

The South African Institute of International Affairs



Strengthening parliamentary
democracy in SADC countries

Zambia country report

Bizeck Phiri

Series editor: **Tim Hughes**

THE SOUTH AFRICAN INSTITUTE OF INTERNATIONAL AFFAIRS

**Strengthening parliamentary
democracy in SADC countries**

Zambia country report

Bizeck Phiri

SERIES EDITOR: TIM HUGHES

The South African Institute of International Affairs' Strengthening parliamentary democracy in SADC countries project is made possible through the generous financial support of the Royal Danish Embassy, Pretoria.

Copyright © SAIIA, 2005

All rights reserved

THE SOUTH AFRICAN INSTITUTE OF INTERNATIONAL AFFAIRS

ISBN: 1-919969-07-1

*Strengthening parliamentary democracy in SADC countries
Zambia country report*

Please note that all amounts are in US\$, unless otherwise indicated.

SAIIA National Office Bearers

Fred Phaswana
Elisabeth Bradley • Moeletsi Mbeki
Brian Hawksworth • Alec Pienaar
Dr Greg Mills

Acknowledgements

I wish to express my sincere gratitude to members of parliament (MPs), members of civil society organisations (CSOs) and individuals who agreed to be interviewed by my research assistants. I also wish to thank the staff of the parliament of Zambia, especially the Office of the Clerk for allowing Chikomani Banda to respond to the paper when it was presented at the Lusaka seminar/workshop on Strengthening Parliamentary Democracy on 16 December 2004.

I wish to acknowledge the role played by my research assistants and their professional conduct while in the field. My gratitude also goes to GHN Haantobolo for his assistance during the seminar/workshop as well as delivering invitation letters to MPs and CSOs. I am equally grateful to Michael Mwewa, an undergraduate student of Mass Communication, for his role in inviting members of the media to cover the seminar/workshop.

Last but not least, I wish to acknowledge the support I received from Tim Hughes during the research and production of this country report.

About the author

Dr Bizeck Jube Phiri is an associate professor of History at the University of Zambia. Bizeck received his BA. Ed. and MA degrees from the University of Zambia in 1980 and 1983 respectively, and a PhD degree from Dalhousie University in Halifax, Canada in 1991. He is currently Dean of the School of Humanities and Social Sciences, as well as chairperson of the Network for Historical Research in Zambia. He is also chief editor of the University of Zambia *Journal of Humanities* and member of the Advisory Board of the *Journal of Southern African Studies*. Bizeck has published several articles in reputable

journals. His other major publications include *The Crisis of an African University: A Historical Appraisal of the University of Zambia, 1965–2000*, and *Democratisation in Zambia: The 2001 Tripartite Elections*.

Bizeck is also a member of the Southern African Defence and Security Management (SADSEM) network and is the SADSEM project manager for the network in Zambia. His research interests include political history of Zambia, democratisation, regional integration and security and civil military relations in the SADC region. Bizeck has presented papers at several international conferences and has been involved in research projects on parliamentary affairs, which resulted in the recent publication of *Protecting the Reputation and Standing of the Institution of Parliament and Parliamentarians: A Study of Perceptions, Realities and Reforms in Zambia*, with CJ Banda and GHN Haantobolo.

Preface

The roots of parliamentary democracy in Southern Africa are spreading and deepening despite operating in sometimes infertile soil. All countries in the Southern African Development Community (SADC) region now operate some form of parliamentary democracy. While a majority of countries exhibit text book constitutional, electoral and parliamentary architecture, the operation of these institutions is highly disparate. Some labour under the threat of civil war, constitutional flux, and monarchical fiat; others have operated consistently and constitutionally for decades. While there is little fundamental region-wide disagreement on the mechanisms for achieving a democratic polity, there is far less agreement on the appropriate powers, role and composition of legislatures; and still less discussion, let alone agreement, on the appropriate relationship between parliaments and 'the people'. Indeed the longevity of some parliaments in Southern Africa is no indicator of their constitutional strength, nor the strength of public engagement with them. Established parliaments can operate in an exclusive and exclusory manner. Established parliaments can also become susceptible to (un)democratic reversals, particularly with respect to a strong executive and single party dominance. Conversely, newly elected parliaments can forge innovative and healthy public participation programmes, thereby strengthening and deepening democracy.

This series of reports forms part of the South African Institute of International Affairs' (SAIIA) three-year research, conference and publications programme examining parliamentary democracy in SADC countries. Its normative objective is to contribute to strengthening parliamentary democracy throughout the region. Specialists in all 13 SADC countries were contracted to conduct primary and secondary research into the state of parliamentary democracy and to make recommendations on how parliamentary democracy might be improved, strengthened and sustained.

Specialists were tasked with researching a number of key themes. The first was to provide a country-specific overview of recent and current constitutional, electoral and parliamentary practice. This included 'nuts and bolts' issues such as the electoral system, constitutional provisions for the executive, legislative and judiciary and party political configurations. The organisational structure of parliament, including assembly rules, the roles and powers of committees, the status of the speaker, whips, members, as well as the functioning of parliament as

an oversight actor, were examined. These questions go, *inter alia*, to the status and credibility of parliament with the electorate.

The second theme was to conduct primary research into provisions for public engagement with parliament. There are two dimensions to this relationship. The first is the mechanisms and modalities parliaments use to convey and publicise their activities to the electorate and civil society in general. These may range from the publication of Hansard to the parliamentary web site. The former serves as a recordal of fact (after the fact), but the latter may also serve to publicise future parliamentary activity and is thus a potentially powerful tool. The more textured research centred on the degree to which parliaments encourage and facilitate the participation of the public in their activities. This may range from the public affairs offices, to the holding of public committee hearings in distant and rural areas.

The other side of the public engagement equation is the channels and practices used by civil society to interact with and lobby parliaments ranging from advocacy, petitions and protests, to oral and written submissions.

Public parliamentary access is often characterised by an 'insider-group' and 'outsider-group' dichotomy. The insider group is typically well-organised and funded, usually with a clearly identified constituency base and infrastructure. Insider groups may be issue specific, or cohere around markers such as class, race, religion and ethnicity. Such groups often develop effective methods and modalities of political mobilisation, support, lobbying, access and influence. Outsider groups, however, are often the mirror images of their more powerful counterparts. They may share common interests, or suffer from a common affliction or practice, but lack the resources and capacity to either mobilise effectively, or lobby for their interests. Outsider groups may be extensive in number and may even represent a numeric majority or plurality of the population, yet still operate on the margins of political and parliamentary engagement.

An important, or potentially important, linkage in this relationship is the media, and thus researchers were tasked with examining and evaluating their role. There may be an operational and political distinction between the parliamentary coverage of state-owned media, a national broadcaster and a commercial operator. Researchers were asked to evaluate briefly the effectiveness of these channels of communication and dissemination.

Finally, after workshopping their findings, researchers were asked to write a set of tightly formulated recommendations for strengthening parliamentary democracy in their respective countries.

We at SAIIA thank Dr Bizeck Phiri for his research and for the application and industry with which he has tackled his work in sometimes difficult circumstances.

This country report will appear in abridged form in a compendium of all 13 SADC country case studies. Its findings and recommendations will be incorporated into a SADC-wide best practice handbook.

Lastly, we should like to express our deep gratitude to Ambassador Torben Brylle of the Royal Danish Embassy in Pretoria for his constant support and that of the Danish government in generously funding this project.

Tim Hughes

SAIIA Parliamentary Research Fellow

Table of contents

Executive summary	1
1. Background and introduction	5
Rationale for the study	5
Objectives of the study	6
Methodology	6
History of the Zambian parliament	7
Literature review	9
2. Main features of parliamentary democracy in Zambia	15
Recent election results and composition of parliament	18
Electoral and governmental system	20
3. Parliamentary structures and channels for disseminating information	23
Parliamentary reform initiative	23
Current thinking and developments to improve parliament's engagement with the public	25
4. Civil society's engagement with parliament	29
Strengths and weaknesses of existing engagement	29
5. The opposition in parliament: An overview	33
Funding of political parties	36
Ethnicity and regionalism	36
6. Summary and tentative recommendations	41
Conclusion	43
Notes	45

References	48
List of acronyms	50

Executive summary

This study interrogates the past, attempts a brief analysis of the historical background, and then relates that historical background to the current debate regarding the Zambian parliament and its role in the democratisation process. The role of political parties in Zambia's parliamentary democracy, as elsewhere, is important and forms the very basis of parliamentary democracy: without strong and stable political parties there can be no parliamentary democracy to speak of. Furthermore, this study looks at the parliamentary reform initiatives instituted since the early 1990s following the reintroduction of multiparty politics. This is in view of the growing public scrutiny of the institution of parliament, which is perceived as an engine of development.

The study used a combination of methodologies for purposes of collecting data, which included desk literature reviews, interviews and focus group discussions. Following the release of initial funding in mid January 2004, the principal researcher proceeded to engage research assistants to undertake interviews with stakeholders. The stakeholders identified in the democratisation and democracy project included the following: members of parliament (MPs), civic leaders at constituency and ward levels, members of civil society organisations (CSOs) dealing with parliamentary and democratisation issues, and opposition political party leaders.

The study reveals that several issues affect the integrity and standing of MPs and the institution of parliament and that these require addressing in order to strengthen parliamentary democracy in Zambia. The electorate expect much from their elected representatives and have often been disappointed by resignations and the shifting of political camps by their representatives, resulting in unnecessary by-elections that have been riddled with apathy. Owing to this apathy, the representative standing of those elected by small numbers of voters is highly questionable, and so is their contribution to the strengthening of parliamentary democracy. It is in this respect that the research findings point to the lack of commitment to political parties by MPs as a major factor undermining parliamentary democracy in Zambia.

The research also highlights the need to consolidate parliamentary reforms and their dissemination throughout the republic. Currently, the dissemination of such information is mostly confined to urban areas and those serviced by Radio Zambia. It is hoped that with the recent signing of an agreement between the

National Assembly of Zambia and the Zambia National Broadcasting Corporation (ZNBC), the proceedings of the House and parliamentary committees will reach a wider audience in the country.

The research also demonstrates that Zambians from different walks of life have different perceptions of parliament. Consequently, interviews drew different responses regarding the question of parliamentary democracy in Zambia. It is the contention of this study that there is need to intensify the dissemination of information regarding the parliamentary reforms as well as the crucial role of parliament in a democracy so that the electorate can have a better understanding of the institution of parliament over and above its traditional role of legislating.

The Zambian parliament is currently engaged in a serious process of implementing several parliamentary reforms, alluded to above. Of particular interest is the establishment of constituency offices for MPs, currently being piloted in selected constituencies.

The constituency office is an extension of parliament at constituency level. The office is not a party office and is therefore meant to link parliament to the community. Though still operating as a pilot programme, it has received overwhelming support; however, its full impact can only be measured once all constituencies in the country set up such offices. The constituency office has the potential to contribute to the strengthening of parliamentary democracy in Zambia. It also has the potential to facilitate engagement between civil society and parliament at grassroots level.

Research findings suggest that the parliamentary reforms are creating a good working relationship between parliament and civil society. There are, however, *still areas of mistrust between the two that require attention.*

Members of civil society indicated that the most useful channel of engagement is through parliamentary committees which have been opened to the public. However, since the public are not allowed to participate directly in the discussions of parliamentary committees, the process is considered less effective. There is a feeling that members of civil society should be allowed to participate in the deliberations if invited to do so, as opposed to the current situation whereby they can only submit written documentation and answer questions from parliamentary committee members when invited to appear before such committees.

In view of the objectives and findings of this study, the following is recommended:

- Parliament should work towards improving its broadcast of parliamentary debates to ensure that most Zambians know what is debated in parliament.

- Information regarding parliamentary reforms should be widely disseminated so that the electorate is informed of their intended purpose.
- Constituency offices should be set up in all 150 constituencies throughout the country, with sub-constituency offices in rural areas.
- MPs who resign from their political parties during the five-year term should be barred from seeking re-election in by-elections under their new political party during the session in which they resign from the party that initially sponsored them to stand for election to parliament.
- Government should enact a law that would regulate how much political parties could spend on their campaigns as well as forcing disclosure of parties' sources of funding.

In conclusion, the study has shown that Zambia has the potential for a parliament that can actively engage CSOs and that this process is already under way through the parliamentary reform initiatives as well as various workshops that bring together MPs, CSOs and officers of the Zambian parliament.

1. Background and introduction

Zambia's post-colonial political history is roughly divided into three periods generally referred to as the First Republic covering the period 1964 to 1972, the Second Republic lasting from 1973 to 1990, and the Third Republic from 1991 to the present. Zambia's parliamentary democracy has therefore been inevitably shaped and informed by the character and nature of the political system that obtained during each of the three periods. Undoubtedly, therefore, each of the three republics was distinct from the other and gave its own peculiar meaning and practice to parliamentary democracy in Zambia.

In order to discuss meaningfully the question of strengthening parliamentary democracy in Zambia, it is therefore necessary to examine in some historical perspective how parliament as an institution evolved in Zambia and how it was transformed through time and the changing governmental and political system. It is equally important to assess its role in the governance of the country during the various historical periods alluded to above.

Rationale for the study

For over a century, democracy has been advanced as the preferred and dominant organising principle for nation states. This has been particularly so since the collapse of the communist regimes of central and Eastern Europe over a decade ago.

For Zambia, the link between the collapse of the communist regimes in Eastern Europe and the reintroduction of multiparty politics in 1991 is evident in the fact that the one-party participatory democracy regime of the Second Republic was generally modelled, or at least perceived to be modelled, along the political systems and governance structures of the communist regimes.

As stated elsewhere, the one-party participatory democracy in Zambia approximated more of a dictatorship than a democracy. This was exemplified by the United National Independence Party's (UNIP's) reluctance to allow free and fair contest for the presidency and other top party and government positions.¹ It is in this respect that Fola Soremekun concluded that "from the point of view of Zambia's constitutional set-up, Kaunda had emerged as a virtual dictator" by 1969.²

Debate about the need to strengthen parliamentary democracy in Zambia

must therefore take cognisance of the evolutionary process and background of Zambian parliamentary democracy.

Objectives of the study

The study seeks, among other things, to:

- *identify the central principles held to constitute democracy or parliamentary democracy;*
- *identify factors that affect the practice of parliamentary democracy in Zambia;*
- *examine the response of Zambians to the appointment of members of opposition political parties into the cabinet of the Mwanawasa administration;*
- *examine the extent to which party structures at constituency level impact upon parliamentary democracy in Zambia;*
- *examine and interrogate the impact of parliamentary reforms with a view to assessing the extent to which parliamentary democracy is being enhanced or strengthened; and*
- *examine parliament's structures for public engagement and the experience of civil society in engaging with parliament and how this may be improved.*

Methodology

The study used a combination of methodologies for purposes of collecting data, which included desk literature reviews, interviews and focus group discussions. Following the release of initial funding in mid January 2004, the principal researcher engaged research assistants to undertake interviews with stakeholders. The stakeholders identified for the strengthening parliamentary democracy project included MPs, civic leaders at constituency and ward levels, members of CSOs dealing with parliamentary and democratisation issues, and opposition political party leaders.

After the principal researcher had contracted research assistants, he held a one-day briefing workshop regarding the nature of the research and what the researchers were expected to do once in the field. To avoid proceeding in different or diverse directions, the research assistants were given specific information and topics which they were to look for in the interviews. It was in this respect that an agreed format was issued to each research assistant with a view to standardising the interview process as well as the expected outcomes.

The one-day briefing workshop covered, among other things, a background discussion on the evolution of the African parliamentary system from the colonial

period through to the second phase of the Third Republic. The relationship between the institution of parliament and political parties was discussed, as was the electoral process with regard to its formulation and how it functioned in Zambia. The briefing workshop also focused on the parliament–government relationship, with special emphasis on the role of parliament and parliamentary committees in both informing parliamentary oversight and legislative functions.

The workshop was designed to ensure that those research assistants who went into the field to conduct interviews were adequately prepared to deal with issues that interviewees would raise in turn. It was the view of the principal researcher that the research assistants needed to be informed about the work they were to carry out in the field considering that some of the target persons were more knowledgeable about parliament and its functions. More importantly, the research assistants were also briefed about parliamentary reforms and their intended objectives.

History of the Zambian parliament

The history of the Zambian parliament is directly linked to the Advisory Council that was first established in 1918 and comprised five elected members. As an Advisory Council, its mandate was largely to provide the white settler community with a limited voice in the administration of the colony. When in 1924 the Colonial Office took over direct administration of the territory, the Advisory Council was renamed the Legislative Council (LegCo).

The LegCo generally represented imperial interests in London and local settler interests because from its inception it was established in response to settler demands for responsible government in the colony. Table 1 (*over page*) shows the evolution and development of the LegCo at various stages throughout the colonial period.

African participation in the LegCo was minimal and so was their role in the governance of the colonial state. Arguably, therefore, Africans did not have much practice with parliamentary democracy during the period when the country was under colonial rule. The quest for political independence that characterised African nationalist politics in the terminal phase of colonial rule inevitably led to general elections on 28 January 1964. These elections saw the formation of the last LegCo with a membership of 75 seats, 65 of which were elective on the main African roll and the remaining ten seats were reserved for white settlers. Three political parties contested the January 1964 elections.

UNIP won 55 of the 65 African roll seats, while the African National Congress won the remaining ten African roll seats. The whites-only National Progressive

Table 1: Legislative Council, 1924–1954

	1924	1929	1938	1940	1945	1948	1954
Official members: Including the governor who was president of the council until 1948	9	9	9	9	9	10	8
Unofficial members: Elected members	5	7	7	8	8	10	12
Nominated unofficial members			1	1	5*	2	2
African members						2	4
Total unofficial members	5	7	8	9	13	14	18
Total membership	14	16	16	18	22	24	26

**Including two members nominated to represent special interests other than those of Africans.*

Source: PRO DO 35/4636/333 Revised Draft White Paper, Constitutional Changes in Northern Rhodesia, February 1958.

Party won all the reserved seats. Arguably, therefore, the evolution of the Zambian parliament was not only chequered, but reflected racial interests as well. This background affected the way in which parliament in the early years of Zambia’s independence conducted its business as well as citizens’ perception of its role in the political and governance process. Admittedly, these issues fall outside the scope of this paper, yet they form the basis for understanding the responses on which some conclusions and recommendations have been arrived at. It is important to point out that Zambia’s political and parliamentary democracy developed as a direct consequence of the introduction of universal adult suffrage at independence.

This report therefore interrogates the past, attempts a brief analysis of the historical background of Zambia’s parliament, and then relates that historical background to current debate regarding the Zambian parliament and its role in the democratisation process. Thus the role of political parties in Zambia’s parliamentary democracy, as elsewhere, is important and forms the basis of parliamentary democracy. Without strong and stable political parties there can be no parliamentary democracy to speak of. Furthermore, this study looks at the parliamentary reform initiatives instituted since the early 1990s following the

reintroduction of multiparty politics. This is in view of growing public scrutiny of the institution of parliament, which CSOs perceive as the engine of development.

Literature review

Writing in a paper presented at the Fifth Workshop of Parliamentary Scholars and Parliamentarians, Barry Winetrobe observed that, “traditionally, the United Kingdom (UK) has not been a hotbed of comparative parliamentary research”.³ This is despite the generally held view that the UK is “the Mother of Parliaments” and that the UK parliamentary system has influenced many legislatures around the world, particularly in former British colonies such as Zambia. Winetrobe further observed that there is no tradition at Westminster of systematic internal evaluation of the performance of the UK parliament. He explained that this is because of “a lack of consensus on what could or should be evaluated, or of the criteria and methods of such criteria evaluation, and reticence in ‘questioning’ the workings of the parliamentary domestic process”.⁴

These views can be applicable to the lack of evaluation of the performance of Zambia’s parliament. Though relatively young compared to the UK parliament, the Zambian parliament has not been the subject of critical academic inquiry. Except for the 2002 Afrobarometer study by Neo Simutanyi,⁵ few other opinion surveys have been conducted to assess the perception of the public regarding the standing and reputation of parliament and parliamentarians. It would therefore appear that both the UK and Zambian parliaments have lagged behind Australia where there is clear evidence that opinion surveys have been conducted with a view to measuring the reputation of Australian politicians. It is plausible to suggest that regular opinion polls have an impact on the performance of a parliament.

Collen Lewis adequately articulated this impact in her paper presented at the Fifth Workshop of Parliamentary Scholars and Parliamentarians when she suggested that the conduct of parliamentarians and parliament affects citizens’ perception of the institution of parliament and parliamentarians.⁶ Thus, in the case of Zambia, the research was important as it highlighted some of the issues that demonstrated factors indicating the strengthening of parliamentary democracy, or the lack thereof.

The observations by both Winetrobe and Lewis in their papers informed the direction and analysis of the research conducted in Zambia. In fact, several of the research questions were adopted – with modifications to suit the Zambian context – from analyses of the two authors’ work. More importantly, it was observed that lack of surveys and opinion polls in Zambia contributed to poor knowledge about the state of parliamentary democracy and the role of parliament

in the democratisation process. It was also noted that where an opinion survey was conducted, as was the case with Simutanyi's,⁷ the findings were not widely disseminated. Consequently, it was noted that public perceptions regarding parliamentary democracy have only recently been a subject of discussion between MPs and CSOs. This has been due to parliamentary reform initiatives which created dialogue between stakeholders.

Philip Norton tested six hypotheses regarding the theme of his paper, 'Reconnecting parliamentarians with citizens'.⁸ Although this study of the Zambian parliament was not designed to test similar hypotheses, it was interesting to note that most respondents who participated in the research made observations that seemed to confirm some of Norton's conclusions. It is in this respect that that paper also helped to shape the discussion in this report, even though its research findings were on Western Europe. For example, the quest for primary elections by several respondents in the Zambian research addresses the first hypothesis in Norton's paper. This is "that there will be greater direct contact between citizens and parliamentarians in countries that employ constituency-based electoral systems than in states which use a regional or national list system". Arguably, therefore, there is much to be learnt from Norton's paper.

Coming closer to home, the only recent work on Zambian parliament is the book published in 2001 by Zambia's longest serving clerk of the National Assembly, Ng'ona Mwelwa Chibesakunda.⁹ Chibesakunda's *The Parliament of Zambia* was published in order to give readers and MPs a document that would facilitate a mature construction and assessment of the deliberations of the House. Arguably, therefore, the book did not attempt an assessment of the performance of parliament since its inception, nor did it address the question of how parliamentary democracy could be strengthened. The book is, however, a useful tool for new MPs on the 'do's and don'ts' of parliamentary procedure.

The book also gives valuable knowledge about the various departments of the National Assembly and how they impact on the work of MPs. Since the book was not informed by questions about whether or not parliament was meeting citizens' expectations, there is very little regarding an assessment of the operations of the House. On the contrary, Chibesakunda was concerned with explaining what the parliament of Zambia was, how it came into being and how it had functioned and continues to function. Nevertheless, the book provides useful information regarding the research.

Perhaps the closest attempt to assess the performance of parliament and MPs in the history of the Zambian parliament is the work done by the Catholic Centre for Justice, Development and Peace-Parliamentary Liaison Programme (CCJDP-PLP),¹⁰ undertaken with a view to assessing the question of the election of the

speaker. The work covered four constituencies. Although it was a relatively new development by a non-governmental Christian organisation with an interest in issues of governance and democracy, the work gave insight into the thinking of citizens regarding the performance of parliament and MPs. Though the work was confined to the election of the speaker, there is a sense in which the findings reflected the overall performance of parliament and MPs as well as citizens' perceptions of the institution of parliament and MPs. Parliamentary democracy seemed to have been seriously undermined by the way in which the process of electing the speaker and his deputy was conducted.

In the course of this research other works were referred to. The Foundation for Democratic Process (FODEP) *Report on Zambia's 2001 Tripartite Elections* (2002) – though written with a view to review the process leading to, and the conduct of, the 2001 tripartite elections in Zambia – in several ways provided insight into issues directly dealing with parliament. For example, there is good coverage on the election of the speaker. It is in this respect that the FODEP report is useful and provides a window into the question of how parliamentary democracy can be strengthened in Zambia.

Yet another important publication that informed the report is the work by Bizeck J Phiri on the tripartite elections in 2001.¹¹ Phiri also touched on issues that brought out the role of parliament in the democratisation process in Zambia. This work highlighted the difficulties of electing a speaker and how citizens viewed the process, which generally made citizens begin to question the standing of some MPs and the institution of parliament itself. This was reflected in the debate that ensued in the nation through the press.

As this was the first time since independence that Zambia was to have a National Assembly not dominated by one political party, a departure from tradition was bound to take place. Never before was the election of speaker a matter for public debate and open electioneering both in the House and outside. Zambia was perhaps taking lessons from its former colonial master and other Commonwealth countries that were electing their speakers by secret ballot.

The question of the election of the speaker and his deputy which took place on 5 February 2002 generated much debate and concern among both MPs and members of the public regarding the nature and tone of the debate as well as the method of electing the speaker. This prompted the clerk of the National Assembly to issue a warning to MPs and the public against making statements that bordered on breaches of parliamentary privileges.¹² To be sure, the warning was inevitable owing to the amount of discussion generated by the election of the speaker after the 2001 tripartite elections.

What was the source of this controversy and the week-long acrimonious

public debate on whether the election of the speaker should follow the traditional open division of the House or be conducted by secret ballot? The controversy was sparked off by the opposition's perceived view that Amusaa Mwanamwambwa had compromised the position of speaker when he failed to convene parliament to debate the impeachment of President Frederick Chiluba. The opposition believed that Mwanamwambwa had shown partiality and therefore undermined the very principle upon which the integrity of the office of speaker is based. From the point of view of the opposition, Mwanamwambwa could no longer be trusted with the responsibilities of speaker.

When Mwanamwambwa was first elected speaker, he was firm, fair and impartial. Did that change with the failed third-term debate? During the heated debate about President Chiluba's intentions to amend the constitution to pave the way for a third term, MPs petitioned the speaker to convene parliament. The two-thirds majority required by the constitution was met, but Mwanamwambwa did not summon parliament to debate the impeachment of President Chiluba. Having procrastinated over the matter, Mwanamwambwa was viewed as having failed to show the independence of the speaker as well as the autonomy of the House vis-à-vis the executive: he was accused of failing the Zambian people.

During the official opening of parliament in January 2001, President Chiluba failed to indicate whether he would step down at the end of his second term of office as republican president, as required by the constitution. Thereafter, some members of the Movement for Multiparty Democracy (MMD) executive committee, district administrators as well as some party cadres began a countrywide political campaign calling for parliament to amend the republican constitution so as to allow President Chiluba to run for the office of republican president for a third term. The move was aimed at averting the provisions of article 35(2) of the constitution, which state that:

Notwithstanding anything to the contrary contained in this constitution or any other law, no person who has twice been elected as President shall be eligible for re-election to that office.

The issue split the ruling party (MMD) into two camps: one was led by President Chiluba, advocating for the third term; and the other was led by Vice President Lieutenant General Christon Tembo. The Tembo faction was supported by a combination of the Law Association of Zambia, the Zambia Episcopal Conference, the Christian Council of Zambia and the Evangelical Fellowship of Zambia: it became known as the Oasis Forum. Some non-governmental organisations (NGOs), such as Afronet and FODEP, and leaders of opposition

political parties rallied behind the Oasis Forum. In April 2001 when the MMD met for its convention at the Mulungushi Rock of Authority, members of the party such as Brigadier General Godfrey Miyanda, Lieutenant General Christon Tembo and 22 others were expelled from the MMD for trying to challenge and prevent President Chiluba from amending the party's constitution which would then allow him to run for a third term of office.

Despite this challenge, the MMD convention went ahead and amended the party constitution, thereafter re-electing President Chiluba as party president for a third consecutive period. The other faction comprising the 22 expelled MPs obtained a High Court injunction preventing the speaker from declaring the seats of those MPs vacant until the case was disposed of by the courts. This prevented President Chiluba and his MMD party from calling for quick by-elections in the 22 parliamentary constituencies and hence putting up quisling MPs who, when called upon to vote for the amendments to the republican constitution on the third term issue, could positively side with the ruling party. The ruling party would then have easily marshalled the two-third majority needed at both the second and third reading stages of the Constitutional Amendment Bill in order to allow President Chiluba to run for republican presidential elections for a third time.

For their part, the anti-third term group decided to petition the House to impeach the president for violating a number of provisions in the republican constitution. Accordingly, out of the 158 MPs, 65 signed a petition handed to the speaker of the National Assembly directing the speaker to immediately summon the sitting of the House, as provided for under article 37 of the constitution of Zambia.

In accordance with the provisions of the constitution and the National Assembly standing orders, the petitioners also tabled a notice of motion to be debated on 8 May 2001. The motion called for the impeachment of the republican president by recommending that the House calls for the establishment of a tribunal, in accordance with article 37 of the constitution, to investigate gross misconduct by the president in relation to several charges tabled before parliament. The motion was to be moved by Ackson Sejani, MP for Mapatizya constituency and seconded by MI Mulongoti, MP for Lufwanyama constituency.

Despite the provisions of article 37, the Hon. Speaker Amusaa Mwanamwambwa refused to summon the sitting of the House to consider the petition and motion proposed by more than one-third of the members of the National Assembly. Under the principle of separation of powers, checks-and-balances, the Speaker decided that he could call the sitting of the House only after the courts of law had disposed of the same case tabled before them by the petitioners.

Mwanamwambwa argued that the petition for impeachment was faulty in that the first and second reasons advanced by the petitioners were simply a breach of contract and could be dealt with by the courts of law. In his view, Mwanamwambwa observed that the third reason was neither constitutional nor gross misconduct since the president had power to appoint and dismiss any minister at any time he felt necessary, as provided for under the prerogatives of the republican president. Mwanamwambwa pointed out that the other reasons adduced for the impeachment had no tangible evidence attached to the petition to warrant the summoning of the House. He further observed that parliamentary convention dictates that when a case is before the courts of law, as was the case with the impeachment of the republican president, it was *sub judice* for the House to deliberate on the matters contained in the petition and the motion.¹³

The above controversy notwithstanding, and following his controversial re-election as speaker, Amusaa Mwanamwambwa continues to be accused of being partisan in the way he handles parliamentary affairs. According to *Parliamentary Watch* this was evident when he curtailed debate on the lifting of former President Chiluba's immunity to face prosecution for alleged abuses of office during his term in office and called upon MPs to respect former presidents.¹⁴ Later, parliament overwhelmingly voted to remove former President Chiluba's immunity from prosecution and he was charged with several offences of plunder of national resources. Arguably, the manner in which the Speaker was re-elected greatly compromised his independence, as it is clear that he does not command total support from the House.

It is evident from the foregoing that there has been no previous systematic evaluation of the performance of the Zambian parliament or of how parliamentary democracy can be strengthened. This work is therefore pioneering in that respect and was only possible because of the developments and internally designed parliamentary reforms that have taken place within parliament itself, and which will be discussed herein. This opening up process facilitated an academic from the University of Zambia to conduct research with a view to assessing the performance of parliament and MPs, as well as their perception of their work as legislators. Parliament therefore allowed itself to be put under a microscope and was ready to be examined by the public.

2. Main features of parliamentary democracy in Zambia

Before discussing in some detail the main features of parliamentary democracy in Zambia it is essential to note that for the 21st century, it is generally agreed that of all governmental political systems available, the greatest and most aimed for is parliamentary democracy.¹⁵ Forsyth further points out that the basis for parliamentary democracy is the political party through which citizens exercise their right vote for a party of their choice. This is because the political party is a voluntary association of free people who come together without coercion or inducement to share common hopes, aspirations, benefits and commitments in the government of themselves and their fellow citizens.¹⁶ Zambia's democratisation process is a transition from a one-party system of government to a multiparty political system where the rule of law, freedom of the press and freedom of association are among the major norms sought after.

Generally, democratisation will take root when a number of conditions are met. One of the most important of these is the existence of the political will among stakeholders, who include politicians and members of civil society. More importantly, the government of the day must have the courage and political will to transform a non-democratic political system into a more democratic system of government. The political will on the part of the government means the creation of an enabling environment for citizens to participate freely in decision-making processes in their country.

Considering that democracy, or indeed parliamentary democracy, is a complex and often fragile political system that is not easy to acquire – let alone maintain, except with the constant vigilance of the governed – one cannot expect parliamentary democracy to be practiced in exactly the same way in different countries. Consequently, the political environment in which Zambian politicians operate and the extent to which the citizens at large participate in the political process will inform our examination, interrogation and analysis of the ethos of parliamentary democracy in Zambia. In this respect, the study also interrogates the extent to which civil society has influenced, or at least attempted to influence, the practice of parliamentary democracy in Zambia; for democracy to function as an effective process, it must work with a developed and articulate civil society in a political culture that accommodates participation and consultation.¹⁷

Thus far we have not made any attempt to define democracy, or indeed parliamentary democracy. Democracy generally falls into two distinct but

somewhat related categories: direct democracy and representative democracy. The difference between direct and representative democracy is that “in a direct democracy, all citizens, without the intermediary of elected or appointed officials can participate in public decisions”.¹⁸ This system of democracy is only practical in relatively small communities, as was the case in the old city-states in ancient Athens where it is believed that the first world’s democracy not only emerged but was directly practiced as well. By contrast, today’s societies are not only large but complex as well. As such, they cannot accommodate the practice of direct democracy.

In the case of Zambia, the colonisation of the territory in the late 19th century brought together the over 70 ethnic communities into one huge country, first referred to as Northern Rhodesia, then briefly as part of the Federation of Rhodesia and Nyasaland and then renamed Zambia at independence in 1946. That process rendered direct democracy impractical.¹⁹ In fact, as we have already noted, the colonial officials during colonial rule were already engaged in a political system that reflected representative democracy. Although the political system was exclusionary, at least some kind of elected representatives were put together in the LegCo. White settlers elected a few of their kind to assist the colonial administration to make laws and take political decisions. They also participated to a large measure in the administration of programmes for the common good of citizens. From this perspective, therefore, it is arguable that Zambia’s main features of democracy reflect the ethos of representative democracy whose foundations can be traced back to the last days of the LegCo. In this system, the political party is the key player in that it sponsors candidates for election into the National Assembly.

Although the Second Republic was a one-party participatory democracy with attributes of forms of dictatorship, as noted above it exhibited a unique form of representative democracy. This was exemplified by regular presidential and parliamentary elections throughout the one-party state era. During this period all political aspirants for election to parliament or local government were subjected to open democratic elections and had to be members of the only legally constituted political party, UNIP. No independent candidates were permitted. It is important to point out that all those who indicated interest to stand for election were further subjected to primary elections. Only those who won at primary election level and were not previously vetoed by the party were allowed to participate in the competitive parliamentary elections. The candidate who emerged victorious became the people’s representative in parliament. Arguably, therefore, even under the one-party participatory democracy period lasting from 1973 to 1991, Zambia’s democratic practice exhibited the ethos of representative

democracy. Nonetheless, during this period the country saw a gradual erosion of parliamentary democracy.

One-party participatory democracy as practiced in Zambia created a self-regulating practice whereby MPs in the backbench thoroughly and critically scrutinised the government and ministers. The backbenchers were fundamental because they played the role of watchdog on behalf of the electorate over government activities and performance. This was possible because the Constitution of Zambia Cap. 17(2) Powers and Privileges, as well as the National Assembly standing orders protected MPs and guaranteed them freedom of speech while in the House. Consequently, the UNIP Central Committee and government became increasingly uncomfortable with the role that backbenchers were playing. UNIP saw the backbench as a forum for an opposition within the one-party state system of government, and in response to its effectiveness the government worked out an administrative mechanism that eventually undermined and eroded parliamentary democracy in the Zambian parliament.²⁰

The republican president, who was equally concerned with the effectiveness of the backbench as a peoples' watchdog, appointed three-quarters of the MPs as district governors, provincial programme coordinators, ministers of state, cabinet ministers, and as members of UNIP's Central Committee. Table 2 highlights this trend and shows clearly how the government started undermining parliamentary democracy in Zambia through such appointments.

Table 2: Erosion of parliamentary democracy in Zambia

Year	Front bench (government)	Back bench
1975	42	87
1977	45	86
1979	41	75
1985	39	64
July 1991	77	46

Source: *Parliamentary Overview, National Assembly Parliamentary Debates, 1974 to 1991*, <http://www.parliament.gov.zm/banner/banners>.

By 1988 when the one-party state government commenced what was to be its last term of office, there was clear evidence that parliamentary democracy was in decline. It has been strongly suggested that Dr Robinson Nabulyato resigned his position as speaker of the National Assembly due to the decline of parliamentary democracy. Over the years MPs who were perceived to be too outspoken were vetted and prevented from seeking re-election.

In 1990, owing to the fatigue of one-party participatory democracy – and partly in response to the collapse of the socialist regimes in Eastern Europe – Zambia's constitution was amended and the country reverted to multiparty politics, as had existed in the First Republic. In addition to UNIP, which had ruled the country since 1964, several new political parties were formed and competed for political power and control of the political arena.

Recent election results and composition of parliament

The first parliamentary and presidential elections following this transformation were held on 31 October 1991. The newly founded MMD won both the presidential and parliamentary elections and formed the government that ushered in the Third Republic. The MMD presidential candidate Frederick Chiluba won the presidency with 81% of the vote. The MMD also won 125 of the 150 elected seats in parliament, with UNIP winning the remaining 25 seats. From October 1991 to December 2001 Zambian parliament comprised MPs from at least three political parties, including members from the MMD, the opposition UNIP and some independent members.

Political party relations in parliament in the first five years of the Third Republic were cordial and the ruling MMD accorded the losing UNIP the status of official opposition even though UNIP did not have the one-third minimum number of MPs to meet the constitutional requirement for an official opposition political party in parliament.

However, after the 1996 presidential and parliamentary elections (which UNIP boycotted) relations between the ruling MMD and UNIP deteriorated resulting in a parliament that did not have any official opposition political party. This was worsened by the fact that the MMD had 137 elected MPs in a 150-member elected parliament. Owing to this dominance the MMD had no difficulty carrying out business in the House to its advantage. It is therefore plausible to suggest that although parliament consisted of more than one political party and several independent MPs – and that members of the ruling MMD were elected under a multiparty regime in 1991 – the MMD acted in much the same way as UNIP before it.

In many respects parliament behaved as though it was subordinate to the MMD, just as it did in the one-party state era. This was reinforced through suspensions and expulsions of MPs who were perceived not to be toeing the party line in parliamentary debates. These suspensions and expulsions raised questions about the supremacy of parliament and the state of parliamentary democracy in Zambia.

Table 3: 2001 National presidential election results

<i>Political party</i>	<i>Candidate</i>	<i>Results</i>	<i>Percentage</i>
AZ	Dr Inonge M Lewanika	9,882	0.57
HP	Brig. Gen. Godfrey Miyanda	140,678	8.09
NCC	Dr Pastor Nevers Mumba	38,860	2.24
MMD	Levy P Mwanawasa	506,694	29.15
FDD	Lt. Gen. Christon Tembo	228,961	13.17
ZRP	Benjamin Y Mwila	85,472	4.29
UPND	Anderson K Mazoka	472,697	27.2
SDP	Gwendoline Konie	10,253	0.59
NLP	Dr Yobert Shamapande	9,481	0.55
UNIP	Tilyenji Kaunda	175,898	10.12
PF	Michael Sata	59,172	3.40
Total	Eleven candidates	1,737,930	66.72

Source: Electoral Commission of Zambia, 18 January 2002.

The 2001 tripartite elections, however, resulted in a very different parliament in the political history of Zambia. Although the MMD won the presidential election and formed the next government, it did so with a much reduced mandate: Levy Patrick Mwanawasa won the presidency with 29.15% of the vote. His closest rival, Anderson Mazoka of the United Party for National Development (UPND), won 27.2% of the total vote cast, while UNIP's Tilyenji Kaunda, who received 10.12% of the vote, took third position (see Table 3).

Parliamentary elections did not give the MMD a clear mandate despite winning the highest number of seats in parliament as a single political party (69 of the 150 elected seats).

The MMD therefore increased its number of MPs by utilising the presidential constitutional nomination powers. The republican president nominated eight members to bring the number of MMD MPs to 77. While this enabled the MMD to form government, it did not significantly change the balance of power in parliament because opposition political parties had a combined total of 81 MPs: the UPND won 49 seats, followed by UNIP with 13 and the Forum for Democracy and Development (FDD) with 12.

The results of the 27 December 2001 tripartite elections reflected a number of issues that in turn impacted on the National Assembly. To be sure, the election results were a clear indication that Zambians embraced plural politics and not division in the political arena. However, because the overall vote for the MMD was much smaller than it was in the 1991 and 1996 elections, much pressure was

Table 4: A statistical profile of the House membership, 1996, 2001 and 2004

<i>Political party</i>	1996	2001	2004
Agenda for Zambia	2	0	0
Movement for Multiparty Democracy	131	69	73*
United National Independence Party	0	13	13
Independents	10	1	1
United Party for National Development	0	49	43
Heritage Party	0	4	2
Patriotic Front	0	1	2
Forum for Democracy and development	0	12	12
Zambia Republican Party	2	1	1
National Party	5	0	0
Nominated members (MMD)	8	8	8
Total membership	158	158	155**

* The additional four seats from the 69 in 2001 are a result of by-elections held since the 2001 tripartite elections.

** There are three elected vacancies to be filled through by-elections.

Source: Compiled by author from data obtained from election results and current composition of the House.

brought to bear on the MMD government. This inevitably gave greater power to individual MPs in the House.

The profile of the House clearly shows that parliamentary democracy in Zambia has been influenced to an extent by the constant changes in political party profile. For example, four political parties that contested the 2001 elections did not exist in 1996. Since UNIP boycotted the 1996 elections, only five political parties participated in the 1996 elections as compared to 11 in 2001.

Electoral and governmental system

Zambia is a unitary state with a unicameral parliament. The country is administratively divided into nine provinces and 72 districts. Some district boundaries coincide with ethnic boundaries, while others do not and cut across such boundaries. There are 150 constituencies in the country to provide for 150 elected MPs. Each constituency is divided into wards from which civic leaders for local government administration are elected. There are over 1,500 wards in the whole of Zambia. The number of wards varies from constituency to constituency, as does the size of each ward, which is determined by population size and not geographical size. Thus urban constituencies, though geographically smaller than

rural constituencies have more wards. This is because in delimiting the constituencies the Electoral Commission of Zambia (ECZ) ensures that the population in each constituency is nearly as equal to the population quota as is reasonably practicable. In doing so, the ECZ notes that the number of inhabitants of a constituency may be greater or less than the population quota in order to take into account the availability of communication, geographical features and the difference between urban and rural areas in respect of population density. The ECZ also ensures that there are at least ten constituencies in each administrative province. Thus a review of constituency boundaries is only undertaken when there is reasonable justification that since the last exercise the population census has reported a significant change in the distribution of the population.

Accordingly, the Local Government Elections Act states that:

(1) Not later than six months after the appointment Division of members of the Commission under Section Three, and whenever thereafter it is necessary to do so to give effect to the provisions of Council, by Statutory Order, divide the area of each Council into Wards, defining the boundaries of the Wards by reference to polling districts and assigning names to the Wards.

(2) The number of Wards into which the area of a Council is divided shall be equal to the number of elected councillors prescribed in respect of that Council by the Minister under the Local Government Act.

(3) The Commission shall exercise its powers under this Section that each Ward comprises one or more complete polling districts.

(4) Whenever the Minister alters the area of a Council or the number of councillors of a Council, the Commission shall after consultation with such Council, by statutory Order, make such alteration to the boundaries of the Wards of such Council or to the division of the area of such Council into Wards as may be necessary to give effect to the provisions of this Section.

(5) Whenever the Commission is satisfied that there has been a material alteration in the number of registered voters in the area of a Council or of any of the Wards into which such area is divided, the Commission may after consultation with the Council concerned, exercise in respect of the

area of that Council or any part of the Council the powers conferred by this Section.²¹

Consequently, the above legal instrument guided the preparations for the 2001 tripartite elections. The ECZ carried out a countrywide delimitation of electoral districts. As already pointed out, the delimitation of polling districts is important because it guarantees that the number of people in electoral districts is roughly the same. There are currently 5,509 polling districts in Zambia. Indeed, as in the United States, the party in power can draw the lines in such a way that it gets maximum advantage from the delimitation process.²² It was in this respect that opposition political parties complained after the delimitation exercise that the MMD disadvantaged the opposition in constituencies where by-elections were about to be held.

From the foregoing it is evident that the governmental system in Zambia is at two levels, namely local government and central government. How do the two governmental systems relate to each other and how do they affect parliamentary democracy in Zambia? Further, how is power shared between central and local government? Evidence suggests that most political power rests with central government. Thus, the National Assembly of Zambia is the real seat of power and not the local authorities found around the country. Arguably, therefore, the weak local government system has had a negative impact on parliamentary democracy, especially considering that civic leadership is not generally considered a training ground for parliamentary roles, let alone as a pillar of central government.

3. Parliamentary structures and channels for disseminating information

The National Assembly of Zambia has several structures and channels that have been developed since its inception to facilitate dissemination of its activities to the electorate and the general public. First and foremost, the House was constructed in such a way that provision was made for members of the public to attend a sitting of parliament when it is in session: this is called the visitors' gallery. There is also a special gallery directly above the speaker's seat for members of the press. The position of the press gallery is located in such a way that members of the press have a clear view of all MPs and therefore do not have to struggle to see which member is on the floor. Arguably, the physical structure of the House makes it easy and possible for parliament to disseminate its activities.

Furthermore, the proceedings of parliamentary debates are produced in the records of Hansard that are done on a daily basis by the Hansard Office during the sitting of the House. These records are verbatim, unedited and in abstract, uncorrected form. However, the edition made public is corrected and edited; a process that takes about a month. With the introduction of Internet facilities at parliament, daily parliamentary debates are available on parliament's website (www.parliament.gov.zm). The website contains information about all aspects of parliament including its history, the Constitution of Zambia and Hansard.

Another facility within the Parliament Buildings that facilitates the dissemination of parliamentary proceedings is the press room. It is here that members of the press prepare their news stories on parliamentary proceedings for their respective news media organisations. In cases where a journalist requires verification of a story and which MP said what, the Parliamentary Publications Department in the Office of the Clerk provides and makes available the official Hansard. It is therefore not expected that any media organisation should publish unverified stories regarding parliamentary proceedings.

Parliamentary reform initiative

The reintroduction of multiparty politics in the 1990s called for profound changes to align the procedures of parliament with the demands of plural politics. In this respect, the parliamentary reform programme was conceived with the overall objective of enhancing effective parliamentary oversight of the executive as well as to facilitate increased public participation in the legislative process. The

ultimate aim was to enable the Zambian parliament to contribute towards bringing about accountability, transparency and good governance in the management of public affairs. After initial set backs to the reform initiative the speaker in February 1999 appointed an ad hoc committee to pursue the areas of reform that had been identified by an earlier body called the Legislative Performance Study Group.²³

In line with the objectives of the reforms, several activities have been undertaken with a view to creating a R-E-A-L parliament, that is: representative and responsive; efficient and effective; accountable and accessible; and legitimate and linked. It should be noted, however, that the attainment of REAL parliament will ultimately depend on the cooperation of stakeholders such as CSOs. Arguably, the reform programme has provided the basis for greater interaction between the elected representatives and stakeholders. Although there are some misgivings, the programme has been well received by both MPs and stakeholders.

As part of the newly introduced parliamentary reforms, ZNBC broadcasts to Lusaka Radio listeners within a 10 km radius of the Parliament Buildings proceedings of parliament. In addition, the official ceremonial opening of parliament by the republican president and the budget presentation ceremony by the minister of Finance and Economic Planning are transmitted live on both radio and television. In 2002 ZNBC even experimented with live television broadcasts of parliamentary proceedings, but the broadcasts were suspended due to the expenses involved.

On 11 June 2003, more than a year later, the National Assembly of Zambia and the ZNBC signed an agreement to share satellite facilities at parliament to facilitate ZNBC transmission of parliamentary proceedings: parliament therefore seems committed to disseminating its activities to the public and the electorate. Consequently, the office of the chief research officer was expanded to include liaison functions whereby the chief research officer now also deals directly with the public, providing information as well as being parliament's public relations officer.

Several limitations have, however, been noted that affect the impact of these structures and channels. Perhaps the most obvious is the lack, or shortage, of finances to maintain live broadcasts of parliamentary proceedings. As noted above, the failure in 2002 to sustain live television coverage of parliamentary proceedings demonstrated that 'democracy does not come cheap'.

Another limitation of the existing structures and channels is that the public are generally at the mercy of the press which sometimes produce superficial reports of parliamentary proceedings. Edem Djokotoe, an accomplished journalist,

observed that several newspapers have eye-catching headlines but little substance.²⁴ He further pointed out that the press tend to cover the work of MPs during the period when parliament is in session. This means that not much is covered when parliament is in recess, yet it is then that parliamentary committees sit. Djokotoe therefore challenged journalists to follow proceedings of the various parliamentary committees and to inform the electorate thereof.

With regard to radio broadcasts of parliamentary proceedings, the major limitation is that, as mentioned, these are only available to people within a 10 km radius of the Parliament Buildings. As such, most Zambians do not benefit from the broadcasts and remain generally uninformed about the activities of parliament, depending largely on MPs for information; such information is usually carefully packaged and sometimes not very helpful to the electorate. It is hoped that the new satellite-sharing agreement between parliament and the ZNBC will improve this channel of engagement. While no surveys have been conducted to indicate how the public obtains information on parliamentary affairs, it has generally been observed that poor radio reception in rural Zambia has not helped matters. It is in this respect that even live television coverage is unlikely to improve the situation since ZNBC television coverage is limited to provincial towns.

Current thinking and developments to improve parliament's engagement with the public

The National Assembly of Zambia, through the assistance and support of the Carter Centre office in Zambia, organised a number of workshops that targeted several CSOs. The underlying objective of the workshops was to make parliament accessible to the electorate. The workshops were also designed with a view to demystify the way in which the electorate perceived the National Assembly, as well as to facilitate engagement of CSOs with parliament and parliamentary officers.

Since the workshops were designed to engage CSOs at grassroots level, they were conducted in provincial administrative towns. Initially the Carter Centre in conjunction with parliament worked out a programme to cover all nine provinces of Zambia. However, only five provinces were covered because of financial constraints: these were Chipata (Eastern Province), Mongu (Western Province), Livingstone (Southern Province), Kitwe (Copperbelt Province) and Lusaka (Lusaka Province). However, three workshops were held in Lusaka with participants drawn from the remaining four provinces.

It was evident that CSOs had many concerns regarding the way in which parliament conducted its affairs. Participants from most CSOs from rural

provinces expressed concern during the workshops that parliament was too remote and generally not friendly. This perception was derived from parliament's tight security arrangements and dress code, to mention but two examples. By the end of each workshop there was a general feeling of appreciation of the knowledge gained as well as the developments that were being initiated through the parliamentary reforms, whose principle objective was to address some of the concerns raised by civil society and members of the press.

Interestingly, while several people who were interviewed regarding the question of strengthening parliamentary democracy in Zambia expressed varying views, there was a convergence of views on the problem of parliamentary democracy. The interviewees ranged from those who were articulate and familiar with the question of parliamentary democracy such as freedom of speech, to those who had little or no knowledge about issues pertaining to parliamentary democracy. Interviews conducted in Lusaka, especially with members of CSOs, yielded valuable information. These people had followed the decisions that led to the introduction of parliamentary reforms and the difficulties associated with the implementation thereof. This is because CSOs in Lusaka are constituted by elites in society who are privileged and well informed.

Assistant coordinator with Civil Society for Poverty Reduction, Gregory Chikwanka, observed that parliamentary reforms initiated in 1993 were very slow because they were donor dependent and donor driven.²⁵

The Parliamentary Reform Committee, appointed on 3 February 1999, was mandated to study and make recommendations for reform in five areas, namely:

- the committee system;
- the legislative process;
- the administration of the National Assembly;
- support services to parliament and MPs; and
- member–constituency relations.²⁶

In order to meet its mandate, the Parliamentary Reform Committee held more than 20 meetings. Arising from these meetings, the committee produced a document that was used to introduce reforms in the areas identified above. It is in this respect that Chikwanka argued that the parliamentary reforms were most welcome and good for the nation, though he feared that donor pressure dictated the process. This could be the reason for inertia in the implementation process. Katulu Chimuka of the Catholic Centre for Justice and Peace corroborated this view.²⁷ Though there is no clear evidence of donor pressure as suggested by both Chikwanka and Chimuka, scholars have long observed that:

The relationship between donors and recipients is important because donations (especially large ones) come with expectations and demands. The grantee is dependent on this support and must follow the guidelines and rules given by the donors.²⁸

The above notwithstanding, UPND MP for Sinazongwe, Douglas Siakalima, observed that among the parliamentary reforms that have contributed to parliament's engagement with the electorate was the creation of constituency offices; the electorate now have a place where they can easily find an MP.²⁹ Siakalima pointed out that parliamentary democracy was, however, impeded by the flawed parliamentary and presidential elections of 2001. He suggested that constitutional reform was necessary if parliamentary democracy was to be strengthened in Zambia.

Most of those interviewed acknowledged the value of the reforms and the contribution they were making towards strengthening parliamentary democracy because the public was able to interact with MPs more freely than in the past. However, there was concern regarding the way the ruling MMD was buying off opposition MPs, resulting in by-elections. This was cited as a major source of the current erosion of parliamentary democracy in Zambia. MPs from opposition political parties saw President Levy Mwanawasa's appointment of opposition MPs into his cabinet not so much as an attempt to achieve national unity, but as a process to weaken the opposition. For their part, opposition members accede to such manipulation because being an MP brings with it economic benefits which most opposition parties are not able to provide. It was argued, however, that the process was done with ill intention.

MP for Kanyama constituency, Henry Mtonga, was of the view that while the idea was good for national unity, it was implemented with a view to undermining opposition political parties.³⁰ He suggested that the ruling MMD should have implemented the strategy only after discussions with opposition political parties. As it is, members of the opposition in cabinet or holding deputy minister positions are perceived as doing so without the support of their political parties.

MPs from the opposition believe that strengthening parliamentary democracy would remain a pipe dream as long as the executive uses the arrogance of numbers to ignore the rule of law and disregard resolutions passed in parliament. Independent MP for Bangweulu, Joseph Chabula Kasongo, pointed out that as long as institutions and the constitution are not reformed, parliamentary democracy cannot be attained.³¹

4. Civil society's engagement with parliament

CSOs in Zambia engage parliament in various ways. As noted, civil society currently engages parliament through joint workshops. The workshops have been successful and useful in that they have assisted in the process of minimising areas of conflict and suspicion between CSOs and parliament. However, areas of mistrust still remain because not all CSOs are viewed positively by parliament: some are perceived negatively and are considered anti-parliament. Since CSOs act as pressure groups it is not uncommon for them to run into conflict with parliament because of their divergent views. Parliament has realised this challenge and in an effort to reduce tension between parliament and CSOs, a workshop for MPs and CSOs was held in November 2004 at Kafue Gorge Regional Training Centre. The objective of the workshop was to establish better rapport between the watchdog committees of parliament and CSOs so as to increase sources of information for committees in their evaluation of policy proposals and in their oversight functions.

CSOs also engage parliament through submissions to parliamentary committees. The practice of inviting CSOs to make submissions to parliamentary committees when they are sitting has been heralded as one of the positive channels through which parliament engages the electorate and civil society.³²

Parliamentary committees sit when the House is in recess and invite CSOs to make written or oral submissions according to published programmes. Members of the public, either in their individual capacities or as representative of CSOs, can also make written submissions. On the basis of these submissions, some individuals and CSOs are invited to appear before the relevant parliamentary committee to make an oral submission. The appearance before a parliamentary committee enables MPs to seek clarification on the written submission as well as to allow the organisation that made the submission to answer questions posed by committee members. This process has enabled both individuals and CSOs to engage parliament directly. There is no doubt that the process has contributed to strengthening parliamentary democracy in Zambia. The proceedings of the hearings and submissions are recorded and are a matter of public record and the media is allowed to attend these hearings.

Strengths and weaknesses of existing engagement

Some strengths of the above mentioned process of engagement is that all political

parties in parliament are represented, thus the deliberations of the parliamentary committees are non-partisan. Unlike in the House where debates are generally a reflection of party politics, deliberations of parliamentary committees reflect national interests. It is in this respect that the parliamentary committee system in Zambia can be considered a major contributing factor to parliamentary democracy since, as already mentioned, these proceedings are open to the public and the media.

Although CSOs engage parliament through various parliamentary committees, areas of concern still remain: there is a feeling that the parliamentary committees act only as a safety valve. CSOs and individuals submit position papers, but there is no guarantee that the submissions are taken into account when decisions are made. Perhaps this suspicion is a result of the paucity of publicity regarding the outcome of the committees' work – this is despite a two-week notice given before hearings are held.

The above notwithstanding, former Media Institute of Southern Africa board member, Anthony Mukwita, observed that there were positive developments regarding parliamentary democracy in Zambia.³³ This optimism was based on the initial impact of the establishment of constituency offices by parliament. In Mukwita's view, the constituency office as an extension of parliament was an important platform for the electorate to engage with parliament and MPs more effectively.

A focus group discussion at Multimedia Zambia also noted the positive developments resulting from parliamentary reforms, observing that parliamentary democracy was being strengthened thereby. The focus group attributed this development to the existence of a strong, active and vibrant civil society that has been constantly engaging with parliament and pointing out areas of concern regarding parliamentary democracy and good governance. However, the group raised concern regarding parliament's failure to pass the Independent Broadcasting Authority (IBA) Bill. Civil society saw the delay in passing the bill as a deliberate attempt to undermine freedom of information and speech. Owing to the government's failure to move on the question of the IBA, parliament is seen as acting in the interests of the executive and not the electorate. In this particular case, civil society does not feel sufficiently engaged with parliament.

The focus group was also satisfied by the way in which the parliamentary committee system was conducting its business. The group observed that the composition of the committees and the way they conducted business reflected both professionalism and a commitment to the strengthening of parliamentary democracy in Zambia.³⁴ The focus group highlighted the positive contributions made by the media through reports of parliamentary committee proceedings.

Regarding constituency offices, the focus group noted that while in places such as Kanyama constituency where the constituency office was working effectively, elsewhere the offices were not working well. The group observed that the successful operation of the constituency office depended to a large extent on the personality of the individual MP. One concern was that the constituency office better services urban-based constituencies that are geographically smaller than rural-based constituencies, which occupy large areas. The group suggested that rural-based constituencies require the establishment of sub-constituency offices if parliamentary democracy is to be truly strengthened.³⁵

According to Mtonga, the provision of equipment and staff by parliament, with the support of PACT Zambia, had truly enhanced parliamentary democracy and had brought parliament closer to the people. Mtonga said the establishment of a library at the constituency office in Kanyama had enabled him to source literature about parliament and material on the proceedings of parliamentary debates and committees. A similar situation obtains in Kabwata constituency where, according to UPND MP, Given Lubinda, the constituency office had brought parliament closer to the people of Kabwata.³⁶

Overall, the interviews highlighted several issues. Importantly, however, they revealed that in general members of the public – especially those from remote parts of the country – are ill informed about the role of parliament in a democracy. Consequently, those interviewed were not able to articulate or make a contribution in terms of how parliamentary democracy could be strengthened.³⁷ This is because, as mentioned earlier, current methods of disseminating information regarding the activities of parliament and parliamentary committees are more favourable to the few elite and those in urban areas. Furthermore, the interviews highlighted a low level of interest in the affairs of parliament, especially among women respondents.

Worse still, we noted a strong and consistent view that the term democracy is 'fashionable' and is used to attract a following, but that political players do not back this up by the practice of democratic principles and actions.

Importantly, the interviews showed a clear diversity of responses between the elites and 'low income' classes. We noted that people in the middle class and above were generally better informed than those considered to belong to the lower classes, although even aspiring politicians seeking political office generally had very little knowledge about what parliamentary democracy is and how it could be strengthened.

5. The opposition in parliament: An overview

When UNIP decided to do away with multiparty politics in 1972 President Kenneth Kaunda provided a persuasive rationale for one-party participatory democracy when he said:

*Our party programme can only be implemented successfully if it is a people's programme. In a participatory democracy it cannot be otherwise. The masses of our people, the militants, the youths and the leadership of the Party, must help define our goals, understand what they are and the methods we are going to use to reach them.*³⁸

President Kaunda sought to use the philosophy of humanism as the guiding principle for the new political dispensation he wanted to introduce in Zambia. Since this was a political dispensation in which there was no political opposition, he saw the challenges ahead as lying within the party itself: small wonder then that he looked to the party leadership for the definition of the party programme and goals, as well as in terms of understanding and working out the methods of attaining the ethos of one-party participatory democracy. Indeed, UNIP spent the next 17 years in power without an opposition. As noted earlier, parliament slowly emerged as the main challenger to the party, despite the fact that all MPs during the one-party state era were members of UNIP.

Understandably, therefore, when UNIP lost the 1991 elections to the MMD it faced serious challenges as an opposition political party. To be sure, UNIP – more than any other political party formed on the eve of the 1991 general elections – has had more difficulty managing change as Zambia underwent political transformation from a one-party state to a multiparty democracy, now in its second decade.

What then is the role of the opposition in Zambia's Third Republic? The nature and character of Zambian politics in the Third Republic has inadvertently led to a situation where the opposition in parliament assumes the oversight role of the legislature. Traditionally, parliament is expected to perform the oversight role in understanding and monitoring the performance of the executive arm of government. However, because MPs from the ruling party generally side with the executive, the opposition in parliament takes upon itself the oversight role of parliament. Since parliamentary oversight is an imperative of modern democracy,

the role of the opposition in Zambia's Third Republic can hardly be overemphasised.

The above notwithstanding, the opposition in Zambia is not strong. It is highly fragmented and weak. For example, at least five political parties took part in the 1991 presidential and parliamentary elections: of these only UNIP and the newly formed MMD had the capacity to field 150 candidates each. Some 21 candidates stood as independents. The National Process for Democracy fielded five candidates, the National Democratic Alliance fielded only four, while the Democratic Process party fielded only one candidate.³⁹ Arguably, therefore, the contest in 1991 was between the MMD and UNIP. The other political parties can simply be described as spoilers in the game of politics, posing no serious political threat to either the MMD or UNIP.

The second multiparty elections in 1996 reflected a similar picture. While in 1991 only a few political parties were registered, in 1996 there were over 36 registered parties, yet only seven of these were active and only five took part in the presidential and parliamentary elections. UNIP boycotted these elections, leaving the MMD as the only strong political party in the race to parliament.

Several of the political parties that took part in the 1996 elections were breakaway political parties from the MMD. These included the Zambia Democratic Congress (ZDC), the National Party (NP) formed in 1993, the Agenda for Zambia (AZ) formed a week before nominations for the 1996 elections, the Liberal Progressive Front and the National Lima Party formed three weeks before the 1996 elections. As breakaway political parties from the ruling MMD, none had a firm political base and they therefore entered the political arena in very weak positions. Worse still, they were easily dismissed as political parties formed by individuals who were seeking individual glory and were power hungry. Others were seen as having been formed on ethnic grounds and were therefore considered as regional and lacking serious national agendas.

Thus when UNIP boycotted the 1996 elections, the MMD secured a high representation in parliament winning 131 of the 150 seats, followed by the NP with five seats. The ZDC and AZ managed to win only two seats each. Independent candidates won another ten seats.⁴⁰ The results of the 1996 presidential and parliamentary elections clearly demonstrated the fragility and weakness of parliamentary opposition in Zambia.

Evidently, therefore, as the 2001 elections were approaching the opposition was still too fragile and divided to provide any meaningful challenge to the ruling MMD; new political parties emerged on the scene and contributed to the already fragmented political opposition in parliament. Responding to President Frederick Chiluba's attempt to change the republican constitution to secure a third term,

several MPs who were either expelled or had resigned from the MMD formed new political parties to challenge the ruling party. The new political parties that were formed between 1996 and 2001 included the following: the UPND led by Anderson Mazoka formed in 1997; the Zambia Republican Party (ZRP) led by Benjamin Mwila formed in 2000 as the Republican Party (RP); the FDD under the leadership of General Christon Tembo who was then vice president; the Heritage Party (HP) under the leadership of Brigadier General Godfrey Miyanda; and the Patriotic Front (PF) under the leadership of Michael Sata. The birth of so many political parties on the eve of the 2001 elections further served to weaken the already fragile opposition on the Zambian political scene.

Despite the development noted above, the results of the 2001 elections surprisingly gave the opposition an overall majority in parliament for the first time in the political history of Zambia. Table 5 shows the composition of parliament after the 2001 elections by party and by province.

Table 5: Parliamentary seats by party and by province, December 2001 elections

<i>Province</i>	<i>MMD</i>	<i>UPND</i>	<i>FDD</i>	<i>UNIP</i>	<i>HP</i>	<i>PF</i>	<i>ZRP</i>	<i>Ind.</i>	<i>Totals</i>
Central	7	5	0	0	2	0	0	0	14
C/belt	20	0	0	1	1	1	0	0	22
Eastern	1	0	5	12	1	0	0	0	19
Luapula	13	0	0	0	0	0	0	1	14
Lusaka	1	4	6	0	0	0	1	0	12
Northern	20	0	0	0	0	0	0	0	21
N.Western	3	9	0	0	0	0	0	0	12
Southern	1	18	0	0	0	0	0	0	19
Western	3	13	1	0	0	0	0	0	17
Totals	69	49	12	13	4	1	1	1	150

Source: FODEP, Zambia's 2001 Tripartite Elections Report, 2002, p 54.

The MMD president, in accordance with the republican constitution, nominated another eight MPs and increased the MMD seats to 77 against a total number of 81 opposition MPs. This gave the opposition in parliament an advantage of four parliamentary seats over the ruling party.

It soon became apparent, however, that the opposition was still in a weak position in parliament despite this overall majority. The test was over the election of the speaker of the National Assembly, which is the first business of the House after a general election. Candidates for the position of speaker and deputy speaker sponsored by the opposition lost to MMD candidates.⁴¹

The opposition's overall majority in parliament was, however, short-lived because in subsequent by-elections the ruling MMD increased its number of elected seats from 69 to 73, as can be seen from Table 5. Thus with the eight nominated MPs, the ruling MMD has a majority of 81 MPs against the opposition's 69.

Funding of political parties

Funding of political parties, especially opposition parties, is a major challenge in Zambia: there is no clear policy regarding funding of political parties. As observed elsewhere, the ruling party uses a "wide range of tactics to hinder opposition activities, including imposing tight restrictions on legal sources of funding".⁴² Yet, against this background the ruling party enjoys unlimited use of public funds. Our study has observed that it is lack of funding that largely contributes to the weakness of the opposition both inside and outside parliament. The ruling party easily buys off members of opposition political parties, and in the process parliamentary opposition is further weakened.

Yet another challenge facing the opposition is that political parties in Zambia lack a clear culture of institutionalisation. The result has been the frequent movement of party leaders as well as their followers from one political party to another. This is largely because most political leaders, and their followers alike, lack commitment to their parties. The constant defection from one political party to another is a reflection of the absence of a clearly identifiable ideological base for most political parties. Consequently, political leaders and their followers can move from one party to another without experiencing an ideological crisis. As a result, political campaigns tend to focus on personalities rather than on ideology or issues, further contributing to the fragility of political opposition in parliament.

Ethnicity and regionalism

In most of sub-Saharan Africa ethnicity and regionalism are considered to be the only lasting forms of political association because the societies are culturally heterogeneous: this social heterogeneity is said to arouse ethnic and regional passions that are clearly manifest during elections.⁴³ For Osei-Hwedie, multiparty elections do not lead to social or ideological divisions but simply to mutual hostility between ethnic groups. It is in this respect that "ethnicity and regionalism are said to account for the major difficulties in the process of consolidating democracy in Zambia".⁴⁴ The debate is, however, not new – it is as old as the history of Zambia itself.⁴⁵

Those who subscribe to the primacy of political ethnicity in Zambian politics suggest that there are four political groupings in Zambia based on language, namely the Bemba-, Tonga-, Nyanja- and Lozi-speaking groups.⁴⁶ The 2001 parliamentary election results by province and party affiliation appear to support this analysis. However, while it is incontestable that ethnic and regional interests do still play a significant role in Zambian politics, an open and blatant campaign along ethnic and regional lines is a sure way to lose an election. Furthermore, employing political ethnicity analysis to Zambian politics masks a deep-seated historical trend that has evolved, and one which Osei-Hwedie either deliberately ignores or is not aware of.

Zambia's motto of 'one Zambia one nation' is not without its history. Since the founding of the colonial state at the beginning of the last century, people from various ethnic groups within the country and from neighbouring countries migrated to the Copperbelt and other towns in search of employment. Generally, Zambians do not take kindly to political parties and indeed to political leaders who openly campaign on ethnic and regional lines. This is because over the years the motto of 'one Zambia one nation' has taken true meaning and has held the Zambian people together. Evidence from intellectual historical studies of ethnicity and ethnic politics suggest there is fluidity and subjectivity of ethnic identities in Zambia.⁴⁷ One cannot therefore successfully explain the political behaviour of Zambian politicians using the ethnic politics analysis. This analysis fails because more often than not, Zambian politicians claim more than one identity as a result of complex inter-relationships derived from several cultural and historical developments.

Inadvertently, the cross-cultural contact that followed and continues today helped to build a culture of mutual acceptance. Lusaka's population has grown to two million and that of the Copperbelt towns to similar levels. The influence of these urban societies on the rest of the country is immense. Owing to the high rate of urbanisation, Zambia has experienced high levels of inter-tribal marriages whose offspring are considered 'proper' Zambians. Children of inter-tribal marriages do not usually align themselves with one ethnic group: they often consider themselves as belonging to two ethnic groups and have loyalties to both. This is important because urbanisation has rendered the traditional matrilineal or patrilineal influences less important in determining family heritage.

Furthermore, language is no longer an important criterion for political divide. There are many Bemba-speakers on the Copperbelt who do not come from any one of the Bemba speaking groups identified by Osei-Hwedie, just as there are many Nyanja speakers who also do not come from the groups she has identified. It is therefore plausible to suggest that political ethnicity in Zambia does not function in the manner that Osei-Hwedie describes.

It is also important that the analysis should examine the political profiles of leaders who are in inter-tribal marriages. President Chiluba's wife is from Eastern Province, while the wife of former Vice President Lieutenant General Christon Sifapi Tembo is from Southern Province. Several politicians, including MPs, are in intertribal marriages. There is no doubt that for these politicians such unions influence their political conduct as parliamentarians. In fact, several politicians have never resided in their so-called home areas; the only homes they have known are the areas where their fathers or grandfathers went to work.

While it is true that political rhetoric in Zambia describes certain political parties as tribal or regional, the major political parties such as the MMD, UNIP and UPND cannot seriously be considered as tribal parties; they are national in character.

An important development that defies the ethnic analysis of Zambian politics since 1996 is the suspensions and expulsions that rocked the MMD. The most important of these expulsions was that of MMD National Treasurer and Minister of Environment, Benjamin Mwila, for having declared his intention to stand for the MMD and republican presidencies in 2001. Mwila was believed to be President Chiluba's uncle, yet on the political scene there was more conflict between them than proponents of political ethnicity care to understand. On 6 August 2000 heavily armed police sealed off Mwila's home in Lusaka's Chudleigh residential area apparently to search for seditious material. The search yielded nothing and was believed to have been conducted to intimidate Mwila who had shortly before announced the formation of his own political party to challenge the MMD presidential candidate in 2001. Mwila is president of the ZRP, born out of the merging of Mwila's Republican Party, the Zambia Alliance for Progress and the New Republican Party.

The government's excessive use of violence and force against Mwila suggests that after 1996 political cleavages do not just happen between ethnic groups but within ethnic groups as well. Although it is too early to form a solid view about this new trend, there is some evidence to suggest that a rethink of political ethnicity as a major factor in Zambian politics is required. Nonetheless, the political elites from time to time have appealed to ethnic affiliations to maximise political support. But those who have done so risk being shunned by the electorate because Zambians (especially in urban areas) are generally not comfortable with politicians who subscribe to ethnic politics. Be that as it may, while there are clear signs that inter-tribal marriages are neutralising ethnic feelings, especially in urban areas, it would be wrong to expect ethnicity to disappear from the political arena altogether.

The third term debate which, among other things, revitalised both racism and

ethnic politics, created a political crisis in the nation that threatened the peace and stability which had existed since independence in 1964.

The above notwithstanding, the UPND has struggled since its founding and has failed to address the tribal tag that continues to haunt it. As the country geared up for the 2001 tripartite elections and most political party members were wearing national dress to gain support from all parts of the country, the UPND was sinking deeper into a tribal campaign. This was championed by the Tonga Traditional Association (TTA), which openly called upon all Lozis, Tongas and Nkoyas to back UPND leader Anderson Mazoka for the republican presidency.⁴⁸ While it is incontestable that regional and ethnic interests do still play a role in the politics of Zambia, an open and blatant campaign on tribal lines as the UPND's was a sure way of losing the contest. As mentioned, Zambians generally do not take kindly to political parties and indeed political leaders who subscribe and condone tribal and regional politics. During the run up to the 2001 tripartite elections only two political parties, the AZ and UPND, entered the race with the tribal tag firmly stuck on them.

As a result, the AZ failed throughout its campaign period to attract membership and support outside the Western Province, while the UPND experienced a decline in support when the TTA openly stated "we are not ashamed of that ... Lozis, Nkoyas should support our choice ... All Southerners will support Mazoka".⁴⁹ Evidently, the experiences of the AZ and UPND support our view that both at the theoretical and practical levels, it is futile to continue emphasising political ethnicity as a major factor in Zambia's political process. Yet it is important to note that due to lack of clear class distinction in Zambian society as a result of declining economic conditions, there is a general tendency to resort to ethnic rather than class affiliations for political support. It is in this respect that scholars still dwell on ethnic analysis to provide an explanation of the political behaviour of most Zambian politicians in the political arena. Our view is that such an approach should be taken with some caution considering the changing character of Zambian society arising from a very high rate of urbanisation.

The election results of the 27 December 2001 tripartite elections confirm the view that any political party that seeks to form a national government on the basis of ethnic strength cannot make it. This is why the UPND lost ground to the ruling MMD: its emphasis on ethnic support resulted in it winning all seats in the Southern Province but the party performed poorly in other provinces, except in North Western Province. In a unitary state like Zambia with its current constitution, a political party needs national support to win enough votes to form a government. Arguably, therefore, ethnic and regional politics in Zambia cannot be used as a basis to seek national political office: that the MMD and Levy Patrick

Mwanawasa emerged winners from the tripartite elections confirms this observation.

Voter turnout for the 2001 elections was been described by FODEP as impressive, increasing 12.8% from a 55% turnout in the 1996 elections to 67.8% in 2001.⁵⁰ Furthermore, FODEP suggests that voter turnout would have been even higher if government and the ECZ had managed the electoral process smoothly and competently. Voter turnout for the 2001 tripartite elections demonstrated that there is no apathy when it comes to elections in Zambia; however, the situation was different in the subsequent by-elections held following the expulsions of opposition MPs.

President Chiluba attributed the increase in voter turnout during the 2001 tripartite elections to the failed third term attempt. As pointed out earlier, the third term debate galvanised Zambians from all walks of life in the process of opposing the attempt to change the constitution to facilitate President Chiluba's bid for a third term. Interview respondents pointed out that the large turnout reflected the electorate's desire to ensure that the MMD did not get its way. This is confirmed by the small number of seats won by the MMD in the 2001 elections. However, the electorate was disappointed by the failure of opposition politicians to form a united front, which resulted in the MMD remaining in power with a minority of the vote.

Another area of concern for the electorate was over the issue of vote buying by politicians from both the ruling MMD and the opposition. Reports of distribution of materials and promises of undertaking developmental projects during campaigns were particularly worrying. That the courts of law were able to nullify a number of election results following successful petitions demonstrated the extent of malpractice during political campaigns. This was also testimony to the fact that democracy in Zambia is under threat due to the high rate of political malpractice. It is in this respect that FODEP has called for government funding of political parties represented in parliament. If implemented, this would not only enhance multiparty and representative democracy in the country but would facilitate enactment of a law to limit financial contributions to political parties or candidates, and would compel political parties and candidates to disclose the sources of their funding.⁵¹

6. Summary and tentative recommendations

Provisional findings indicate that based on existing channels there has been very little engagement by parliament with members of the general public. Most respondents viewed parliament as a 'no go' area. This is in spite of reforms initiated some three years ago to open up parliament to the public. The findings serve to show that the majority of Zambians are not following the changing environment and that there is need to highlight the reforms. While parliament has instituted radio and television discussion programmes, most people interviewed seem not to have paid attention to the objectives of parliamentary reforms and their views are informed by old myths regarding parliament.

CSOs believe that a number of issues are holding back the consolidation of democracy in Zambia. Top on the agenda is the issue of the constitution, which is considered contentious and a constraint to the advancement of democratic dispensation in the country. Several clauses generate controversy, among them the eligibility clause for one to stand for the republican presidency. This is closely followed by the issue of what is perceived as a colonially developed and engineered piece of legislation which has outlived its usefulness: the Public Order Act. The constant use of the act to stop opposition political parties and CSOs from holding peaceful demonstrations is seen as a major impediment to democratic consolidation in Zambia.

As noted above, most people still view parliament as inaccessible to the general public. This was attributed to the stringent security measures at the main gate of the Parliament Buildings as well as lack of knowledge regarding the relaxing of old requirements such the dress code. Consequently, the disempowered feel intimidated by the nature and character of the institution of parliament.⁵²

The Zambian parliament is currently engaged in a serious process of implementing several parliamentary reforms, alluded to earlier. Of particular interest is the establishment of constituency offices for MPs in selected constituencies. The constituency office is an extension of parliament at constituency level; it is not a party office and is therefore meant to link parliament to the community. Though still operating as a pilot programme, it has received overwhelming support but its full impact is yet to be assessed after all constituencies in the country establish such offices. The constituency office has the potential to contribute to the strengthening of parliamentary democracy in

Zambia by facilitating engagement between civil society and parliament at grassroots level.

Research findings suggest that parliamentary reforms are creating a good working relationship between parliament and civil society; however, there are still areas of mistrust between the two which require attention. Indications from members of civil society are that the most useful channel of engagement is through parliamentary committees which have been opened to members of the public. However, as the public are not allowed to participate directly in these discussions the process is considered less effective.

There is a feeling that members of civil society should be allowed to participate in the deliberations if invited to do so, as opposed to the current situation whereby they can only submit written documentation and answer questions posed by members of the parliamentary committees when invited to appear before such committees.

In view of the objectives and findings of this study, the following is recommended:

- In order to strengthen parliamentary democracy in Zambia, parliament should work towards improving its broadcast of parliamentary debates to ensure that the majority of Zambians know what is debated in parliament.
- Parliamentary reforms should be widely disseminated so that the electorate is informed of their intended purpose. The fact that 65.4% of the electorate do not know of any reforms that have been undertaken in parliament since 1992 highlights the need for this recommendation.⁵³
- Going by the views expressed regarding constituency offices, such offices should be set up in all 150 constituencies in the country. In addition, rural constituencies should have sub-constituency offices because of long distances between the administrative centres and some villages.
- MPs who resign from their political parties during a five-year term should be barred from seeking re-election in the by-election under their new political party during the session in which they resign from the party that initially sponsored them to stand for election to parliament.
- Government should enact a law that would regulate how much political parties could spend on their campaigns as well as forcing the disclosure of parties' sources of funding.

Conclusion

This study has revealed that several issues affect the integrity and standing of MPs and the institution of parliament, and that these require attention in order to strengthen parliamentary democracy in Zambia. The electorate expect a lot from their elected representatives and have often been disappointed by resignations and the shifting of political camps by their representatives, resulting in unnecessary by-elections. Consequently, these by-elections have been riddled with apathy; the representative standing of those elected by small numbers of voters is therefore highly questionable, as is their contribution to the strengthening of parliamentary democracy. It is in this respect that the research findings point to MPs' lack of commitment to their political parties as a major factor undermining parliamentary democracy in Zambia.

The research also highlights the need to consolidate the parliamentary reforms and their dissemination throughout the republic. Currently, this dissemination is relatively confined to urban areas and those areas serviced by Radio Zambia. It is hoped that with the recent signing of an agreement between the National Assembly of Zambia and the ZNBC, proceedings of the House and parliamentary committees will reach a much wider audience.

The research also demonstrates that Zambians from different walks of life have different perceptions of parliament. Consequently, interviews drew different responses regarding the question of parliamentary democracy in Zambia. It is the contention of this study that there is need to intensify the dissemination of information regarding parliamentary reforms as well as the crucial role of parliament in a democracy so that the electorate can have a better understanding of the institution of parliament, over and above its traditional role of legislating; its oversight role is less well known.

The above notwithstanding, the Zambian parliament embarked on reforms aimed, among others, at improving the image of parliament in the eyes of the electorate. More importantly, these reforms, as contained in various booklets, highlight areas that the public need to be informed about. The National Assembly has over the years produced a number of such documents to help members of the public get information on the role and status of the House. Writing in the foreword of one such booklet, the Speaker of the National Assembly said:

The era of profound transformation has increased the demand for information relating to Parliament so that the citizens and others are accorded an opportunity to know what the institution stands for and what benefits it was created to provide. Parliamentary decorum,

epitomised by reforms for the sustenance of democracy, lent an impetus to the putting together of the ideas contained in this booklet.⁵⁴

Arguably, parliament in Zambia is making a conscious effort to provide information that would educate citizens (some of which may one day be MPs) and contribute to the enhancement of democracy at national level.

This study demonstrates that in the case of Zambia, reforms are crucial to the strengthening of parliamentary democracy because they are part of the civic education process designed to build a democratic culture, shifting Zambians' attitude towards institutional structures and their role in the democratisation process. Only once this transformation has been achieved will it be possible to strengthen parliamentary democracy.

Notes

- 1 Phiri BJ, *Zambia: The myth and realities of 'one party participatory democracy'*, *Geneva-Africa*, 29(2), 1991, p 20.
- 2 Soremekun F, *The challenge of nation-building: Neo-humanism and politics in Zambia, 1967-69*, *Geneva-Africa*, 19(1), 1970, p 39.
- 3 Winetrobe BK, *Strengthening Parliaments: An Outline of Proposed Research into the Measurement and Evaluation of Parliamentary Performance*. Fifth Workshop of Parliamentary Scholars and Parliamentarians, Wroxton College, Oxfordshire, 3-4 August 2002.
- 4 Winetrobe BK, *op cit*, p 5.
- 5 Simutanyi N, *Challenges to democratic consolidation in Zambia: Public attitudes to democracy and the economy*, *Afrobarometer*, 17, January 2002.
- 6 Lewis C, *Protecting the Reputation and Standing of the Institution of Parliament: A Study of Expectations, Realities and Reform*. Fifth Workshop of Parliamentary Scholars and Parliamentarians, Wroxton College, Oxfordshire 3-4 August 2002.
- 7 Simutanyi N, *op cit*.
- 8 Norton P, *Reconnecting Parliamentarians with Citizens*. Fifth Workshop of Parliamentary Scholars and Parliamentarians, Wroxton College, Oxfordshire 3-4 August 2002.
- 9 Chibesakunda NM, *The Zambian Parliament*, National Assembly of Zambia, Lusaka, 2001.
- 10 CCJDP- PLP, 2002.
- 11 Phiri BJ, *Democratisation in Zambia: 2001 Tripartite Elections*, Africa Institute of South Africa, Pretoria, 2002.
- 12 Press statement by the clerk of the National Assembly, *Times of Zambia*, 9 February 2002.
- 13 Interview with Hon. Mr Speaker Amussa Mwanmwmbwa at National Assembly of Zambia, Lusaka, 2003. (Interviewed by G.H.N. Haantobolo.)
- 14 *The Zambian parliament: Appraisal of past speakers*, *Parliamentary Watch*, 3, <http://afronet.org.za/Parl%Watch/speakers.htm>.
- 15 Forsyth F, *Parliamentary Democracy*. Paper presented to the Sixth Congress for Democracy, 13 July 2001.
- 16 <http://www.congressfordemocracy.org.uk/Forsyth%20paper.html>
- 17 United Nations General Assembly Report of the Secretary-General, *Support by the United Nations System of the Efforts of Governments to Promote and Consolidate New or Restored Democracies*, August 1995.
- 18 <http://www.usinfo.state.gov/products/pub/whatsdem/whatdm2.htm>
- 19 The 'Insaka' was a forum where people met to discuss matters of concern to the community and has been considered the closest form of direct democracy.
- 20 This was seen through deliberate efforts whereby MPs who were considered too

- controversial were vetted and prevented from seeking re-election. This was a feature that clearly undermined parliamentary democracy during the Second Republic.
- 21 Cited in <http://www.elections.org.zm/parliament.html>.
 - 22 Malamud P, What to look for in 2000: An interview with Thomas Mann, in Clark G (ed.), *United States Elections 2000*, US Department of State, Washington DC, 2000, pp 18–19.
 - 23 Anonymous, Parliamentary Reforms Initiative. Paper presented at the First Annual Meeting for Members of Parliament and Civil Society Organisations, Kafue Gorge Regional Training Centre, 5–7 November 2004.
 - 24 Djokotoe E, Editorial Issues Arising From Committees and other Scrutiny Roles of Parliament: Questions and Answers. Paper presented at the Parliamentary Reporting Workshop, Mulungushi International Conference Centre, Lusaka, 13–14 April 2002.
 - 25 Interview with Gregory Chikwanka, 10 April 2004, Lusaka.
 - 26 See Report of the Parliamentary Reforms Committee on Reforms in the Zambian Parliament, 2000.
 - 27 Interview with Katulu Chimuka, 11 April 2004, Lusaka.
 - 28 Larsson M, *Civil Society in a New Democracy: A Look at Local Realities*, <http://www.geocities.com/udeifelten/papermimi03.html>.
 - 29 Interview with Hon. Douglas Siakalima, MP, 11 April 2004, University of Zambia, Lusaka.
 - 30 Interview with Hon. Henry Mtonga, 3 April 2004, Ndola.
 - 31 Hon. Joseph Chabula Kasongo, MP for Bangweulu at the seminar on Strengthening Parliamentary Democracy in SADC Countries, Holiday Inn, Lusaka, 16 December 2004.
 - 32 The practice is that in addition to CSOs that are invited directly, parliament also places advertisements in the print and electronic media inviting individuals or organisations to make submissions to parliamentary committees that would be sitting during a particular period.
 - 33 Interview, 16 April 2004, Lusaka.
 - 34 Focus group discussion at Multimedia Zambia, 17 April 2004.
 - 35 Hon. Henry Mtonga, MP for Kanyama constituency, independently supported these views. Interview, 12 April 2004.
 - 36 Interview, Clara Chisenga, personal assistant to Hon. Given Lubinda, MP for Kabwata constituency, 18 April 2004.
 - 37 Summary of survey by Maud Kamwengo, research assistant, 21 April 2004.
 - 38 Kaunda KD, *Humanism in Zambia: A Guide to its Implementation Part II*, Government Printer, Lusaka, 1974, p 9.
 - 39 See Chanda D (ed.), *Democracy in Zambia: Key Speeches of President Chiluba 1991-1992*, Africa Press Trust, Lusaka, 1993, p 81.
 - 40 Report by the Committee for Clean Campaign, Presidential and Parliamentary Elections in Zambia, 18 November 1996, p 70.
 - 41 For details of the election process and the controversy that surrounded the election of the speaker and his deputy, see *FODEP Report on Zambia's 2001 Tripartite Elections*, pp 61–3; and Phiri BJ, *Democratisation in Zambia*, op cit, pp 72–75.
 - 42 Phiri BJ, *Democratisation in Zambia*, op cit, p 40.

SAIIA's strengthening parliamentary democracy in SADC countries project is made possible through the generous financial support of the Royal Danish Embassy, Pretoria



ISBN: 1-919969-07-1

The South African Institute of International Affairs (SAIIA)

P O Box 31596 Braamfontein 2017, South Africa

Tel: 27-11-339-2021

Fax: 27-11-339-2154

www.saiia.org.za

Email: info@saiia.org.za

