

Postscript: recent political developments in Zambia

Overview

Case Study Two on 'Politics in Zambia' written for the first edition of *Politics in the Developing World* comprises four sections: Democracy and development; Executive-legislative relations; Party politics in Zambia; and Zambia and the world. The postscript below, written in connection with the book's second edition, brings that material more up to date. It is divided into the following sections: Institutions as objects of political contestation; Development and governance; and the 2006 elections and the future of democracy. The divisions overlap and cut across the earlier sections. For example 'Development and governance' offers a continuation of developmental themes from 'Democracy and development' while also touching on governance, the subject of a completely new chapter in the book's expanded second edition. 'Institutions as objects of politics contestation' relates to political struggle over the balance of power in executive-legislative relations. 'The 2006 elections and the future of democracy' can be read as an extension to the original sections on both 'Democracy and development' and 'Party politics in Zambia'.

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 then set about preparing the final draft constitution for release by the end of 2005. In the course of its deliberations the Commission received a total of 13,900 oral and written submissions countrywide. Two years on the people of Zambia were still waiting for a decision on whether the Commission's recommendations would be implemented. Evidence from public opinion polls conducted in the run up to the September 2006 elections suggested that this issue forms a major preoccupation for only some members of the political elite and civil society leaders, while in reality the mass of ordinary Zambians have much more pressing concerns with meeting their most basic daily needs.

However, two features of the process of constitutional change generated controversy. First, is the question of timing. Throughout the consultations and beyond many commentators in Zambia remained suspicious that reform to the country's constitution

would be delayed until after the presidential elections due to be held by the end of 2006. The reasoning was that, by comparison with proposals that would require presidents to achieve more than 50 per cent of the vote (a recommendation made by the Commission and in the final report of the Electoral Reform Technical Committee presented in August 2005), the existing constitution as it was amended in 1996 would more strongly favour President Mwanawasa's chances of being re-elected. President Mwanawasa was also reputed to be concerned about popular demands that cabinet ministers should in future be appointed from outside Parliament. If that demand was met then one of the effects could be to increase the Parliament's independence of the executive. It might also have the effect of reducing the personal incentive to stand for Parliament.

Secondly, there is the question of who or what body should have the final say in approving new constitutional proposals. That issue has generated as much discussion as have the substantive recommendations for reform. Again, the government's political opponents and some leading civil society figures have always been concerned that the task might be left to Parliament, where Mwanawasa and his party, the Movement for Multiparty Democracy (MMD) would be able to use their command of votes to determine the outcome – as happened on the last occasion when the constitution was amended, under President Chiluba in 1996. So, prominent critics of the executive including the country's first president, Kenneth Kaunda canvassed the idea of a specially convened constituent assembly, which they believed would give greater legitimacy to the outcome. They argued this is especially important given Zambia's past record of seeming to make constitutional changes in order to suit partisan political needs or the personal needs of the president, while failing to craft a constitution that enjoyed universal respect.

Eventually (June 2007) the main political parties including the MMD agreed on the idea of a constitutional conference, with Parliament having the final say, and the end of 2008 was set as the target date for completion of the process. These arrangements were put to Parliament in August 2007. This represents considerable progress. However, it remains to be seen how many of the detailed recommendations by the Commission and from the Electoral Reform Technical Committee (ERTF) as well will eventually find their way into law. The ERTF's recommendations include the suggestion that in future elections should be held on a mixed member proportional system. That would combine 160 constituency-based members with 30 elected on the basis of proportional representation, of whom a

quarter should be women, plus a further ten nominated members of whom around one third should be women. A further recommendation was that Members of Parliament (MPs) who resign from their parties should be disqualified from recontesting in subsequent by-elections. However, during his first term of office President Mwanawsa had been able to bolster his position in parliament by offering ministerial portfolios to some opposition MPs without requiring them to change their party affiliation.

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 became caught up in a long drawn out court case. In fact the litigants became so disenchanted with the process in Zambia that the government's Attorney General proceeded to take former President Chiluba to the High Court in London. There, in May 2007 Chiluba and nineteen others were convicted of theft of \$46 million from Zambian state coffers between 1991 and 2001, and of passing the money through bank accounts in London. Unsurprisingly Chiluba, who did not appear in court, rejected the ruling and challenged the jurisdiction of the London court. The legal ruling has been called the first of its kind against any head of state past or present, anywhere. Whether it will influence the conduct of other political leaders in Zambia, or in other countries, who might risk exposing themselves to the threat of court proceedings in a foreign country, is worth watching out for. It is, perhaps, one more manifestation of living in an increasingly globalised world.

It is clear from Zambia's example that the concept of democratization and the idea of making improvements to governance and accountability are not just about making multiparty elections more competitive. Instead they involve contestation over the larger institutional architecture and the precise rules of the game as well. These can exercise a profound influence on who will emerge as the winners in elections, and on what happens between elections. In Zambia the period since the December 2001 elections and President Chiluba's departure from office have in fact displayed some notable continuities, such as in respect of the highly presidential nature of the political system. The president's powers of appointment and dismissal and the many other opportunities to exercise patronage that attach to the executive still remain at the core of the centralisation of power still evident in Zambia today. The informal politics of neo-patrimonialism appears to be deeply entrenched too. The party system too remains fluid, as will become clear from the

account of the 2006 elections below. The idea of consistently maintaining allegiance to one political party appears to be alien to the political class especially among the smaller opposition parties. This is another feature that strongly resembles politics in the first decade of the Second Republic.

Foreign involvement in the country's politics is something else that remains ever-present. For example, in recent years the United States has provided support to plans to make the National Assembly more effective. It has funded civil society bodies advocating constitutional reform and the country's official Task Force on corruption. Foreign diplomats from time to time pronounce publicly on Zambia's poor rating in Transparency International's annual corruption surveys. The Netherlands Institute for Multiparty Democracy, which is a distinctive actor in the international democracy assistance industry by virtue of its objective of promoting inter-party dialogues, continues to work with Zambia's main political parties. The general impression shared by foreign observers that the 2006 elections were conducted according to greatly improved standards, and in particular the greater independence of the executive that was shown by the Electoral Commission, boosted the country's standing in the eyes of western governments. They in turn continue to offer Zambia significant new foreign aid. Net inflows of official development assistance more than doubled in the period 2002-05, mainly due to increased bilateral grant aid.

Development and governance

For Zambia, the challenges of addressing the country's development needs do not get much easier (see Case Study Two Table 1 for recent basic indicators for Zambia). For the period 1990 to 2004 annual per capita growth in Gross Domestic Product was minus 1.1. This was followed by an economic upturn evidenced by growth in the Gross Domestic Product of 3.4 per cent in 2004-05. It is too soon to tell how long this will continue. Much will depend on trends in the global economy and their impact at the national level. In respect of social development three quarters of the population are reckoned to be living on less than the local equivalent of a dollar a day. An increase in adult illiteracy over the period since 1990 poses a particular challenge. The sharp fall in the rate of growth of population to around 1.7 per cent per annum owes in part to the impact of HIV/AIDS. In September 2004 the government stated there are over 1.1 million orphans in this country of around 12 million people, three quarters of whom are a consequence of parental

infection with HIV/AIDS. Overall poverty remains especially high in the rural areas although the incidence of extreme poverty there has decreased, and seems to be on a par with the urban areas. Zambia looks very unlikely to achieve many of the United Nations' Millennium Development Goals by 2015.

In 2004 the International Bank for Reconstruction and Development/World Bank in its report *Zambia. Public Expenditure Management and Financial Accountability Review* highlighted major shortcomings 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 for these failings. A dearth of relevant professional financial expertise in the ministries and politicisation of the public procurement process were also identified as key factors. President Mwanawasa's own admission in May 2005 about the running of affairs at the very heart of the executive in State House suggests that a poor example is set from the very top: '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).

However a major achievement for Zambia and the government in recent years is in reaching completion point for securing debt relief from the multilateral financial institutions, under the HIPC initiative. This has been responsible for a considerable improvement in the public finances. In turn this has enabled some increase in public spending. Despite this, Zambia continues to have a substantial foreign debt, the adverse consequences of which were spelled out in the World Development Movement's *Zambia. Condemned to Debt*. (Situmbeko and Zulu 2004). The government still cannot afford to ignore pressure from its lenders on such matters as economic policy. Even the government's poverty reduction strategy, which was a condition for being granted debt relief, has been determined largely by the Ministry of Finance and the donors in consultation with a few leaders of civil society but without extensive consultation of parliament and the political parties.

The international value of copper, which is traditionally Zambia's principal export, increased significantly in recent years and this has made a substantial contribution to the improvement in recorded economic growth. It owes much to the heightened demand for minerals posed by China's frantic industrial development and construction projects. China has become a major trade partner. But the majority of Zambians are not reaping the benefits. The terms on which the copper mines were sold to foreign companies in the second half of the 1990s in response to pressure from the international donors (Kaunda 2002: 63-4 especially, offers an insider's revealing account of the role of conditionality in the negotiations) ended up awarding the new owners substantial tax and other financial concessions (see Larmer 2005). The Konkola Copper Mines are a good example. An Indian company acquired majority ownership, in a distress sale in August 2004. Just three months later it had recovered in profit the full amount it had paid for the purchase. Needless to say opposition politicians called for an inquiry into how the company acquired ownership, against a background of allegations that financial donations were being made by the purchasers to the ruling party or its leading politicians. In the meantime, according to Larmer (2005: 42) Zambia's own businesspeople 'overwhelmingly use the liberal foreign exchange rules to invest most of their capital in overseas stock markets, and their record of taking over privatised companies is no better than their international counterparts'.

The 2006 elections and the future of democracy

In the words of the Commonwealth Observer Group report (2006: 35) on the Presidential, National Assembly and Local Government Elections held on 28 September 2006, 'in terms of general organization, these elections, in almost all aspects, represented a significant improvement on the 2001 polls'. There was some controversy surrounding the way in which the results were processed. But on the premise that 'the real test of a functioning multiparty democracy comes after the third or fourth elections. Zambia is doing well in this regard...' (ibid: 34). In the light of the election Freedom House improved Zambia's rating for political rights from the previous figure of four to three now.

The election for the presidency essentially came down to two contestants: Mwanawasa, whose appeal lay in rural areas especially, and also his ability to garner votes right across most of the country, and Michel Sata, a longstanding politician and throughout the 1990s a senior cabinet colleague of President Chiluba. Sata campaigned strongly in the urban areas of Lusaka and the Copperbelt, emphasising the need to lower taxes and restore

national economic control to Zambians. The Patriotic Front – which was the name Sata adopted for his new party - symbolises its cause. It rapidly replaced the United Party for National Development (UPND), which had performed so well in the 2001 election, as the most likely threat to Mwanawasa's re-election and to the MMD. Although three opposition parties including the UPND did join together in an electoral alliance, called the United Democratic Alliance, once again the inability of opposition forces to coalesce around a single presidential candidate can be held responsible for the failure to defeat the incumbent. In 2006 Mwanawasa won but managed to secure just 43 per cent of the popular vote. By ignoring several of the country's provinces in its campaign strategy and by failing to contest all the parliamentary seats the Patriotic Front damaged its own chances of achieving success overall. Nevertheless, for the second successive election the MMD failed to secure an overall majority in the legislature.

Perhaps far more significant as a register of Zambia's democracy, however, was the high turnout of 70 per cent of the registered electorate. Also, there was a bonus in that initial fears that Sata would provoke his supporters to violence if he did not win the presidential contest subsequently proved unfounded. Of particular interest is the fact that for the first time the elections were preceded by robust (and mostly accurate) public polls of the electorate's voting intentions. This provides some supplementary evidence for Larmer's (2005: 381) judgment that although the MMD has displayed authoritarian tendencies in the past, 'multi-party democracy has provided the space within which credible and politically active civil society organisations, and the independent media, have grown in reach and influence'. Rather more ambiguous in terms of the implications for democracy, however, is the persistence of patronage and clientelism as cornerstones of the political system. This has a visible influence on where and how public resources are spent not least around election time. Of course it could also be argued that in so far as these institutions contribute political stability, they perform a valuable function that still serves Zambia well.

Although Zambia's economic growth has picked up in recent years, the question how much longer the majority of poor people in the country will remain peacefully committed to democracy in the absence of credible hopes of a much better life is as relevant as ever. There are grounds for both good cheer and for cautious pessimism. Public attitude survey research carried out by the Afrobarometer in the years before the 2006 elections tells us that the Zambian people's attachment to the principle of democracy remains high by

current African standards. The general 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, Bratton, Mattes and Gyimah-Boadi (2004: 307) also say that Zambians appear to be influenced more by their evaluation of institutional performance than by simple ethno-linguistic identity. This is consistent with Scarritt's (2006) argument that multiethnic parties – in some cases parties that represent shifting ethnopolitical coalitions - rather than ethnic or non-ethnic political groupings continue to dominate the political party scene. Even so, the 2006 election results displayed a pattern of regional voting especially among the opposition parties. But the majority of the parties themselves, with the arguable exception of the MMD, continue to show all the hallmarks of under-institutionalisation: they are heavily dependent on their leader, and their longer term survival as independent organisations remains in doubt.

In contrast to the more positive statements above, the Afrobarometer findings taken before 2006 have also suggested that growing numbers of Zambians see major problems with their democracy. This probably owed a lot to the perception of electoral irregularities and the failure to achieve an alternation in power in 2001. In September 2006, by comparison a survey of 12,000 respondents that was reported in *The Times of Zambia* (2 September 2006) found that the overall perception of the electoral process was now largely positive. Although that election, like its predecessor, did not in fact bring about a change of government, anecdotal evidence suggests a sense of pride by Zambians who saw an election that was far less tainted than before and who welcomed the fact that the losers in the presidential contest accepted the result without orchestrating violent discontent or resorting to a legal challenge. The 2006 elections lend some support to a thesis recently advanced by Lindberg (2006). If there is some validity in Lindberg's argument that democratizing nations learn to become democratic through repeated democratic behaviour, notably by holding elections which may at times be flawed but still give the politicians an incentive to stay in the game, then contemporary Zambia offers as good an example from the region as any.

Questions

1. How far does evidence from a country like Zambia enable us to judge the state of democracy from its record of holding elections?
2. Compare and contrast the significance of institutional choices and the nation's economic performance for political outcomes in a developing country like Zambia.
3. How much of the politics in a country like Zambia can be understood without reference to its involvement in the global political economy and contact with foreign actors and how much cannot be understood in that way?

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