Question 1: How effective is your Parliament's current scrutiny of treaties in both holding the Government to account and helping it get the best agreements possible?

1. Answer: Article 63 (2)(e) of the Constitution of Zambia, Amendment No. 2 of 2016, provides as follows: "The National Assembly shall oversee the performance of Executive functions by approving international agreements and treaties before these are acceded to or ratified."

2. On the basis of this provision, all international treaties and agreements, which the Government of Zambia intends to enter into, are sent to the National Assembly for scrutiny and approval. This means that the Executive cannot enter into such treaties or agreements without the approval of the National Assembly.

3. In terms of the effectiveness of treaty scrutiny, to date only three treaties have been scrutinised and the Zambian Parliament is satisfied with the effectiveness of the process. It must be stated though that as the procedure is a fairly new one, having been introduced into the Constitution in 2016, there is still scope for the Zambian Parliament to learn from Parliaments that have more experience in scrutiny of treaties/agreements.

Question 2: How might the Government and/or Parliament best engage other stakeholders and members of the public during treaty negotiation and scrutiny.

4. Answer: Treaty negotiation has traditionally been the preserve of the Executive, because it is the members of the Executive that normally represent the state at regional and international treaty organisations. A constitutional provision such as Article 63 (2)(e), ensures that another arm of Government, which was not part of the negotiations, provides a check on the impact that such a treaty would have on the citizens.

5. In terms of stakeholder engagements, the procedure followed by the Zambian Parliament already involves stakeholder engagement. Before the House approves a treaty or agreement, an appropriate committee of Parliament scrutinises the agreement/treaty. In the process, the Committee engages and interacts with a broad spectrum of stakeholders from civil society, interest groups, professional bodies
and the general public, among others. The stakeholders' submissions inform the committee's recommendations, which are contained in a report to the whole House for debate and possible adoption.

3 December 2018