

Postscript: recent developments in Zambia up to mid-2005

Institutions as objects of political contestation

In June 2005 Zambia's Constitution Review Commission released an interim report and draft constitution together with an executive summary translated into vernacular languages. The Commission's aim is to write the final draft constitution by the end of 2005. The Commission received a total of 13,900 oral and written submissions countrywide.

Regardless of the content of the final draft, two features of the process of constitutional change continue to be highly contentious. First, is the question of timing. Many commentators in Zambia are suspicious that reform to the country's constitution will be delayed until after the next presidential elections which are due by the end of 2006. The reasoning is that, by comparison with proposals that would require presidents to achieve more than 50 per cent of the vote, the present constitution is more favourable to President Mwanawasa's chances of being re-elected. President Mwanawasa is also reputed to be concerned about popular demands that cabinet ministers should be appointed from outside Parliament. That might have the effect of increasing the Parliament's independence from the executive and presidential powers of patronage, while also reducing the personal incentive to stand for Parliament.

Secondly, there is the question of who, or what body shall have the final say in approving new constitutional proposals. That issue is not yet settled. Again, political opponents of the government and civil society leaders too are concerned that the task might be left to Parliament, where Mwanawasa or his party, the Movement for Multiparty Democracy, will be able to use their majority position to determine the outcome – as happened on the last occasion when the constitution was changed under President Chiluba, in 1996. Prominent critics of the executive continue to canvass the idea of a specially convened constituent assembly, which they believe would give greater legitimacy – something they argue is especially important given

Zambia's past record of seeming to make constitutional changes to suit personal or partisan political needs, only to produce constitutions that then fail to command universal respect and lead to renewed calls for constitutional reform.

Other issues that continue to feature prominently in political debate in Zambia include progress (or lack of) in combating corruption. The trial of former President Chiluba and certain close associates on charges of abuse of office and theft is caught up in a long drawn out court case. Meanwhile opposition politicians accuse President Mwanwasa of improper interference in the activities of the official Task Force on corruption and the Anti-Corruption Commission, and of manipulating the judicial process. In an interview with the press the Director of Public Prosecutions refused to express support for the fight against corruption, claiming he is just a functionary. The autonomy of these and other agencies for horizontal accountability, which can be considered vital both to democracy and to 'good governance', has yet to earn full confidence from all sections of the political class. Similarly the independent media, most notably *The Post* and Radio Phoenix, continues to be subjected to occasional harassment, thereby provoking strong criticism of the government from leaders of opposition parties and civil society, for example the Council of Churches in Zambia, as well as from the New York-based Committee to Protect Journalists. The 2004 Freedom House rating for Zambia maintained the scores of four for political rights and four for civil liberties, which means Zambia remains only 'partly free'.

The lesson is that in Zambia as in other countries democratization is not just about introducing competition for votes in elections, but is also about contestation over the institutional architecture and rules of the game – something that exercise a profound influence on who will emerge as the winners and losers. In Zambia the period since the December 2001 elections and President Chiluba's departure from office displays a marked continuity with the past in respect of the highly presidential nature of the political system. The presidential powers of appointment and dismissal, and other executive

opportunities to exercise patronage remain at the core of the distribution of power and influence among the contending political forces. The party system too remains fluid. As in the past, the idea of maintaining political allegiance to one party seems to be largely alien, especially among the smaller opposition parties. Several of the opposition parties have talked about forming a 'rainbow coalition' to come up with just one presidential candidate to challenge Mwanawasa in 2006, but it will be an historic achievement if they do manage to achieve that.

Foreign involvement in the country's politics too remains ever-present. For example, the United States has been providing support to plans to make the National Assembly more effective and has funded civil society bodies advocating constitutional reform, as well as the Task Force on corruption. Foreign diplomats from time to time pronounce publicly on Zambia's poor rating in Transparency International's annual corruption surveys. Meanwhile the Netherlands Institute for Multiparty Democracy is endeavouring to work with the political parties to improve their capabilities and encourage them to engage in dialogue on matters of shared concern. But the overall impact of these efforts is hard to discern. Thus although the international donors will probably pay close attention to the preparations for the presidential, parliamentary and local elections due in 2006, signs of disappointment with progress since December 2001 are already palpable. An illustration is lack of progress on the government's promise, made in the run up to the 2001 elections, to introduce continuous voter registration after that election.

Development policy and state capacity

In Zambia the challenge of development does not get any easier. For instance in September 2004 the government stated there are over 1.1 million orphans in this country of around 10 million people, three quarters of them being a result of HIV/AIDS.

In the meantime, the International Bank for Reconstruction and Development/World Bank's publication of its report *Zambia. Public*

Expenditure Management and Financial Accountability Review in 2004 served to confirm in some considerable detail, major weaknesses and limitations in the government's capacity for financial management. Thus 'the quality of economic governance is on the decline. And public resources are not well spent' (IBRD/WB 2004: xv). The lack of effective and credible budget preparation, together with problems in budget execution and budget control were singled out for criticism. Ironically the report acknowledged that the system of cash rationing that had been introduced at the Bank's behest in the early 1990s was partly responsible. A dearth of relevant professional financial expertise in the ministries, as well as politicisation of the public procurement process, were identified as other key factors.

Although the Bank's findings are retrospective, and legislation is pending to give the Auditor-General powers to prosecute public officials who misuse public funds, President Mwanawasa's own admission about State House in May 2005 that 'Things are in shambles here. They have continued to be despite my continued complaints...The records are not maintained in a manner in which the highest office should be' (reported in *The Post* 27 May 2005) does not inspire much confidence in there being dramatic improvement in the rest of the bureaucracy.

Zambia has come closer to reaching completion point for securing debt relief from the multilateral financial institutions, under the HIPC initiative. Divestment of the Zambia National Commercial Bank has been made one of the conditions for this, partly because of its past record of making politically-motivated loans, although the Bank's unique service to low-income savers outside the main townships also means that the idea of transferring it to more commercially-driven ownership is deeply unpopular in the country. The International Monetary Fund and World Bank continue to attract a good deal of criticism from politicians and in the press, alongside a recognition that Zambia's options remain extremely limited.

Although HIP relief will be important, the outlook for Zambia continues to be one of very substantial foreign indebtedness, even after promised measures of debt cancellation come into force. The adverse consequences for Zambia are spelled out in the World Development Movement's *Zambia. Condemned to Debt*. (Situmbeko and Zulu 2004). And although the international value of Zambia's primary export, copper, has been high in 2004-05 - owing much to the dramatically increased demand for minerals posed by China's frantic industrial development and building construction projects – the benefits to Zambia are limited. Zambia's Konkola Copper Mines offer a good example. An Indian company acquired majority ownership, in a distress sale in August 2004, and within three months recovered in profit the full amount it had paid for the purchase, before going on to reap further very handsome returns. Needless to say opposition politicians have called for a commission of inquiry into why the government sold the shares so cheaply.

Politics without development

How much longer the people of Zambia will remain peacefully committed to democracy in the absence of significant improvement in their hopes of a better life is a question that is likely to remain unresolved for some time to come. There are grounds for both good cheer and for cautious pessimism. Public opinion survey research carried out by the Afrobarometer, analysed and reported by Michael Bratton and colleagues tells us that Zambian society's attachment to the principle of democracy is very high by current African standards. The popular demand is for more, not less democracy. Also the surveys provide evidence for the valuable legacy of Kenneth Kaunda in fostering a strong sense of national unity. In terms of structuring political preferences, that is to say the vote, mass evaluations of institutional performance take precedence over ethno-linguistic identity (Bratton, Mattes and Gyimah-Boadi 2004: 307). However the figures also suggest that increasing number of Zambians see major problems with their democracy, probably owing to the perception of electoral irregularities and failure to achieve an alternation in power in 2001. Allegations of vote-buying, the presence of peripheral violence in the local campaigns and other anti-

democratic tendencies continue to surface, in parliamentary by-elections held in the first half of 2005. And more than half of Zambians appear to believe their economic life is now worse than under the Second Republic: some have given up hope that any political or policy regime can bring about a recovery in living standards (Bratton, Mattes and Gyimah-Boadi 2004: 237).

Is this a sustainable situation? Will there be specific consequences for politics in Zambia as it heads towards another set of national elections in 2006, and if so, what form will they take. These are among the sorts of questions that should engage students of politics in the developing world generally and countries like Zambia specifically.

Additional references on Zambia

Bratton, M. (2004). 'The Alternation Effect' in Africa'. *Journal of Democracy*, 15/4:147-58.

Bratton, M., R. Mattes and E. Gyimah-Boadi, *Public Opinion, Democracy, and Market Reform in Africa*. Cambridge: Cambridge University Press.

International Bank for Reconstruction and Development/World Bank (2004). *Zambia. Public Expenditure Management and Financial Accountability Review*. Washington, DC: World Bank.

Momba, J. C. (2003). 'Democratic Transition and the Crises of an African Nationalist Party: UNIP, Zambia', in M.A.Mohamed Salih (ed.), *African Political Parties*. London: Pluto Press, 37-65.

Mphaisha, C.J.J. (2000). 'The State of Democratisation in Zambia'. *Commonwealth and Comparative Politics*, 38/3: 131-46.

Posner, D. N. and D. J.Simon (2002). 'Economic Conditions and Incumbent Support in Africa's New Democracies'. *Comparative Political Studies*, 35/3: 313-36.

Rakner, L. (2003). *Political and Economic Liberalisation in Zambia 1991-2001*. Uppsala: The Nordic Africa Institute.

Rakner, L. and Svåsand, L. (2005). 'Stuck in Transition: Electoral Processes in Zambia 1991-2001'. *Democratization*, 12/1:85-105.

Situmbeko, L. C. and Zulu, J. J. (2004). *Zambia. Condemned to Debt* (World Development Movement, access via www.wdm.org.uk and summary available at www.id21.org/society/s9bjz1g1.html)