivable that Zambia could finance its development programmes without the currently strong development partner support. Development support to the Zambian government has been in the range of 30% since the mid-2000s. Budget support to the Ministry of Health was in the range of 80%, excluding salaries. Development assistance to and support for education has been declining for a while as the government has been increasing its budget commitments.

The 2004 Ministry of Education (MoE) budget was financed by a combination of government (62%) and external aid (38%) through the Sector Plan (sector pool, designated and others) as agreed in the Memorandum of Understanding (MoU) between the MoE and cooperating partners (CPs). Table 10 illustrates the details of government finances. The total committed by CPs was ZMK 310 billion147 (about USD 66.6 million).

147 Exact figure ZMK 310 658 761 002.
Table 10: Sector pool sources of funds for 2004

<table>
<thead>
<tr>
<th>Sources of funds</th>
<th>ZMK</th>
<th>USD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash/bank brought forward</td>
<td>46 691 767 001</td>
<td>10 362 743</td>
</tr>
<tr>
<td>CIDA</td>
<td>7 693 114 603</td>
<td>1 618 973</td>
</tr>
<tr>
<td>Netherlands</td>
<td>36 326 731 860</td>
<td>7 656 246</td>
</tr>
<tr>
<td>Norway</td>
<td>82 057 225 514</td>
<td>17 467 220</td>
</tr>
<tr>
<td>DFID</td>
<td>52 119 825 000</td>
<td>11 283 195</td>
</tr>
<tr>
<td>DCI</td>
<td>32 810 302 213</td>
<td>6 884 893</td>
</tr>
<tr>
<td>DANIDA</td>
<td>38 224 199 475</td>
<td>8 249 292</td>
</tr>
<tr>
<td>Finland</td>
<td>14 562 661 050</td>
<td>3 105 045</td>
</tr>
<tr>
<td>USAID</td>
<td>138 039 286</td>
<td>29 000</td>
</tr>
<tr>
<td>UNESCO</td>
<td>28 800 000</td>
<td>6 000</td>
</tr>
<tr>
<td>Other income</td>
<td>6 095 000</td>
<td>1 289</td>
</tr>
<tr>
<td>Total funds</td>
<td>310 658 761 002</td>
<td>66 663 895</td>
</tr>
</tbody>
</table>

Utilisation of funds

<table>
<thead>
<tr>
<th></th>
<th>ZMK</th>
<th>USD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditure</td>
<td>17 565 175 542</td>
<td>3 712 841</td>
</tr>
<tr>
<td>Advances and prepayments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants to education boards</td>
<td>188 935 770 465</td>
<td>39 668 106</td>
</tr>
<tr>
<td>Other debtors and prepayments</td>
<td>3 028 214 319</td>
<td>4 346 475</td>
</tr>
<tr>
<td></td>
<td>209 529 160 326</td>
<td>44 014 581</td>
</tr>
<tr>
<td>Surplus (Deficit)</td>
<td>101 129 600 674</td>
<td>22 649 314</td>
</tr>
<tr>
<td>Exchange differences</td>
<td>2 600 080 975</td>
<td></td>
</tr>
<tr>
<td>Cash/Bank balances carried forward</td>
<td>103 729 681 649</td>
<td>22 649 314</td>
</tr>
</tbody>
</table>


The Joint Assistance Strategy for Zambia (JASZ) is a national medium-term framework (2007–2010), which has been developed by the CPs to manage their development cooperation with the government in alignment with the Fifth National Development Plan (FNDP). JASZ represents the development partners’ joint response to Zambia’s newly developed Vision 2030 and the FNDP, which together constitute the national framework for reducing poverty and promoting sustainable expansion of the economy. JASZ also attempts to strengthen local ownership of the development process and enhance the effectiveness of official development assistance and mutual accountability by linking the international arrangements endorsed under the Paris Declaration and the effectiveness criteria in Zambia’s Aid Policy and Strategy to the FNDP. In this regard, it should be noted that JASZ is building on the momentum towards harmonisation in Zambia, which was launched in 2003 when the government signed a Harmonisation in Practice Memorandum of Understanding with the Nordic Plus group. This subsequently became the Wider Harmonisation in Practice MoU as additional CPs became signatories.148

More concretely, the key objectives of JASZ were to:

Establish a shared vision and guiding principles for CPs’ support to the objectives of the FNDP, which is the first stage in meeting the Vision 2030 objectives;

Articulate priorities for support during the FNDP period;

Replace or better align CPs’ country strategies (including resource allocations) with FNDP priorities, targets and country systems;

Improve aid delivery by achieving a more effective division of labour and allocation of CPs’ resources;

Deepen the results focus of assistance programmes;

Simplify aid management and improve aid predictability; and

Reduce transaction costs for the government.

JASZ made the following report on funding of the FNDP:

The total estimated cost of public expenditures contained in the Fifth National Development Plan for the period 2006–2010 stands at ZMK 62.6 trillion (USD 14.9 billion). It is currently envisaged that this will be financed by domestic funding of ZMK 48.4 trillion (USD 11.5 billion) and anticipated external financing of ZMK 11.2 trillion (USD 2.7 billion). This leaves a residual financing gap of almost ZMK 3 trillion (USD 710 million) in which the government would look for additional resources to fill the gap. Of the total financing requirement, an estimated ZMK 38.6 trillion (USD 9.2 billion) or 62% is for priority Fifth National Development Plan sectors.149

Twelve bilateral donors together with the international financing institutions, the European Commission and the United Nations system, were signatories to the JASZ. Of these signatories the United Kingdom, Ireland, Germany, Norway and Sweden replaced their current country strategies for development cooperation with the government of Zambia with the JASZ. The other signatories were to base their maintained country strategies on the JASZ, leading to overall diminished transaction costs in terms of government consultation. CPs recognised that a fully subscribed JASZ provides a unique opportunity to develop a joint analytical and programmatic response to the FNDP.150

This agreement between CPs and the Zambian government covered the MoE, which in the context of the agreement had its own pool of CPs made of some of the signatories to the MoU. Thus active donor support throughout the early reform period of the mid-2000s has seen increased support to education. Several CPs have continued to provide funding directly to the ministry and domestic spending has thus grown. Between 2005 and 2009, real (domestic) expenditure on education has risen by more than 50%.151 The pool account has been awarded about 12% of the budget. Moreover, the move to general budget support has enhanced the allocative efficiency as the insistence of CPs on increasing domestic resources

149 Ibid.
150 Ibid.
151 Interview with Acting Ambassador, Embassy of the Netherlands, 10 October 2012.
for education, through the sector dialogue and through the Poverty Reduction Budget Support meeting, has been successful and sector cooperation in the education sector worked reasonably well.\footnote{Ibid.} CPs have helped to strengthen sector planning and budgeting, improve transparency, accountability, monitoring and evaluation, and have further contributed to the decentralisation of the sector.

### Table 11: Education sector budgetary allocations and actual expenditure, 2008–2012 (ZMK billion)

<table>
<thead>
<tr>
<th>Year</th>
<th>GRZ</th>
<th>Donors</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>Budget</td>
<td>2 017</td>
<td>162</td>
</tr>
<tr>
<td></td>
<td>Actual</td>
<td>2 207</td>
<td>375</td>
</tr>
<tr>
<td>2009</td>
<td>Budget</td>
<td>2 424</td>
<td>353</td>
</tr>
<tr>
<td></td>
<td>Actual</td>
<td>2 357</td>
<td>–</td>
</tr>
<tr>
<td>2010</td>
<td>Budget</td>
<td>3 366</td>
<td>367</td>
</tr>
<tr>
<td></td>
<td>Actual</td>
<td>3 446</td>
<td>–</td>
</tr>
<tr>
<td>2011</td>
<td>Budget</td>
<td>3 530</td>
<td>220</td>
</tr>
<tr>
<td></td>
<td>Actual</td>
<td>2 616</td>
<td>–</td>
</tr>
<tr>
<td>2012</td>
<td>Budget</td>
<td>4 851</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td>Actual</td>
<td>–</td>
<td>–</td>
</tr>
</tbody>
</table>

Source: Table assembled by Dr John Chileshe, JICA consultant.

Information reproduced in Table 11 is taken from the MoE’s annual work plans, budgets and annual reports; some of the information is directly from donors. The donor figures are their contributions to the sector pool; they do not include projects. Dr John Chileshe, a Japanese International Cooperation Agency (JICA) consultant, reports that between 2010 and 2011, donor funding to the ministry was erratic, due to concerns over financial management issues, while figures for the donor component for 2012 are not indicated in the annual work plan and budget – these will only be available in 2013.\footnote{Communication from Dr John Chileshe, JICA consultant.}

Denmark and the Netherlands are leaving Zambia in 2013 and they have already stopped contributing to the sector pool. A number of CPs have withdrawn from the education sector support and some embassies are either closing or have closed since the new government came into office in 2011. One of the key CP leaders of the funding to the education sector, the Netherlands Embassy, is withdrawing funding to the ministry following the government
announcement that the 2013 national budget will only need 4% from the donors. Donors have the view that if the government needs only 4% from them, then they are no longer needed and the 4% can be sourced elsewhere. This seems to be the unofficial view since the more official statements have focused on the eurozone crisis and Zambia’s attainment of lower middle income status and thus no longer needing that much donor assistance.

According to Dr Chileshe, donors have the view that there are other developing countries that need aid more than Zambia. However, it would appear that there are other unstated issues such as the Patriotic Front (PF) government’s decision to limit donor support to only 4% of the budget as cited above; even financial management issues have surfaced quietly. The implications may not be major because for several years, the actual donor contributions to the education sector have been decreasing and the government proportion has been increasing. In 2005, the donor proportion of the sector budget was 38%; by 2008 it had decreased to 13%; it decreased to less than 10% by 2010; and in 2012 it is approximately 5%. Despite this reduced budget support, the donors fund certain projects that lie outside budget support which thus makes the component of development assistance even more critical and larger than the budget support figures reflect.

It would appear that this donor withdrawal (to some extent the consequence of poor public relations expertise on the part of the new government) has partly motivated the government to raise the much celebrated Eurobond, a loan facility of about USD 750 million. The debt implications are ominous given that the country just came out of the Heavily Indebted Poor Countries and may be heading back into the debt trap. Meanwhile, civil society groups and the World Bank itself have been calling for increased revenue collection from the copper mining industry but the government is adamantly opposed to that idea leading to some speculation that mining companies and government have struck a private deal not to increase taxes to the mining sector. What the government has gotten in return is not only problematic but outside public knowledge. This is the same problem that appears to have bedevilled the last Movement for Multi-party Democracy (MMD) government since Mwanawasa’s tenure.

Recently, CPs have become more critical of the effectiveness of cooperation in the education sector. There is a sense that the current sector dialogue mechanisms are ineffectual. These concerns are partly a reaction to irregularities in other sectors and the slowness of the government in responding to them, as well as the lack of progress towards targeted budget support. Follow up on the recommendations of the fiduciary risk assessment has been slow.

Development partner support has been focused on improving access, equity and quality, as well as increasing the planning and management capacity of education delivery at all levels. On access and equity, emphasis has been on the construction and rehabilitation of primary and secondary schools. In quality terms they have been focusing on teacher training and recruitment.

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158 Interview with Deputy Ambassador, Netherlands Embassy.
159 Communication with Dr John Chileshe, JICA Consultant.
160 Ibid.
161 There is speculation, hard to substantiate, that in return for no increased taxes the mining giants fund the political machinery of the party in power.
162 Interview with Acting Ambassador of the Netherlands Embassy, 10 October 2012.
rehabilitation of teacher training colleges, curriculum review and development, provision of school materials, school health, nutrition, water and sanitation. With regard to management and planning, donor resources have been directed towards national and district-level education strategies, the development education management information system and training of education managers.

B. Publication of information on development assistance

Many CPs publish information on development assistance or aid flows in all sectors including education. The coverage of the reporting varies and some partners are more diligent in reporting with actual figures while others make general reporting. Many have websites demonstrating the type of development assistance they render. JICA for instance, has a project called ‘Strengthening Teacher’s Performance and Skills through School-based Continuing Professional Development Project’ operating in over 54 districts of Zambia. It is part of the JICA range of development assistance programmes in the country, though its major focus is infrastructure development. No figures are given of the costs involved, but for 2013 it has allocated 300 million yen to the education sector pool as part of its poverty reduction strategy assistance. This may be in response to other CPs that have pulled out of education sector assistance. It has not participated in the sector pool, but has its own dedicated programme for school infrastructure development. The United States Agency for International Development is another partner that is not part of the pool but operates many projects in the education sector, especially in HIV/Aids and water and sanitation.

The Ministry of Finance and National Planning does not have an easily accessible information system on development assistance; consequently, obtaining that information is a tedious process. Its website merely lists articles of agreements and memoranda to which the ministry is party, such as JASZ and the Paris Declaration on Aid Effectiveness. It also lists basic principles of development cooperation but there are no details on development assistance. The 2004 Education Statistical Bulletin included an appendix giving the education budget divided between the budget line raised from domestic resources and that from foreign assistance. For some reason, that initiative died and all other bulletins have since omitted that information. The information exists but is not easily accessible to the public.

Some development partners such as the World Bank, the United Kingdom’s Department for International Development and the African Development Bank, for instance, have multi-year funding commitments based on their country assistance strategies. There has been generally much smoother cooperation and coordination between the government and CPs. A partial suspension of support to the health sector occurred after revelations of corruption and abuse of donor funds in 2007. Despite concerns about management of resources, there has been much smoother cooperation in education. CPs and government have managed to try and get the Paris Declaration on aid effectiveness to be embedded in the planning system.

The general push and acceptance of the sector-wide approach has enabled the creation of a sector pool fund that has improved MoE budgeting, coordination and harmonisation of education resources. There have been 13 CPs in the education sector and the challenges of

\[163\] Refers to the Kapoko trial cited earlier.
managing coordination are certainly numerous. Donor support can be unpredictable despite years of support.

c. Donor assistance to civil society monitoring of service delivery

CPs provide critical support to many civil society organisations involved in various advocacy issues in education and governance. These education non-governmental organisations (NGOs) provide critical support and supplement to the government initiatives, but also make government less complacent due to their advocacy work. Organisations such as the Forum for Women Educationalists of Zambia (FAWEZA) provide important support to girl-child education, while the Zambia National Education Coalition (ZANEC) advocates for quality delivery of education services and thus undertakes research into budget and other education related issues that it uses in its advocacy work. The Zambia Civic Education Association (ZCEA) advocates for the right of the child to education and among its programmes are budget studies for children’s education for advocacy purposes.

Many CSOs involved in education delivery service, lobbying and advocacy are totally donor dependent. This is part of the weakness of this sector, but it is nonetheless an important medium for creating quality education in Zambia. Some pupils would be in greater peril had it not been for the work of FAWEZA, ZANEC, the ZCEA and others. They are involved in stakeholder consultations with the ministry, especially the Joint Annual Review, but they are left out of the annual budgeting arrangements where it really matters.

Zambia Civic Education Association

One of the aims of the Zambia Civic Education Association (ZCEA) is to have a nation where children’s rights are respected and upheld by all. In line with this, the ZCEA provides free legal advice, information dissemination and awareness raising on children’s rights and child-related legislation. Free legal advice is provided to the indigent but especially children who need legal assistance. Information dissemination is provided to communities and law enforcement officers such as police officers, labour officers and social welfare officers. The ZCEA also raises awareness and provides educational materials on children’s rights and child-related legislation to the public. Through its 30 volunteer paralegals, the ZCEA offers free legal advice to indigent families and their children at the 15 Child Friendly Citizens Legal Advice Desks in seven Zambian towns (Kafue, Lusaka, Kabwe, Kapiri Mponshi, Ndola, Kitwe and Mufulira).

Among some of its projects is the Child Budget Study. Its overall goal is to contribute to the national budgeting policy and process that is responsive to the realisation of children’s rights. The specific objectives of the project are to contribute to a national budget which is child-friendly, to promote child participation in budget advocacy, to raise awareness on how the national budget is linked to the realisation of children’s economic and social rights, to enhance networking of child-focused civil society organisations on child budget analysis and tracking, and to track the budget implementation.

The ZCEA uses the following strategies to implement the project:

• Budget and policy analysis;

164 ZCEA brochure.
Budget analysis is conducted annually to determine the amounts allocated to child programmes in the national budget. The budget analysis is conducted in relation to education, health, housing and community amenities, social protection, as well as recreation for children. These sectors are considered essential for the well-being and development of the child. Therefore, related to the analysis is advocating for the increased allocation of resources to these sectors. Budget analysis is linked to policy analysis as the allocations in the national budget are in accordance with the provisions of the existing public policies. Therefore, the ZCEA analyses child-related public policies that have a bearing on the well-being of children to assess how child-friendly they are.165

The ZCEA input into the national budget-making process, in consultation with the members of the Child Budget Network (CBN), formulates proposals that are submitted to the Ministry of Finance and National Planning Budget Office for consideration for the following year’s national budget. This process takes into consideration research findings, outcomes of analyses of the policy and the previous year’s budget.

As part of implementation, the ZCEA collaborates with like-minded civil society organisations (CSOs) at country level and at the Southern African Development Community (SADC) regional level. The ZCEA coordinates the CBN, a national coalition of CSOs that are working to promote children’s rights. The CBN creates an opportunity for CSOs to share ideas and jointly address children’s budget issues in Zambia. The CBN meets every quarter and whenever the need arises. The ZCEA has in the past conducted training workshops for the network members. At regional level, the ZCEA is part of the Imali Yemwan, an SADC Child Budget Network of eight organisations drawn from eight SADC countries. Imalii advocates for the effective and efficient allocation and utilisation of resources in government budgets to advance the rights of children.166

**Forum for Women Educationalists of Zambia**
The goal of the Forum for Women Educationalists of Zambia (FAWEZA) is increased enrolment, retention, progression, qualitative performance and completion rates of women and girls at all levels of the education system. To achieve its goal, FAWEZA has been working with five programme areas:

- Programmes for girls and women;
- Advocacy and lobbying;
- Partnership and networking;
- Organisational capacity-building; and
- Support administrative structures.167

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165 Ibid.
166 Ibid.
167 FAWEZA brochure.
Since 1996, FAWEZA has been undertaking activities that contribute to eliminating the gender gap by advancing girls’ participation and achievement at basic school, high school and tertiary level. Such activities include the safety and security project, scholarship schemes, reading circles and mobile libraries.

FAWEZA has mobilised communities to rescue girls living in high-risk environments, such as rented lodgings near the school because of long distances from home, and to provide them with safe places to live. With community involvement, FAWEZA has constructed girls’ hostels at Jembo High, Sanje High, Nanga High, Solwezi Technical and Kyawama High, rehabilitated the hostel at Kasenga Girls’ and is now constructing a hostel at Chinyunyu Basic. In five other localities (Livingstone, Mazabuka, Kabwe, Serenje, Chipata and at Kamulanga High), FAWEZA rents houses and employs matrons to look after the girls. The annual target of girls having access to safe lodgings has risen from 94 in 2006 to 423 in 2009. Evidence of the positive impact of the project can be seen at Sanje High School, where female pupil enrolments have increased from 93 in 2005 to 183 in 2008; pregnancies have been reduced from nine in 2004 to none in 2008–2009.

It also runs 14 transit schools currently operating in localities that have a high prevalence of orphans and vulnerable children (OVCs), most of whom are involved in child labour activities such as crushing stones, petty trading and carrying loads for hawkers. FAWEZA solicited partnership with back-to-back community groups who raise money through income generating activities to pay the education costs of children integrated into the mainstream and keep up the feeding scheme for the children in the transit schools, as the feeding component is what encourages the children to the centres. FAWEZA facilitated the grants for the 14 transit mobile schools which were used to procure teaching and learning materials, paying allowances to teachers and purchasing food stuffs for 662 pupils enrolled in 2007. In the same year, transit schools integrated a total of 129 (19.5%) pupils into the mainstream of the school system.

FAWEZA also adopted Kamulanga High School and upgraded it into a Centre of Excellence, that is, a model school that would be used to demonstrate that within a gender-responsive school environment, gender equity in participation in education is attainable. The curriculum included the following:

- Improving girls’ self-esteem;
- Adolescent reproductive health;
- Life skills;
- HIV/AIDS education through the Student Alliance Forum for Education Clubs;
- Slowing down dropout rates among OVCs through provision of scholarships;
- Training of all staff members in gender-sensitive pedagogy; and
- Providing a platform for community and pupil involvement in various education developments at the school.\(^{168}\)

\(^{168}\) Ibid.
D. Conclusions and recommendations

Zambia is heavily dependent on development partner support, including budget support, to the education sector. There has, however, been a decline in external support in recent years and a number of diplomatic mission have closed down. The implications are far reaching and the consequences may only be fully appreciated towards the end of 2013 and after.

The following recommendations have been made:

- The MoE must address concerns of development partners in order to continue to build confidence and continued support especially in areas of resource use and transparency in the governance of the education sector.
- In the light of departing CPs, civil society must lobby for increased revenue collection, especially from the copper mines, so that the financing of education and other sectors can be made more efficient.
- Commitments to the education budget must be increased to 30% of the total government budget in line with many SADC region countries. NGOs in education should engage in lobbying and advocacy on this issue in a consistent manner. The media can be a keen advocate of this matter.
- CSOs must develop a strategy for lobbying for proportion of government funding in some of the key projects that complement the work of MoE.
- CSOs must strengthen and expand their advocacy so that they can be effectively involved in the annual plan and budget of the MoE.
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List of people interviewed

The author would like to thank the following people who were interviewed for the study:

Mrs Cheelo, School Head, Catholic Community School, Kafue
Dr John Chileshe, JAICA Consultant
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Mr Hapondela, Governance Secretariat, Ministry of Justice
Ms Kaseba Chimbila Beyani, School Head, Kansenji Basic School, Kafue
Dr Kalila, MP and Chair of the Parliamentary Committee on Education
Mr Kabange, PTA Chairperson Mumbwa High School, Mumbwa
Mr Mutiti, Sanje High School Statistical Officer, Mumbwa
Mr Mukandawire, Nangongwe Basic School PTA Vice-Chairperson, Kafue
Mr Jack Mwiimbu, MP for Monze Central and Legal Counsel
Mr Mutale, Lancelot Planning Officer (Budget)Planning Division, MoE
Mr Mwilaba, Head Kalilwe Basic School, Mumbwa
Mr Ndakala, Planning Section, Information Systems, MoE
Mr Gary Nkombo, MP for Mazabuka
Mr Ndede John Asare, School Head, Joseph Fogg Basic School, Kafue
Mr Siame, School Head, Naboye High School
Mr Shitima, Planning Division, MoE
Mr Siame, Director of Human Resource, MoE

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- Hillcrest Technical High School, Livingstone
- Kambule Technical High School, Mongu
- Chiwala Technical High School, Ndola
- Ndola Technical High School, Ndola
- Solwezi Technical High School, Solwezi
- Chizongwe Technical High School, Chipata
- Mungwi Technical High School, Kasama