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ELECTIONS AND DEMOCRACY IN ZAMBIA



Edited by
Claude Kabemba

EISA RESEARCH REPORT No 6

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IN ZAMBIA

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EISA is a non-partisan organisation which seeks to promote democratic principles, free and fair elections, a strong civil society and good governance at all levels of Southern African society.

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LIST OF ABBREVIATIONS

CCC:	Commission for a Clean Campaign
CCJDP:	Catholic Commission for Justice, Development and Peace
CRC:	Constitutional Review Commission
CSO:	Civil society organisation
CSPR:	Civil Society for Poverty Reduction
DNR:	Department of National Registration
ECZ:	Electoral Commission of Zambia
EISA:	Electoral Institute of Southern Africa
ERTC:	Electoral Reform Technical Committee
EU:	European Union
FDD:	Forum for Democratic Development
FODEP:	Foundation for Democratic Process
FPTP:	First-past-the-post
IMF:	International Monetary Fund
JCTR:	Jesuit Centre for Theological Reflection
MMD:	Movement for Multiparty Democracy
MP:	Member of parliament
NCC:	National Citizens Coalition
NDI:	National Democratic Institute
NGO:	Non-governmental organisation
NGO-CC:	NGO-Coordinating Committee
NRC:	National registration card
PEMMO:	Principles for Election Management, Monitoring and Observation in the SADC Region
PF:	Patriotic Front
SADC:	Southern African Development Community
TTA:	Tonga Traditional Association
UN:	United Nations
UNDP:	United Nations Development Programme
UNIP:	United National Independence Party
UPND:	United Party for National Development
ZANC:	Zambia African National Congress
ZCTU:	Zambian Congress of Trade Unions
ZDC:	Zambia Democratic Congress
ZIMT:	Zambian Independent Monitoring Team
ZNWLG:	Zambian National Women's Lobby Group
ZRP:	Zambia Republican Party

PREFACE

EISA has undertaken various initiatives, which have been aimed at facilitating the nurturing and consolidation of democratic governance in the SADC region. One such initiative is the first phase of the democratic consolidation research programme. Covering almost all the SADC countries, this research programme focused on the following key issues:

- Elections;
- Good governance;
- Gender and democracy;
- Determinants of democratic consolidation;
- Electoral systems;
- Electoral administration;
- Political parties;
- Conflict and elections; and
- Democratic assistance.

This first phase of the project has generated an enormous stock of knowledge on the dynamics of democratic governance in the region over and above the intricacies of elections *per se*. It has demonstrated beyond any shadow of a doubt that indeed there is more to democratic governance than just elections and electioneering. In a word, with hindsight, it is abundantly clear to us today that an election, in and of itself, does not necessarily amount to democratic culture and practice. Put somewhat differently, an election is not tantamount to a democracy, in the strictest sense of the term. Various other determinants are critical too including, *inter alia*, multipartyism, constitutional engineering and the rule of law, gender inclusivity in the governance process, electoral system designs and reforms, transparent and accountable management of national affairs including elections themselves, responsive and responsible conduct by political parties, constructive management of various types of conflict and the form and content of external assistance for democracy.

All these issues are explored in a fairly rigorous and refreshing fashion in this first monograph to come out of this programme, although a deliberate focus is given to electoral engineering in the form of reviews and reforms

required in the SADC region in order for the selected countries to achieve the difficult goal of democratic consolidation. This is the third monograph of the series.

I would like, on behalf of EISA, to acknowledge, with gratitude, the invaluable financial support that EISA received from the Norwegian Embassy through NORAD and the Open Society Initiative for Southern Africa (OSISA) for this first phase of the programme and without which this monograph and subsequent others would not have been possible. I would also like to thank the authors for their enormous contributions to this project. All said and done, the views and opinions expressed in this and subsequent monographs do not necessarily represent an official position of EISA. Any possible factual, methodological or analytic errors in this and subsequent monographs therefore rest squarely on the shoulders of the authors in their own capacities as responsible academics and researchers.

Denis Kadima
Executive Director, EISA
Johannesburg

SUMMARY

This research report is part of a wider Electoral Institute of Southern Africa (EISA) research project on democratic consolidation in Southern Africa funded by NORAD and OSISA. By the end of the 1990s national elections had taken place in most Southern African Development Community (SADC) countries and many are now in their third round of democratic elections. As a result, attention is beginning to shift from democratic transition to issues related to democratic consolidation within the sub-region. Despite the progress made, some countries in the region are still lagging behind while others are moving at a slow pace. The objective of the project is to undertake a primary investigation into the experiences of the multiparty electoral processes in selected SADC countries. The focus is on electoral processes. Although elections and democracy are not mutually exclusive, the existence of competitive, free and fair elections is critical in defining a nation as democratic. The research evaluates six key determinants of democratic consolidation, namely: electoral system; electoral administration; political parties; conflict and elections; democratic assistance; and gender and elections. Gender is streamlined to ensure that its crosscutting nature is preserved. Civil society is also discussed as a determinant in the promotion and sustainability of democracy.

This is the third case study in a review of electoral democracy in Southern Africa. This case study seeks to evaluate the prospects for the endurance of multiparty democracy in Zambia. The data used is based primarily on information gathered during interviews with key stakeholders in the political process in Zambia, namely: political parties; electoral commissioners; civil society; and the donor community.

The text is descriptive and analytical. It is concerned mainly with current events and the 2001 elections, but also places events in context by bringing out the distinguishing characteristics of the country's politics, its problems and prospects, as well as the principal elements of its democratisation process.

I

INTRODUCTION

Zambia became independent in 1964 and is a republic governed by a president and a unicameral national assembly. It is a unitary state with an executive president who is both the head of state and government. After two decades of one-party rule, Zambia returned to multiparty elections in November 1991. These elections were won by the newly formed Movement for Multiparty Democracy (MMD), which replaced the United National Independence Party (UNIP) as the dominant political party in Zambia. Frederick J T Chiluba, a former trade union leader, was elected president. The MMD won 131 of the 150 seats in parliament, reducing UNIP to a handful of seats in the eastern province.

Zambia represents a key case study in any effort to try and understand the process of democratisation and the consolidation of multiparty democracy in Southern Africa and on the entire continent. As Per Nordlund puts it: '... the country was hailed as a role model for other African countries to follow after the 1991 general elections.'¹ In this paper, multiparty democracy is used in its broader definition: that is, any system in which opposition parties are allowed to form and where there is a peaceful contest of elections. In Southern Africa, Zambia – following the peaceful and smooth transfer of power from President Kenneth Kaunda to Chiluba – became an exemplary case of multiparty democracy.

The MMD, as its name suggests, campaigned vigorously in favour of creating a more open, democratic and pluralist society in Zambia. Since then, Zambia has held two further general elections in 1996 and 2001. In between national elections, Zambia also organised municipal elections in 1992 and 1998. However, a deeper analysis of the 1996 and 2001 elections shows the extent to which Zambia is still struggling in its electoral process. In 1996, the ruling party changed the constitution to stop key opposition leaders from standing in the elections, and serious limitations were observed in the electoral process: in 2001, three parties filed a legal petition challenging the election results, citing serious flaws in electoral administration.

Political parties and civil society groups have also raised concerns over the current inadequacy of the current electoral system and the poor funding of elections. President Levy Mwanawasa appointed an Electoral Reform Technical Committee (ERTC) in 2003 to make recommendations for change to the electoral system. This process of reforms is normal for any country and it is encouraged that countries review their systems periodically to adapt them to new realities.

After three multiparty elections, can we say that Zambia has finally got it right as far as electoral democracy is concerned? Three key questions would guide us in our efforts to test the consolidation of the electoral process in Zambia:

- To what extent have election rules been agreed upon by all stakeholders?
- Does Zambia have credible and unshakable institutions in place to ensure stability of the electoral process in the long run?
- Is the possibility of a reversal of this process totally non-existent in Zambia?

II

MULTIPARTYISM IN ZAMBIA

Claude Kabemba and Michael Eiseman

Political parties play a key role in any democratic system of governance. They are an important conduit through which social demands are articulated. They hold government accountable through parliamentary interaction, and outside parliament through mass mobilisation and policy positions that challenge those of the government's. Governing parties direct the process of policy formulation, and opposition parties serve to hold government accountable. They also contribute to the breeding of a responsible political leadership.

Political parties are so vital to the democratic process that, in order for democracy to be consolidated, parties must not only abide by the rules of political competition, but they must organise themselves in such a way that they encourage the active participation of their supporters in internal party decision making. Put differently, in order for democracy to be consolidated, political parties must first be consolidated themselves.

This section argues that Zambia's political parties lack many of the essential characteristics to be able to play the role expected of them, and that the country's party system is not conducive to the consolidation of democracy and good governance. Many of the weaknesses of Zambia's political parties are shared by parties and party systems in other countries in the region, and these weaknesses must be interpreted as emerging not only (or even primarily) from the failures of particular political leaders, but from structural aspects of the Zambian political, economic and social environment.

MULTIPARTYISM IN THE POST-INDEPENDENT ZAMBIA

At independence, Zambia had a multiparty system in place. Opposition parties were permitted under the independence constitution. During the independence elections of January 1964, UNIP, the party of Dr Kenneth Kaunda, won comfortably taking 55 of the 65 main roll seats. This parliament also included the two minority parties – the Zambian African National Congress (ZANC) and the United Federal Party. Despite the dominance of

UNIP in the country's politics, Zambia had a vibrant democracy until 1972 when the political leadership opted for a one-party state.

Separation of powers was also deeply entrenched in the constitution. The independence constitution conferred wide powers on the president; he was not responsible to any other authority, except that in certain circumstances the courts had the power to question his actions and to declare them either lawful or unlawful. Parliament, too, had its special role as a law-making body. In exercising his executive powers, the president was 'not obliged to follow the advice tendered by any other persons'. The 1964 constitution was inspired by the ideals of liberal democracy, as well as by the libertarian traditions of the African freedom fighters, who had consistently opposed governments under minority groups of white settlers whose governance was characterised by discrimination based on colour, class or property rights. The underlying philosophy of the 1964 constitution pre-supposed the existence of democracy and multipartyism.

Parliament was representative and constituted a multiparty democracy based upon the British in its formal powers and procedures. There is no doubt that the multiparty system worked in the early years after independence. The two minority parties – especially the ANC whose members were known for their discipline in parliament – 'consolidated democracy in Zambia and enhanced the prestige and reputation of the Zambian Parliament'.² In a parliament where members from the ruling party adopted a convention of never questioning their own government,³ members from the opposition played an important role in making parliamentary business effective under the multiparty system. The opposition continuously kept government and its ministers on their toes. Observers of Zambian politics at the time attributed the government's development programmes to the aggressive nature of the opposition parties in parliament in holding government accountable.

THE ONE-PARTY SYSTEM

The introduction of a one-party state in 1972 killed the young and vibrant democracy Zambia had embraced at independence. There were many factors in the mid-1960s and early 1970s which weakened the ideals of liberal democracy enshrined in the state. The main reason for introducing 'one-party participatory democracy' was to deal with growing sectionalism based

on tribal and ethnic divisions in the country. President Kaunda's hopes for Zambia to become a one-party state were already expressed well before independence. He once said: 'A one-party system might be set up if the people elected only one party. It would then be only according to the wishes of the people as expressed at the polls in any future elections.'

In the early 1970s, the government and UNIP's inability to deal with political divisions in the country, especially within UNIP itself, convinced President Kaunda that the time had come to introduce the one-party state. In the new constitution of 1973, UNIP was made the only legal party in Zambia, and for the 17 years that followed, UNIP governed as the sole legal party. Kaunda and UNIP maintained that it was a one-party state, but a democracy in which people were able to participate. The greatest test to this assertion came when people had to elect their representatives. In a truly democratic system, the people must be able to choose their representatives without fear or interference from any quarter. Following the introduction of the one-party system, two stages of elections for members of parliament (MPs) were installed. During the primary elections, voting was by an electoral college of party officials in each constituency. Only three candidates with the highest votes proceeded to the second-stage general elections. However, UNIP's Central Committee had the power to reject any candidate who was successful in the primaries if that candidate was judged to be inimical to the interests of the party/state. This practice clearly diluted what little was left of the multiparty system of the independence years. Electoral management during the one-party state did not enhance accepted democratic principles, practices and standards.

THE RETURN TO MULTIPARTYISM

Events in Eastern Europe stirred the latent pro-democracy movements in Africa. They provoked widespread demands for what has been called 'cultural pluralism'. Overnight, new movements were started by men and women in various countries of the continent. In 1990 – concurrent with the push for more democratic regimes across the region, the continent and the world – the MMD emerged in Zambia. While it began as a broad-based pro-democracy movement integrating trade unions and students, and supported by the church, the MMD transformed itself into a political party in time for Zambia's multiparty elections in 1991. Its presidential candidate, former trade

union leader Frederick Chiluba, won the presidency in a landslide victory, with the MMD winning 125 of the 150 seats in the National Assembly. UNIP was devastated; its leadership now describe the 1991 elections as a 'traumatic experience'.⁴ President Kaunda conceded defeat and gracefully handed over the reigns of power to Chiluba. Whatever the consequences of the defeat, a standard was set by Zambia for those other countries that were still under one-party rule or those contemplating following in Zambia's footsteps. As for Zambia itself, it was now expected that the organisation and planning of future elections would be build on the success of 1991. Despite a negative attitude adopted by President Kaunda in the early days of dialogue that was to take the country to a democratic dispensation, a smooth political transition was a wish Kaunda had already expressed after his election as prime minister at independence. He stated:⁵

We intend to establish a society in which I myself as President of UNIP will not be afraid of my own safety should another man take over In this our coming society, we undertake to see that ... elections are going to take place periodically. This will safeguard the nation against any selfish interests driving any group of men and women to a position where they might be power-hungry and try to destroy all those who don't see eye to eye with them.

Because the MMD held more than two-thirds of the seats in the National Assembly, the first MMD government had the power to alter the constitution unilaterally. It took advantage of this opportunity in 1995 to introduce changes to the constitution; the third constitution since independence. One of the changes in the new constitution required 'anyone aspiring to the presidency to prove that their parents were Zambians'.⁶ This was a rule perceived by many to be intended to prevent the candidacy of Kaunda, whose father was born in Malawi.⁷ Furthermore, no one was allowed to stand if they had not lived in Zambia for at least 20 years. This stipulation targeted the Zambia Democratic Congress (ZDC) leader, Dean Mung'omba. The constitution's mode of adoption was highly controversial. The MMD refused to take into account submissions from citizens which came out of a Citizens' Convention. The party proved adamant in the face of pressure, proceeding with its plan to amend the constitution through parliament, rather than to

seek wider legitimacy.⁸ This, coupled with serious irregularities in voter registration, prompted the main opposition party, UNIP, to boycott the 1996 elections. UNIP's move is now widely regarded as a major strategic error, as it led to the marginalisation of the party and allowed the MMD once again to dominate the National Assembly. Whatever the merits of the boycott, due to the lack of a strong opposition the MMD was given room to do as it pleased. This meant that non-governmental organisations (NGOs) and the media had to double their efforts to take up the role as the opposition.

The November 1996 elections were beset with controversies and suspicions that marred the whole electoral process. The constitutional amendments reduced the high level of competition that is expected in elections, especially any competition between the incumbent president and the former president, who had been barred from running by the new constitution. Opposition parties, political analysts, civic organisations and the international community all doubted the fairness of the process. Most local election monitoring groups such as the Foundation for Democratic Process (FODEP), the Zambian Independent Monitoring Team (ZIMT) and the Commission for a Clean Campaign (CCC) regarded the elections as seriously flawed.⁹ There were severe problems with all the electoral processes, from voter registration to the counting of votes. The main controversy was around voter registration, with the register being prepared by Israeli computer company, Nikuv.

Soon after the second democratic elections, a movement for change encompassing civic organisations and the opposition – and comparable to the one that pushed President Kaunda to concede to political changes in 1991 – started to constitute itself, this time against the government they had helped to put in place. The constitutional impasse coupled with election irregularities forced opposition parties and other stakeholders to call for dialogue with the ruling party. As emphasised earlier, the need for dialogue became imperative as internal and external attention was focused on Zambia's political developments.

Zambia has taught us a lesson: the tragedy of many SADC countries, and others on the continent, is that the often early good intentions expressed by the new leadership are subverted, not least by personal interest as by hunger

for maximum power and disregard for the rule of law and the interests of citizens.

Between the 1996 and 2001 elections, several new political parties emerged. These included the Forum for Democratic Development (FDD) – a splinter faction of the MMD that formed as a result of Chiluba’s attempts to secure a third term of office; and the United Party for National Development (UPND) – a party founded by business people and professionals, which has drawn the bulk of its support from the southern part of the country. There are also numerous smaller parties, many of which consist of no more than their leaders. The MMD, although winning both the presidency and more parliamentary seats than any other party in the 2001 elections, was significantly weakened.

The political fallout from the third-term struggle, the consequences of a decade of economic decline and the emergence of a stronger opposition took its toll on the governing party, whose new presidential candidate, Levy Mwanawasa, won just 29% of the presidential vote in 2001 and less than half the parliamentary constituencies. Since 2001, the MMD has rebuilt its parliamentary position, somewhat by wooing the support of a number of opposition party MPs.

PARTY SYSTEM IN ZAMBIA

Prior to the 2001 tripartite election, Peter Burnell described Zambia’s political party system as a ‘predominant party system’. Following Satori, he defined a predominant party system as one where ‘one party commands, alone and over time, the absolute majority of seats ...’, and alternation in power appears unlikely. This contrasts with a ‘hegemonic party system’, where alternation in power is impossible. The MMD’s predominance, Burnell found, was reinforced by the fact that it ‘has used its control over public resources and access to state-owned media to partisan advantage’.¹⁰ Despite these advantages, the MMD lost its status as a predominant party following the 2001 elections. It won just 69 of the 150 seats in parliament – a huge drop from the 123 seats it had won in the previous election. Likewise, MMD presidential candidate Levy Mwanawasa won just 29% of the vote. However, he won two per cent more than his nearest rival, Anderson Mazoka of the UPND, and was able to take office without a runoff by virtue of controversial

changes to the constitution that the National Assembly had passed in 1995. By law, the president had the opportunity to appoint eight additional MPs, which brought the MMD's total to 77.

A number of factors contributed to the MMD's drop in support. First, the party had been damaged by the controversy surrounding President Chiluba's attempts to change the constitution in order to allow him to run for a third term. His efforts to do so were halted by a public outcry, but not before causing a rupture in his own party. Chiluba altered the MMD constitution to make way for a third term, at a special party conference to which only selected delegates were invited. The party expelled a large number of leaders who opposed the third-term bid, many of whom joined or founded other political parties. The MMD also suffered from a reputation for increasing authoritarianism and corruption. After 10 years of MMD rule, the economy was in no better shape than it was in Kaunda's Zambia. The liberal economic policies implemented by the MMD government – while they had stabilised inflation and had cut the budget deficit – had led to the collapse of the manufacturing sector, depressed agricultural production, and increased poverty and joblessness – particularly among urban workers who had been so vital to the MMD's ascendance in 1990. Many Zambians were therefore in favour of change. (The MMD is currently engaged in a period of restructuring, attempting to re-build its support base and, it claims, to remove corrupt elements from its leadership.)

The MMD is now joined in parliament by three opposition parties of note. The strongest opposition party is the UPND, formed in 1998. The party was founded by former Anglo-American manager Anderson Mazoka. Mazoka won 27% of the presidential vote, and the party won 49 seats in parliament. Most of its support came from the Southern Province, but it also won seats in the Western and North Western provinces. The UPND claims to stand for economic development and, according to its spokesman, prioritises agriculture as the most important sector for public investment. It also advocates free education. Its leadership ranks include a number of business people and professionals, as well as former MMD and UNIP leaders.

Trailing well behind the UPND (with 12 seats in parliament) is the FDD, which was founded in 2001 after 22 MMD leaders were expelled during the

MMD's third-term controversy. The FDD selected Lieutenant General Christon Tembo as its presidential candidate – the only leader among the major parties to emerge from a competitive, intra-party election. According to Zambian academic Neo Simutanyi, the FDD was the only party to hold leadership elections that were perceived to be open and democratic. The formation of the FDD coincided with a decline in the fortunes of the UPND, and the two parties may have divided the support of voters interested in change. The third-term controversy in the MMD, paradoxically, may have therefore contributed to its eventual razor-thin triumph in the presidential elections.

Finally, the former ruling party, UNIP, won 12 seats in parliament (mostly from the Eastern Province), and its presidential candidate, Tilyenji Kaunda, won 10% of the vote. A number of factors contributed to the poor performance of the former ruling party. First, the party had been marginalised by its boycott of the 1996 elections. Second, just prior to the 2001 poll it was embroiled in a serious leadership crisis. Francis Nkhoma had been elected party president at the 2000 party convention, only to be later removed by the party's central committee and replaced with Tilyenji Kaunda, son of the former state president. UNIP's Acting Secretary General, Njeka Anamela, claimed that this removal was the result of a deliberate attempt at disruption by the MMD, which had sponsored Nkhoma's candidacy.¹¹ Nkhoma was later expelled from the party, but confusion over who would represent the party in the presidential election contributed to chaos in the party for several months.

Despite its poor performance in the last election, UNIP continues to enjoy certain advantages over the other opposition parties. According to Simutanyi, as Zambia's oldest political party, UNIP retains a core of strong supporters, particularly among older people.¹² Party leaders describe the party's ideology as social democratic. UNIP has agreed to a memorandum of understanding with the MMD government for cooperation on issues of corruption, and members of the party serve at deputy minister level in the MMD government. According to a study of Zambian political parties recently conducted by FODEP and the National Democratic Institute (NDI), 'alliance negotiations are under way between UNIP and [the] MMD. While the leadership of UNIP may be comfortable with forming an alliance with [the] MMD, it is not clear that the rank-and-file of the party will accept such a pact'.¹³

The policy programmes of the MMD and the major opposition parties share strong similarities. While both UNIP and the UPND strongly criticise the economic performance of the government in its two terms of office and advocate increased government intervention in the economy, neither supports a reversal of the MMD's privatisation policies. Both demand stronger government participation in the agricultural sector, with the UPND, in particular, laying out a large number of specific policy proposals on this issue. The UPND and UNIP both propose reducing fees for education, with the UPND calling for 12 years of free schooling, and UNIP calling for nine years.

While such policies would undoubtedly be popular, their implementation may be impossible since the Zambian state is severely constrained by a lack of resources. The state currently faces a crisis due to a K6 billion budget overrun, and some donor countries (which finance as much as 45% of the budget) have threatened to pull funding in response. The UPND argues, however, that it could fund more activist government policies by eliminating waste and corruption.

In addition to the MMD and the three major opposition parties, seven other parties contested the parliamentary elections, and a total of 17 contested at least one parliamentary constituency. The Heritage Party won four seats; however, three of its MPs recently crossed over to join forces with the MMD. The Zambia Republican Party (ZRP) won one seat, and its MP has joined the government as Minister of Local Government. The Patriotic Front (PF) won one seat. Four other parties that contested the elections failed to win a seat. This included the Agenda for Zambia, which dissolved in 2002. The National Citizens Coalition (NCC) did not win a seat, but its founder, Pastor Nevers Mumba, was appointed to the position of vice-president by Mwanawasa. The NCC has subsequently dissolved.

Since the 2001 tripartite elections there have been many by-elections for MPs. These have all been won by the MMD, bringing its total number of parliamentary seats to exactly half. Some observers argue that the MMD's access to state resources gives it a particular advantage in by-elections, where it has the opportunity to focus all its attention and resources on one constituency. Three by-elections have come about because of the death of

the incumbents, but others have been the result of floor crossing. When an MP crosses the floor, he/she loses his/her seat and a by-election must be held. Two Heritage Party members resigned their positions and were re-elected on the MMD ticket, and two UPND members were expelled for collaboration with the MMD, and were also subsequently re-elected under the ruling party's name. Several Zambian observers, who were generally critical of the government, expressed serious concern about this trend. They see it as a return to a one-party state and believe that the government will continue bribing opposition party members into its camp until it has achieved the two-thirds majority it needs to make constitutional changes.¹⁴ For the MMD, most opposition parties are simply splinters which cannot survive beyond elections; for the ruling party, therefore, bringing them into government is part of putting back together the pieces of what is essentially one party. This conclusion is only problematic if one views the outcome of the 2001 parliamentary elections as a strong vote for opposition generally.

The most striking feature of the current party system is the divided nature of the opposition. The opposition still controls more than half the seats in the National Assembly; however, with opposition strength divided between six parties, the MMD remains firmly in control. MMD leaders acknowledge that much of their success can be attributed to this divided opposition, noting that 'we get excited when they come in numbers'.¹⁵ The opposition parties attempted to form an alliance prior to the 2001 election, but the personal ambitions of party leaders prevented any significant progress. As demonstrated in Kenya in 2002, and indeed in Zambia itself in 1991, broad opposition coalitions can be built and can be successful in removing entrenched but unpopular ruling parties. Such an alliance in the near term, however, seems unlikely in Zambia. The main opposition UPND was once committed to an opposition alliance, but now believes that such a coalition is impossible, and has committed itself to strengthening its own party structures.¹⁶

INTERNAL PARTY DEMOCRACY AND ORGANISATIONAL STRENGTH

Most of Zambia's political parties are weak and undemocratic. A study of the country's parties conducted by the NDI and FODEP found that there 'were [no] clear and routine mechanisms for communication between the various structures within parties', and that 'internal party elections were

often top-down rather than providing a genuine voice to sub-national structures'. The NDI study found that 'most parties do not engage full-time staff at the provincial and district level, relying mainly on volunteers'.¹⁷ Many are also limited in their geographic scope. As Muna Ndulo observes: 'Despite the fact that the majority of Zambians live in rural areas, many Zambian political parties do not exist beyond the capital city and other urban centres.'¹⁸ Some of the smaller parties were, for example, unable to place representatives at all the polling stations during the 2001 elections.¹⁹

While many of the smaller parties barely exist beyond their leaders, the MMD and the major opposition parties – UNIP, the FDD and the UPND – have better developed organisations. These parties have structures at the national, provincial, district and ward levels, with the number of officers at each level ranging from 12 to 24, depending on the party. Party officers at each level serve as an electoral college, responsible for electing officials to the next highest level.

In the MMD, candidates are chosen in a highly centralised way. Potential candidates are interviewed by a team of three party officials at the constituency level, and a candidate thus chosen must then be ratified by the National Executive Committee. Prior to the 2001 elections, the MMD experienced problems in several constituencies when the party imposed candidates on constituencies that wanted to have local candidates. MMD leaders have defended this move, arguing that it served to protect the interests of the party. While State President Mwanawasa is currently serving as acting party president, the MMD has thus far failed to hold a convention in order to adopt him officially as party president. In the past the MMD has been extremely intolerant of dissenters, who have frequently been expelled from the party.

During Chiluba's era, concentration of power in the hands of the presidency was justified on the basis of ensuring internal party discipline. It is, in fact, presidential power that has been the major impediment to internal democracy. For example, during the third-term debate those who wanted more internal democracy – especially with regard to how the incumbent president's successor was to be selected – found themselves isolated, marginalised and eventually expelled on the grounds of their being 'perpetual' or 'habitual' offenders.²⁰

According to UPND spokesman Patrick Chisanga, the party holds primary elections at the constituency level. The top three vote-getters in these elections are then interviewed by party officials, and must be approved by the National Management Committee. According to Neo Simutanyi, the UPND's leadership structure is built around, and strongly dominated by, its leader Anderson Mazoka.

Looking at the FDD, Simutanyi argues that the party's constitution enshrines a more robust appreciation of internal democracy. This has to do with the fact that it was a lack of internal democracy in the MMD which pushed a group of people to create the FDD, and it is logical to expect them not to replicate the errors that forced them to leave the MMD in the first place. The FDD's leadership elections are therefore considered to be a 'model' of democratic practice, and the party has 'avoided concentrating power in the hands of one individual'.²¹

UNIP has a mixed system for choosing candidates – some constituencies rely on primary elections, while others use interviews. As mentioned earlier, UNIP's selection of a presidential candidate was marred by controversy in the run-up to the 2001 elections as the party president elected at the convention, Francis Nkhomo, was replaced by the National Executive with Tilyenji Kaunda, son of the former president. According to Women for Change – an NGO that works to empower women in rural communities – all the major parties have representation at the village level; however, in its view, participation in these structures is very weak. Participation is generally highest in the structures of the MMD, although this is motivated by an interest in receiving aid from the party, rather than by genuine political interest.²² The Zambian National Women's Lobby Group (ZNWLG) notes that the flow of information in the MMD is particularly poor, while in the UPND and UNIP, important information regarding party decisions does manage to 'trickle down from top to bottom'.²³

Generally speaking, the internal democracy of Zambia's political parties is limited both by a lack of resources with which to build permanent structures and to encourage participation, and by the leadership style of party founders and other leaders, who tend to concentrate power in their own hands at the expense of democracy.

POLITICAL PARTY FUNDING AND ELECTIONS IN ZAMBIA

The issue of party funding is becoming increasingly contentious in Southern Africa. Zambia has no law specifically regulating political party funding, and there are no requirements for the disclosure of sources of funding. Since the 2001 presidential elections, a proposal for government funding of political parties has been introduced into the National Assembly. The bill reached second reading, but President Mwanawasa has made it clear that he does not support and would not sign such a bill, ostensibly for lack of resources.

Besides weak internal democracy, the weakness of Zambia's political parties comes from inadequate funding. In a large and sparsely populated country, establishing a national presence and building democratic structures may simply be too expensive for organisations with limited access to resources, such as Zambia's political parties. This lack of funding also limits a party's capacity to launch a significant election campaign as well as limiting its access to the media. Most parties in Zambia claim that they raise their money from membership contributions. However, in a country going through a serious economic crisis, this is obviously not sustainable. Three-quarters of Zambians live below the United Nations (UN) global poverty level of US\$1 a day: an MMD membership card costs just K100 (US2 cents), and UPND membership costs K200, which is less than the cost of printing the cards. All party members are, however, given an opportunity to make additional contributions.

Political parties in Zambia are funded primarily from the following three sources:

- *Personal wealth of the party leadership and candidates:* UPND spokesman Chisanga said that because the party was 'grossly underfunded', for competition in an election in a country the size of Zambia, many of its candidates had to finance their own election campaigns. Each parliamentary candidate received only K2 million (US\$400) from the party compared to (in the UPND's estimate) the MMD's expenditure of K30 million per candidate. Owing to this disparity, candidates who lacked their own financial resources were in some cases unable to run; which naturally 'works against democracy'.²⁴ Several observers of Zambian politics contend that many parties would not exist if it were not for the financial resources of their founders and leaders.

- *Party's ownership of economic assets*, including business ventures and real estate: UNIP controls property acquired during its period as the ruling party. It draws rent from its former party headquarters, and claims to have recently won a court case allowing it to regain ownership of some property confiscated from it by the MMD at the end of the one-party state.²⁵
- *The use of public resources*: This is an illegal way of funding elections. While MMD officials maintain that the party does not misuse government funds and attribute public perceptions of such activities to 'malicious speculation', they acknowledge that the party does enjoy some 'benefits of incumbency'.²⁶ These include the ability of the president and ministers to visit any part of the country using state vehicles, and, when feasible, to engage in campaigning activities in tandem with official duties. The MMD's election chairman does acknowledge that a corrupt relationship between the state and the MMD existed in the very recent past, stating that 'we had a leadership who couldn't see the boundary between state and party'.²⁷ The MMD treasurer was implicated in a scam that was revealed to involve the use of K2 billion in state funds to pay for the party's convention in 2000. Substantial changes have been undertaken in the party's top leadership since then, and a number of senior members of the party have been forced to resign. Mwanawasa, as state president and acting party president, has taken an aggressive public stance against corruption. Nevertheless, opposition party members and critics of the government remain sceptical about the depth and efficacy of this new attitude. In any case, as in the past, the MMD continues to enjoy a significant material advantage as a result of its status as ruling party.

Many observers of Zambian politics note that an important way of winning electoral support is through patronage. The provision of blankets or basic foods is a common campaign tactic, the impact of which is enhanced by the deep poverty in which many Zambians live. The ruling party enjoys access to superior resources to support this kind of campaigning, and therefore gains a significant advantage.

Given the difficulties involved in financing political parties and the dangers inherent in dependence on support from wealthy donors, many countries

have established mechanisms to provide public funding. This is the case in a number of SADC countries. In Zimbabwe, funding is available for parties which secure more than five per cent of the vote. South Africa also has a fund to support those political parties that are represented in parliament. The purpose of the fund is to help these parties to: develop the political will of the people; bring their influence to bear on public opinion; undertake political education; promote public participation in political life; influence political trends; and strengthen links between the electorate and the state.

POLITICAL PARTIES, ETHNICITY AND ELECTIONS

Political parties were inclined to use ethnicity in the mobilisation of public support in the run-up to the 2001 elections. Zambia had 73 ethnicities divided into four major ethnic groups, namely: the Lozi, Tonga, Nyanja and Bemba. Bertha Osei-Hwedie argues that 'there is a political rivalry between the four groups. The main ethnic conflict is between the majority Bemba, on the one hand, and the Lozi- and Tonga-speakers, on the other'.²⁸ In support of this claim, the 2001 elections did show regional, and therefore probably ethnic, patterns in party support. The Northern, Luapula, Copperbelt and Central provinces, which are majority Bemba-speaking, went largely to Mwanawasa and the MMD, while Lusaka and the North Western Province, dominated by Tonga- and Lozi-speakers, generally supported Mazoka and the UPND. Regions populated by Nyanja-speaking people were split between UNIP and the FDD, with the majority of UNIP's support coming from the eastern part of the country.²⁹ This fact has led some observers of Zambian politics to conclude that while the UPND performed well enough to nearly capture the presidency in the 2001 elections, it has 'saturated' its potential support base, and is unlikely to improve on its performance in the future.³⁰ Naturally, UPND leaders dismiss the 'tribal' label as unfounded, and as a 'propaganda tool' of the MMD.³¹ The UPND argues that while its support has grown most quickly in the south – and in fact it has worked harder to win supporters in some regions than in others – its outlook as a party is national. The UPND constitution stipulates that its National Management Committee must include equal representation from all nine provinces, and the current top leadership of the party does include Zambians from diverse regions of the country. Despite these efforts, the UPND has found the 'tribal' label difficult to shake. During the 2001 elections, the Tonga Traditional Association (TTA) campaigned for the UPND on the basis of region and ethnicity, arguing that

‘... all southerners will support Mazoka’.³² Some analysts believe that the activities of the TTA hurt the UPND’s performance in the elections, suggesting that many Zambians are suspicious of attempts to mobilise political support along ethnic lines. As one observer noted: ‘The UPND was favoured to win the 2001 tripartite elections, but the party made the fatal error of campaigning along regional and ethnic lines and in turn succeeded in alienating potential supporters from other regions and ethnic groups.’³³

Despite these general trends, ethnicity in Zambia should be regarded as just one factor among many determining patterns of support for political parties. Ethnic identity is not a salient political factor in Zambia like it is in several neighbouring countries. Since independence, Zambia has never suffered from violence or excessive tension between ethnic groups as has happened, for example, in the Democratic Republic of Congo (DRC), Zimbabwe and Kenya. Zambia is one of Africa’s most urbanised countries (approximately half the population lives in urban areas), which contributes to a high degree of mixing between ethnic groups, and a high rate of intermarriage. During the one-party state, the Kaunda regime tried to ensure that all regions of the country were equally represented, both in the cabinet and in UNIP. However, Chiluba opted not to continue this strategy, and Bemba-speakers were over-represented in Chiluba’s cabinet.³⁴

The impression of Bemba priority was exacerbated by Chiluba’s tendency to give speeches in his native IchiBemba. However, as Mwanawasa is not a Bemba-speaker, one observer noted that the recent appointment of Nevers Mumba, a Bemba-speaker, to the position of vice-president may have been part of an effort to shore up support for the government from among that group.³⁵ The persistence of ethnicity as a factor in patterns of support for Zambian political parties – despite the high degree of urbanisation and the generally national outlook of most Zambians – may be in part a result of the lack of other issues around which to mobilise. With the limited policy space open to political parties, and the consequent similarity in policy programmes between parties, regional, language or cultural affinity to a group of political leaders becomes more important than it otherwise would be.

Table 1 shows the votes received by each candidate and Table 2 lists the votes won by each party, in the 2001 tripartite elections.

Table 1: Results of the 2001 presidential election

Candidate name	Valid votes received	% against votes cast	% against votes registered
Mwanawasa Levy P, MMD	506 694	28.69	19.45
Mazoka Anderson K, UNIP	472 697	26.76	18.15
Tembo Christon S, FDD	228 861	12.96	8.79
Kaunda Tilyenji C, UNIP	175 898	9.96	6.75
Miyanda Godfrey K, HP	140 678	7.96	5.40
Mwila Benjamin Y, ZRP	85 472	4.84	3.28
SATA Micheal C, FF	59 172	3.35	2.27
Mumba Nervers S, NNC	38 860	2.20	1.49
Konie Gwendoline C, SDP	10 253	0.58	0.39
Mbikusita Lewanika Inonge	9 882	0.56	0.38
Shamapande Yobert K, NLD	9 481	0.54	0.36
Total	1 737 948	98.39	66.72

Source: Electoral Commission of Zambia

Contrary to the above argument, the results captured in Tables 1 and 2 demonstrate a voting pattern that is well beyond ethnicity. The 2001 elections were a watershed for the region in that the Zambian electorate demonstrated, once again, their ability and willingness to reject a poorly performing ruling party. Such behaviour runs counter to the scholarly typification of African voters as having their political preferences prescribed by largesse, ethnicity and clientelism. The election revealed that, at the very least, electoral behaviour can only be understood as a dynamic interplay of these and other factors. Despite the fact that the MMD was returned to power, it was with less than one-third of the total votes cast and with a few more percentage points than the UNDP – a recently established party with no ‘traditional’ support. With the incumbent MMD almost out of office, Zambia came perilously close to passing Huntington’s ‘double transition’ test, which has long been considered a benchmark of political consolidation.

Although the period following the election was to see the MMD consolidate its power in the presidency and in parliament, the electorate clearly signalled a political sophistication poorly anticipated by commentators. It signalled,

Table 2: Results of the 2001 parliamentary election

Candidate name	Valid votes received	% against votes cast	% against votes registered
MMP	490 680	27.48	18.84
UNDP	416 236	23.31	15.98
FDD	272 817	15.28	10.47
UNIP	185 535	10.47	7.12
HP	132 311	7.12	5.08
ZRP	97 010	5.08	3.72
Independents	59 335	3.72	2.28
PF	49 362	2.28	1.90
NCC	35 632	2.00	1.37
ZAP	3 963	1.37	0.15
NLD	3 155	0.15	0.12
AZ	2 832	0.12	0.11
NP	1 228	0.11	0.05
SDP	809	0.05	0.03
LPF	175	0.03	0.01
ZUDP	138	0.01	0.01
DP	115	0.01	0.00
ZPP	19	0.00	0.00

Source: Electoral Commission of Zambia. See <http://www.elections.org.zm>

inter alia, that even the systematic abuse of state resources by a ruling party could not assure it a hold on power. Unfortunately, while the behaviour of voters points optimistically at increased democratic consolidation, this maturation was not accompanied by similar progress in the institutions of democracy. The conduct of the electoral commission, the political parties, civil society and even of international donors suggests that the institutions of democracy are, at best, exceedingly fragile.

POLITICAL PARTIES, GENDER REPRESENTATION AND ELECTIONS

As in most African countries – and in many countries around the world – women are under-represented in decision-making positions in Zambia, both

in government and in the political parties. Presently, there are 19 female MPs (out of a total of 150 MPs), or 12.6%. This represents a small increase from the 16 women in the last parliament. The number of women candidates increased from 56 in 1996 to 290 in 2001. However, according to the ZNWLG, some 800 women candidates wished to stand for election but were hindered from doing so by the political parties' methods of adoption. In response to this problem, the ZNWLG, founded in 1991 concurrent with the return of multiparty politics, supports female political candidates (regardless of party affiliation) in an effort to achieve gender parity in decision-making structures.³⁶

During the 2001 elections, the parties appeared to respond to the joint pressure to involve women candidates and the fear that they would be unable to win elections, by positioning women candidates in constituencies where other women were running. According to B J Phiri: 'It would appear that political parties preferred to have women candidates stand against each other instead of standing against male candidates. The list of all parliamentary candidates who successfully filled their nomination papers for the elections shows that very few female candidates were fielded in constituencies where there were no other female candidates.'³⁷ Naturally, this trend reduced the total number of women elected. Two women stood as party leaders and presidential candidates, but neither received more than one per cent of the vote.

III

THE PLACE OF CIVIL SOCIETY IN ZAMBIA'S DEMOCRATISATION PROCESS

Michael Eiseman

Zambia's civil society has grown vigorously over the years. During the transition, trade unions, churches and some community-based organisations played a crucial role.

THE LABOUR MOVEMENT

The MMD's emergence in 1990 and 1991 as a broad social movement advocating the return of multiparty democracy was propelled by Zambia's labour movement, and particularly by the Zambian Congress of Trade Unions (ZCTU), of which Frederick Chiluba had previously been general secretary. This is the organisation that provided structure and support to the MMD. Likewise, Zambia's influential Christian church umbrella bodies lent their support to the MMD's campaign. However, in the 12 years since its first electoral victory, the MMD's relations with civil society have been tumultuous.

The labour movement can no longer be seen as an important part of the MMD's coalition of supporters. The ZCTU has been profoundly weakened since the MMD's first election, as formal jobs have disappeared and both its membership and revenue have collapsed. Likewise, the unions have been weakened by changes in labour laws enacted by the MMD, such as the removal of the one union per industry law. The current elections chairman of the MMD describes the changes in the labour laws as a deliberate effort by Chiluba to weaken unions, so that no ZCTU leader could ever be as powerful as he had become in that position.³⁸

CIVIL SOCIETY GROUPS

Civil society organisations (CSOs) existed in Zambia during the one-party state, and the latter was never in a position to exert complete control over them. CSOs, together with the labour movement and churches, played a significant role in the liberalisation of politics. These CSOs, however, retreated after the first democratic elections, after having successfully put in power

what they considered as the people's government. The resurgence of CSOs was a reaction to the undemocratic tendencies of the new leadership. In the presence of an increasingly autocratic Chiluba government, donors also stepped up their support to CSOs. Issues-based CSOs emerged with an interest in politics, economics, social and religious matters.

During Chiluba's attempt to secure an opportunity to run for a third term, CSOs grew in strength and capacity and became increasingly vocal. The MMD in turn became intolerant, labelling critical NGOs as part of the opposition, and at times resorting to intimidation and harassment. Particularly strong CSOs emerged after the first democratic election. Some of these included FODEP, Afronet, the NGO-Coordinating Committee (NGO-CC), the Catholic Commission for Justice, Development and Peace (CCJDP), the Jesuit Centre for Theological Reflection (JCTR), the Zambia Independent Monitoring Team (ZIMT) and the Civil Society for Poverty Reduction (CSPR).

In terms of political issues, especially elections, FODEP, Afronet, the ZIMT and NGO-CC have taken the lead. There has also been an appreciable increase in women's lobby groups. Admirably, this development is largely related to the fact that certain NGOs have been at the forefront of changing the nature and conditions that had initially constrained their growth. While the Chiluba regime slowly began to accommodate the NGO sector and its subsequent demands, donors cautiously stepped in to strengthen this sector in ways that have greatly improved many NGOs. Since then, donors have continuously taken various steps to support the NGO sector.

It is generally felt that many NGOs are now able to articulate people's concerns and have the necessary capacity to do so; however, it is often charged that they can do more. A multitude of Zambian NGOs are founded with the expectation that donor funding will ensure their existence and their continued survival. As a result, many recently established civil organisations were launched with very little knowledge in management, planning and financial skills, but anticipated donor support to be forthcoming in developing these skills. As it happens, the quality and capacity of NGOs in Zambia differ considerably. Zambia's civil society arena is dominated both by efficient NGOs, which are donor oriented and heavily dependent on foreign aid to finance their operations, and by those that are lacking adequate resources to

meet their needs and to enable them to be actively and efficiently involved in governance operations. That said, Zambian NGOs, unlike those in the rest of the region, play a very active role in the democratic development of Zambian society.

Much of their success has been a result of donor support given to this group since 1991. Development corporation work has moved increasingly towards strengthening NGO capacity, with capacity-building interventions for the NGO community targeting their organisational skills, management competence and their capacity to develop common visions and strategies so that they can offer their clients demand-driven services. As much as this support has harnessed NGO development, it has had negative influences as well. Competition among NGOs for external support has turned this group into implementers of issues that are more their financiers' priorities than the priorities of those they serve. Moreover, the programmatic nature and agenda of their initiatives in the areas of democracy and human rights are often influenced by donors' preferences, and as a result lack appropriate direction. These observations have been made mostly in relation to activities on civic and voter education.

The Oasis Forum was instrumental in mobilising public opinion in opposition to the possibility of a third presidential term. Since its victory on that issue, the Forum has re-directed its energy towards constitutional reform. Specifically, it demands that the constitution be reformed through a constituent assembly, rather than in the National Assembly under the supervision of the president. A Constitutional Review Commission has been commissioned to collect petitions and recommend changes to the constitution, but the Oasis Forum has declared that it will not participate in the process until there is a statutory guarantee in place for the final document to be submitted for approval to a constituent assembly.

This position is officially shared by the leadership of several opposition parties, although Patrick Matabini, a lawyer and founding member of Oasis Forum, believes that the opposition parties have generally been poor advocates: 'The parties are not active [on the issue of constitutional reform]. They are not providing leadership, and they are not developing programmes or sufficiently articulating positions.'³⁹

IV

THE ADMINISTRATION OF ELECTIONS IN ZAMBIA

Michael O'Donovan

Elections in Zambia are conducted by the Electoral Commission of Zambia. This is an independent body, established by the constitution and chaired by a judge.

BACKGROUND TO THE ZAMBIAN ELECTORAL COMMISSION

In Zambia, elections are organised and administered by an independent commission, the Electoral Commission of Zambia (ECZ). The ECZ was established in 1996, just a month before those elections. Prior to the Constitutional Amendment Act 18 of 1996, the electoral commission and local government commissions respectively were organised as part time or ad hoc bodies responsible for the conduct and supervision of Zambia's presidential, parliamentary and local elections. Since 1996, however, the commission has changed tremendously, showing signs of better management and capacity to organise elections. The ECZ has a chairman and four commissioners. (In the 2001 elections, two of the commissioners were women.) The ECZ now has three formal committees to assist it in its efforts, namely, the international observation, voter education and national conflict management committees. CSOs and political parties are represented in these committees.

The ECZ had already administered two national elections, operating in a country with a relatively long tradition of elections (even if most elections were conducted under a one-party regime). Had the ECZ not been able to draw on an experienced civil service which had conducted regular elections since 1964, the ECZ's tenure may have been considered minimal; however, given its ability to draw on the electoral infrastructure, expectations of the body were relatively high.

ELECTION ADMINISTRATION FOCUSING ON THE 2001 TRIPARTITE ELECTIONS

The electoral process in Zambia provides for free and fair elections as well as the freedom for any person to stand and to campaign for political office.

However, observations of the past three elections since the country returned to multiparty democracy paint a different picture. Besides the 1991 elections, which were largely said to have been free and fair, subsequent elections in Zambia have received serious criticism from local and international observers. There was widespread consensus among observers that both the 1996 and 2001 elections were fraught with malpractice, omissions and errors, which made it questionable as to whether the will of the people was reflected in the final results.

Inevitably, the brunt of the criticism regarding election administration fell on the ECZ. Although the ECZ was a relatively new body, expectations of it were high, for reasons mentioned earlier. The Zambian Constitution provides for an 'autonomous' institution to manage the entire electoral process. There is broad consensus, however, that the ECZ should be truly *independent*.⁴⁰ This has not been the case even though legislation provides that, in the exercise of its functions, the commission should not be subject to the direction or control of any other person or body.⁴¹ The commission had difficulty trying to convince the opposition parties, the electorate and civic organisations that it was independent. The appointment, funding and activities of the commission cast serious aspersions on its autonomy. The president appoints members of the ECZ subject to parliamentary ratification. In 2001, concerns were expressed that the commission was not sufficiently insulated from the executive to guarantee its autonomy, let alone its independence. A commissioner, for instance, has stated publicly that the government has in the past interfered in the ECZ's work.⁴²

With hindsight, the strongest indication that the ECZ would battle to meet its challenges came when it was given a mere three weeks' notice of the election date in 2001. This short notice was not totally unexpected as an announcement of a date had long been anticipated. Nevertheless, the brevity of the period was bound to aggravate logistical problems brought on by the scheduling of the election in the rainy season immediately after Christmas. The challenge was further heightened by the need to run (for the first time) local, presidential and parliamentary elections simultaneously. Aggravating the matter further was the state's refusal to declare the election day a public holiday. This combination of factors gave rise to suspicions that the ruling party sought a low turnout as a way of improving its prospects of being

returned to office. Despite the enormous logistical challenges presented by the short notice period, the ECZ accepted the election date without seeming to challenge the wisdom of the timing. In the increasingly charged run-up to the election, this oversight by the ECZ was widely construed as evidence of its complicity in that objective.

Ultimately, as the rains failed in many regions, the scheduling of the elections in the rainy season did not prove to be a major impediment. Although the failure of the rains was to result in massive crop failures in 2002, it did not overtly bias participation rates. What did prove to be a more substantive problem was, simply put, election mismanagement. Reflecting this is the fact that election observer reports of the European Union (EU), the Electoral Institute of Southern Africa (EISA), the Carter Centre and the local NGO, FODEP, are dominated by issues relating to election administration rather than to violence, intimidation and intolerance.

An outline of the problems experienced is presented below, divided crudely into pre-election issues, issues that arose on election day and post-election issues. The last category includes vote counting and verification of the results.

PRE-ELECTION PERIOD

In the run-up to the 2001 elections, a great deal of attention was paid to the abuse of state assets by the ruling party and to the ability of voters to equip themselves to vote.

Use of state resources

The ruling party drew heavily on state resources, including the media, to promote its campaign. Their virtual monopoly on the use of state resources gave the ruling party a tangible and immediate advantage over its rivals, which were invariably less well financed. The resources so abused ranged from the use of government vehicles to transport party cadres and supporters, to the use of departmental staff and telecommunications facilities for party tasks. The most glaring abuse related to the inequitable access to, and biased reporting by, the government electronic and print media.

While there are a small number of private electronic media and print companies, the media is largely dominated by state-owned enterprises. These

enterprises were heavily biased against opposition parties with respect to affording them access, as well as in the way in which the parties were presented. The level of bias is best indicated by allegations that the Minister of Information on more than one occasion personally censored television news items.

Bias aside, it seems that when the state media did attempt to lend more content to debates, its efforts were thwarted by the ruling party. Despite being scheduled on state television just before the elections, a live debate between the MMD candidate Levy Mwanawassa and the UNDP's Anderson Mazoka was cancelled at the last minute by the MMD. There were apparently no debates between candidates in the other media and there was none on radio, which is the prime means of communication in Zambia and reaches a far greater proportion of the population than television. While preferential access to the media gave the ruling party something of an advantage, the quality of the coverage was dubious and it did little to enable voters to make informed decisions regarding their options. The paucity of coverage may well have contributed to some voters making decisions on the basis of candidates' identities.

In another reflection of the abuse of state resources, the ruling party was given preferential access to public facilities used for meetings. Under Zambian security legislation, political parties are required to obtain permission from the police before they can hold political gatherings. There are, however, numerous reports of the police refusing to issue permits to opposition parties on frivolous grounds, while the ruling party was often exempted from applying.

The Carter Centre reported that:

Opposition parties indicated that in practice the police determined who might conduct and organise public meetings at the district level. As with the Code of Conduct, the president and the vice-president are exempt from informing the police of their intention to address political meetings, but this exception was often extended to other MMD candidates and cadres.

Cumbersome registration procedures

Much to the approval of the political parties, the ECZ abandoned the computerised voters' roll used in 1996; consequently, all aspirant voters had to re-register. Voter registration is fairly transparent but the voter register that was prepared by Nikuv, an Israeli firm, continues to be a source of controversy as it is alleged that the MMD has been using it routinely to rig elections. In terms of the legislation, voters are required to produce a national registration card (NRC) issued by the Department of Home Affairs, before they can register to vote. A Central Statistics Office survey a year before the election showed that more than 20% of the population over 17 years of age did not have the required NRC, and therefore many aspirant voters would have had to obtain the card before registering. This made registration procedures all the more onerous for a proportion of the population, and for younger voters in particular.

Once the NRC had been applied for and obtained, potential voters then had to apply for and collect a voter registration card. All these applications had to be made in person, aggravating the burden experienced by electors in rural and poorly serviced areas. Both the voter registration card and the NRC had to be presented to the electoral officer before the elector could vote. These cumbersome procedures served to discourage participation by the vulnerable and those ambivalent about voting. Those most heavily prejudiced by the procedures included the youth, people resident in remote areas, the poor and the infirm.

According to several respondents, the backlog in the issuing of NRCs, coupled with the key role played by the Department of Home Affairs, gave that department an opportunity to prejudice participation rates in various districts. However, the registration rate was, at best, adequate. For the 2001 elections, 55.5% of eligible citizens registered to vote. This was an insignificant increase on the 54% that registered to vote under equally onerous procedures in 1996.⁴³ The low registration rate in 1996 was partly due to the boycott of the election by six political parties, including the only party that presented any real challenge to the MMD, namely UNIP. If it is accepted that the more aggressive contestation of the 2001 elections resulted in a greater desire among citizens to vote, it would appear that the procedures discouraged many potential voters.

Demarcation

Zambia is divided into nine province and 72 districts. Within these administrative areas are 150 constituencies. Each constituency is only allowed to have one MP. There is, however, a provision within the electoral law of Zambia that allows for the alteration of boundaries. This can only happen when the ECZ considers that changes in the distribution of the population, as shown by the last population census, justify alteration.

The 2000 census results were not available early enough for the ECZ to delimit the voting wards more equitably, and there was consequently no re-delimitation. The ECZ did, however, respond to criticism regarding the large size of the voting districts and increased the total number of districts from 4,610 to 5,509. As a rule, the number of districts in each province increased by approximately 20%, thereby improving their accessibility; but the exercise did little to make access to voting facilities more equitable. After the change, the average number of voters per voting district varied dramatically, even when examined at a provincial level. For example, in the opposition stronghold of Lusaka Province, the average number of voters per district was 1,212. By contrast, in the MMD stronghold of the Northern Province, the average size was 478. On the face of it, MMD supporters were therefore likely to enjoy easier access to voting stations, shorter queues and less inconvenience in general. Inconsistencies at station level could only have been less equitable.

ELECTION PHASE*Capacity of the ECZ*

Many reports from monitors refer to the ECZ being seemingly surprised by the 'high' turnout. This suggests that the ECZ did not adequately anticipate the level of interest in the election and was hard pressed to deal with the task at hand. Ultimately, 69% of registered voters managed to cast their votes. However, given that the registration procedures were relatively onerous, it is highly unlikely that any individual would have gone through the effort of registering without having a serious intention to vote. By assuming this, the ECZ would have anticipated a high turnout. If this assumption is made, however, a more pertinent question arises as to why 30% of those who registered did not bother to vote.

In order to simplify its administrative tasks, the ECZ adopted a 'one-size-fits-all' approach to the allocation of resources. This policy ensured that every voting station received the same resources, regardless of the prospective number of voters. This included the allocation of staff, the number of ballot boxes, screens, etc. This policy may well have worked had the size of voting stations (as measured by the number of registered voters) not varied so greatly.

The inevitable misallocation of resources resulted in many stations being unable to close on time. In numerous instances the extension of voting hours did little to ameliorate the problem, as voting stations were ill equipped in terms of staff, lighting, etc. to deal with voting after hours.

Several other 'minor' problems militated against the efficient completion of voting. In some districts equipment arrived late; in others, the wrong ballot papers arrived. At several stations people known not to be able to vote (for example, military servicemen away on tours in the DRC) were shown as having voted. The latter indicates that some ECZ officials were either less than diligent in maintaining the integrity of the voters' roll or were complicit in such fraud.

Parties' behaviour

Political parties were legally bound by a code of conduct that was established in 1996 at the initiative of NGOs. This code of conduct prescribes behaviour in all elections and has the force of law. There is, however, strong evidence that the code was regularly abused or ignored, in particular by the ruling party. The abuses included those indicated above, such as the misuse of state resources, intimidation and threats by ruling party officials that opposition supporters would be denied future state benefits. Despite the extent of the abuse, the ECZ was unwilling to enforce the code or to bring transgressors to book. The ECZ's inactivity rendered the code of conduct largely irrelevant.

The failure to enforce rules extended beyond the code of conduct and permeated ECZ activity well beyond its headquarters. For example, in one Copperbelt district at least one individual is known to have been caught casting multiple votes for the ruling party. Despite being caught red-handed, the individual was neither apprehended nor prosecuted. The electoral officer

reportedly merely removed the offending ballot papers and dropped the matter. In its final report, FODEP refers to this instance and describes the general reaction of the ECZ officials – ‘protests by monitors and party agents against this malpractice were ignored by the presiding officer’.

Neither, it appears, could aggrieved parties look to the police for justice. The police’s primary response to violations of the code of conduct and of other election-related legislation was, typically, that such problems were the ECZ’s concern and that the commission would have to address the issue. In turn, the ECZ’s standard response was that it had neither the resources nor the mandate to resolve such issues. Despite its confessed lack of capacity, the ECZ was not seen to bring pressure on the police and judiciary to have them ensure that the law was upheld. The net effect was that those who broke the rules relating to the elections could act with impunity as the police, the judiciary and the ECZ passed the buck between one another.

THE POST-ELECTION PERIOD

In several instances, serious questions were raised about the ability of electoral officials to accomplish their tasks impartially and with the required diligence. For example, basic protocols – such as having all parties sign off on the final count – were not systematically followed. Although there is no ‘smoking gun’ that indicates that such omissions were part of a plan to defraud the electorate, the consequences are nevertheless substantial.

For one, great suspicion was subsequently visited on the centralised counting procedures: when protocols are not meticulously followed, concerns about unobserved behaviour are inevitable. The one aspect of the electoral process that depended almost entirely on the ethical conduct of state officials was the transporting of ballots to counting centres. Once suspicion about the ECZ and other officials had been raised, it was easy for competitors to cast aspersions about what may have happened when no witnesses were present.

The inability of the ECZ to demonstrate systematically that the post-election activities were beyond reproach, allows detractors to bring the entire exercise further into question. The Carter Centre singled out the ‘lack of transparency in the tabulation of votes and the verification of final results’ as key weaknesses in the election.

It concluded that:

... the Dec. 27 presidential, parliamentary and local government election results were not credible and could not be verified as accurately reflecting the will of Zambian voters; and that consequently the legitimacy of the entire electoral process was questionable.

THE EFFECT AND RATIONALE

The list of errors and omissions compiled by observers was seemingly endless. It was indicative of a systemic failure in election administration in which the ECZ, the Zambian Police and even the Department of Home Affairs have been implicated. The depth of the failure makes it more important to understand what went wrong with the system rather than focusing on individual failures. Similarly, the effects of the administrative failures in terms of party support patterns need to be understood. Opposition parties and some NGOs suggest that the failures were a result of attempts to tip the balance in favour of the ruling party.

Proponents of this argument suggest that the ruling MMD understood it would benefit from a low turnout and, consequently, the election was run in a way that did not aggressively ensure wide participation. Furthermore, they suggest that high participation levels would be most discouraged in opposition areas. Evidence supporting these ideas can be seen across the scope of the election. For example, as shown above, opposition areas had larger constituencies in which queues were longer and voting stations were more disparate. The allocation of voting stations thus *prima facie* benefited the ruling party. Had resources been allocated proportionally to the number of registered voters, some of the damage caused by the misallocation of voting stations could have been undone. However, the application of the one-size-fits-all rule by the ECZ can be construed as contributing to the ruling party's agenda.

These arguments are, however, premised on the assumption that the ruling party (with or without the complicity of the ECZ) was able to anticipate correctly the level of support it enjoyed in regions and among groups most inclined to vote. The weakness of the MMD party infrastructure certainly

suggests that it would not have been able to mobilise adequate support internally to tilt the balance in its favour. Consequently, for such a strategy to work the MMD would have had to ensure that it enjoyed greater support among social groups most inclined to vote (or that the opposition enjoyed greater support among those social groups less inclined to vote).

There is doubt that the MMD, or any interested party for that matter, could have anticipated voting preferences with any degree of confidence. As indicated in the introduction to this section, much remains unknown about voting behaviour. Furthermore, given the MMD's dominance of all the earlier elections, party support patterns could not be reliably deduced from either the 1991 or 1996 elections. In anticipating that they would benefit from generally low levels of voter turnout, the MMD would have required a greater understanding of party support patterns than is widely presumed. Ultimately, if any political party was to be advantaged by differential participation rates, the issuing of NRCs and voter registration would have to be moderated by region, ethnic group and economic interests. It is highly improbable that either the ruling party or the ECZ understood these dimensions well enough to give any one party a systemic advantage.

This places the ECZ in a somewhat precarious position. If the administrative failures were not the result of its partisanship, then they must have been the product of the ECZ's inability to run the election effectively – that is, its competence or lack thereof. Most external monitors questioned the ECZ's competence, albeit in somewhat diplomatic terms. The Carter Centre reported:

In the end, the Centre concluded that the Government of Zambia and the Electoral Commission of Zambia (ECZ) failed both to administer a fair and transparent election and to address electoral irregularities that may have affected the outcome of what proved to be a very close race.

Similarly, EISA concluded that:

The evident chaos in the voting and counting process, together with the failure on the part of the Commission to communicate

adequately, led to widespread speculation that malpractice had crept into the electoral process. Political parties, observers, and the press, have made such claims of vote rigging – often without any hard evidence. The onus, however, is on the Commission to perform its functions in a manner which demonstrates that the election was conducted in an efficient and transparent manner. It is difficult for this to happen because of the many administrative, financial and other weaknesses in the electoral process.

Singling out the impact of technical assistance to the ECZ, the EU reported that:

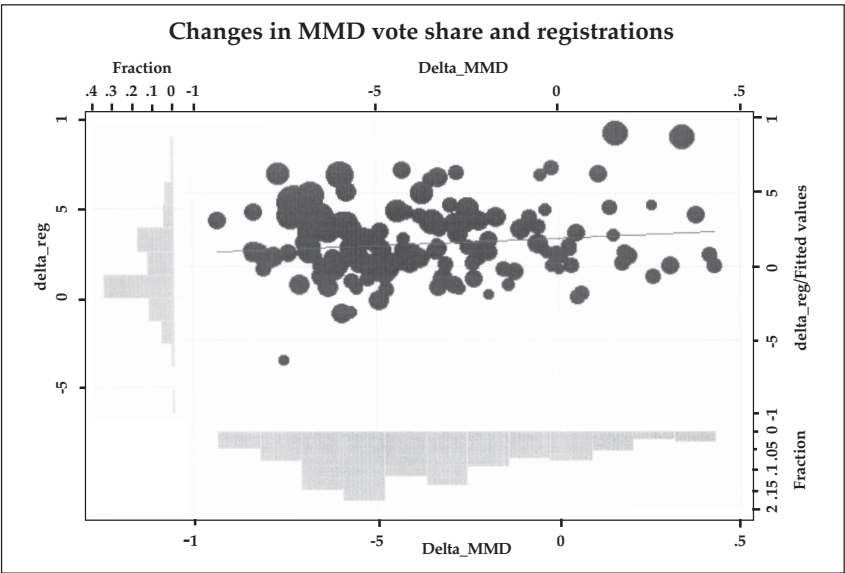
... the ECZ seems incapable of receiving the benefits of technical assistance. In general there is an obvious reluctance to accept external advices (sic) and recommendations, even though the need to improve internal management is obvious.

Although it can be accepted that the electoral system did much to discourage equitable and widespread participation rates, it is unclear as to what extent the outcome was distorted in terms of party shares. Much of the evidence regarding maladministration is anecdotal and may not be generalisable to the election as a whole. There is some evidence that despite the problems, the election nevertheless reflected general party support trends. For example, the ultimate results were reportedly well anticipated by a pre-election survey conducted by the University of Zambia's Institute of Economic and Social Research. According to it, the institute's survey correctly predicted the election outcome insofar as the vote shares of the main parties were concerned. This indicates that the administrative problems did not seriously distort the results and that the election represented the will of the electorate. Once again, if this is case, it is the competency of election management rather than the impartiality of the ECZ that is brought into question.

An analysis of the election results indicates that if the intention of either the ECZ or the Department of Home Affairs (through its issuing of registration cards) was to bias support in favour of the ruling party, they were not overly successful. For such attempts to succeed, higher registration rates should be evident among social groups and areas that supported the ruling party.

Unfortunately, the available census results are insufficiently detailed and reliable to determine how equitable registration and participation was. However, an insightful measure can be gained by comparing the registration rates and levels of support for the ruling party in the 1996 and 2001 elections. It can be assumed – given the very high level of support for the MMD in both 1991 and 1996 – that no district or social group was prejudiced by the registration process. A comparison of changes in registration and voting rates in 2001 should indicate if there was a systematic bias between areas that (ultimately) supported the ruling party and areas that did not.

A correlation of the change in registration rates and level of support for the MMD at constituency level shows that there was a slight bias in favour of the ruling party. Registration rates tended to increase more in MMD areas than they did in opposition areas. The graph below relates the percentage change in registrations (on the vertical axis) to the percentage change in MMD support levels (on the horizontal axis). Each constituency is represented by a circle, the size of which is proportional to the number of registered voters. A regression line with a slight upward slope is indicated. The horizontal axis shows that in the vast majority of constituencies the MMD lost support. The vertical axis shows that, similarly, in the vast majority of constituencies there was an increase in registration (an average increase in registration of 20% is indicated).



The graph shows that there was a positive correlation between the percentage improvement in registration and greater support for the MMD. This suggests that the ECZ and/or the Department of National Registration (DNR) were biased in favour of the ruling party and facilitated larger increases in registrations where the MMD enjoyed more support.

The effect is nevertheless mild. Constituencies that were subsequently to halve their MMD vote share (a typical value) experienced, on average, an eight per cent decrease in registrations when compared to constituencies in which the MMD kept its vote share. However, this trend is overwhelmingly driven by the two constituencies represented in the upper right corner of the graph. Once these two constituencies are removed from the equation, the relationship between MMD vote share and the level of registration becomes statistically insignificant. The two constituencies in question are Kapiri Mopishi and Nchelenge.

Each of these constituencies shows an anomalously high increase in registrations and unusually high levels of MMD support (a 34% increase in MMD vote share in the case of Kapiri Mopishi). Part of the changes in registration rates in Kapiri Mopishi can be attributed to the reallocation of some wards from Mkushi South⁴⁴ to that constituency. Neither Kapiri Mopishi nor Nchelenge were singled out by election observers for criticism and thus it is unclear why they are so atypical.

When these two constituencies are removed from the equation the relationship between registration and ultimate support for the MMD disappears; that is, the trend may be entirely due to random variations in registration rates and support for the MMD. Moreover, the two constituencies in question were not large enough to account for all of the MMD lead over the UNDP.

If registration (by the ECZ or Home Affairs) was to benefit the ruling party then we would have expected to see greater support for the MMD in areas where the increase in registrations was larger. The analysis of changes in voter registration and MMD votes supports the argument that the ECZ (and by implication the Department of Home Affairs) was not demonstrably partisan in its conduct. The evidence indicating this can be confined to two

relatively small constituencies that together account for only one-tenth of the MMD's winning margin.

Despite this, arguments that the ECZ was partisan are compelling. Critics consistently draw attention to acts by the commission that can easily be construed as biased. However, even if, as suggested above, there was no systematic bias, the effect of the allegations and the ECZ's inability to dispel them is – in terms of the election's legitimacy – equally as damaging. The quality of interaction between the ECZ and political parties, as well as organs of civil society, was such that it did not allow the latter to grant the ECZ the benefit of the doubt.

However weak the performance of the ECZ was, the commission cannot be blamed for the full extent of the breakdown. Culpability also has to be attributed to the ruling party, the police, the judiciary and, to some extent, to NGOs and donor organisations. One of the hallmarks of MMD rule was its commitment to a debilitating structural adjustment programme that resulted in a substantial reduction in the size of the government sector, measured in terms of state expenditure and the size and capacity of the public sector. Structural adjustment contributed to the loss of 77,000 jobs in the civil service alone. This served to weaken state capacity significantly with regard to, *inter alia*, the ability to maintain a functioning judicial system and police service. Moreover, the economic crisis rendered all voters vulnerable to vote buying of some sort. Typifying this were dramatic increases in housing subsidies offered to civil servants and state support for the collapsed Konkola Copper mine. Obviously, these rewards appeared contingent on an MMD victory.

Budget constraints are further reflected in the amount the ECZ was allocated for the 2001 elections. Approximately €6 million was budgeted for, all of which was eventually provided by donors. This translates into approximately €2.30 per registered voter. By comparison, support for the Lesotho election in the same year amounted to €5 million for a much smaller population. Each registered BaSotho was supported by €6.00. The higher level of support for the Lesotho election is best understood in terms of the crisis that followed the 1998 election in that country. However, the administrative challenge of running a larger election in Zambia is substantially greater given the size of the country and the weaker communications infrastructure there.

EU funding for the Zambian election resulted in the Zambian government withdrawing equivalent funding. In other words, the generous support of the European Community resulted in a benefit for the Zambian economy but not for the ECZ or the elections. This raises the spectre of elections being used as milk cows by cash-strapped governments. In several ways, the EU funding increased the administrative burden on the ECZ. Instead of merely drawing on the fiscus, the ECZ had to meet the EU's 'laborious' criteria before funds could be disbursed. These criteria ultimately detracted from the efficient management of the elections. A particularly glaring failure was the provision of photographic consumables and equipment to the DNR to assist in the issuing of identity cards. The EU evaluation describes this exercise as: 'Highly unsatisfactory. No impact on voter registration.' It further attributes the failure to the fact that 'the Department of National Registrations still seems under equipped and to suffer from a lack of methodology (sic) and management capacity'. It also argues that 'the length and complexity of tender and procurement procedures have been underestimated'.

The economic impact of the system may account for the ECZ imposing what amounted to a tax on election observation. Just before the election, both foreign and local observers were informed that their registration (as required by law) was contingent on the payment of a registration fee. Although the fees were modest – K10,000 (US\$2) for local observers and R150,000 (US\$30) for foreign observers – when read with the scale of the operation they are clearly punitive. FODEP, for example, sought to put 6,500 local monitors in place. The local NGOs were particularly hard hit by the added burden. More detrimental than the financial cost was its impact on the legitimacy of the election. The tax helped generate the impression that election observation was not a right and was in some ways undesirable. Anyone wishing to cast aspersions on the quality of the elections was given added cause. In the long run, the ECZ was not able to administer the registration process adequately, and once it was assured of the required funding, it effectively abandoned the registration process, at least insofar as local observers were concerned.

The 'taxing' of the electoral process was not without precedent. Earlier, the ECZ had made copies of voters' rolls available contingent on the payment of a fee. These costs were often substantial – a national register cost K55,090,000 (US\$11,000). Economic difficulties confronting the ECZ thus

translated into behaviour that made the process less transparent and, conversely, more open to abuse.

The limitations demonstrated by the ECZ were replicated throughout state structures. For example, the state Statistics Office initially released population estimates that proved way too low. The first official release indicated that there were 3.6 million citizens of voting age. Subsequent revisions increased the estimate by a third of the initial approximation. Had the ECZ based ward allocations on the basis of the initial estimates, the misallocation of resources may have been aggravated.

The limitations to state capacity is also indicated by the size of the police force in Zambia, where approximately 13,000 members service a population of almost 10 million. This translates into a police:citizen ratio of 1:751. By contrast, South Africa has a police:citizen ratio of 1:461.

Police:civilian ratio in selected SADC countries

Namibia	1:429
South Africa	1:461
Swaziland	1:665
Tanzania	1:998
Zambia	1:751

While in no way justifying police response to electoral fraud, these ratios lend credence to police claims that they were unable to address electoral issues with the required sense of urgency. The above suggests that the capacity of the Zambian state has perhaps been weakened to the extent that it is in no position to guarantee the framework required for democracy to function. At the heart of the issue is the question of the quality of governance. While democracy may serve to hold officials accountable and thereby improve the quality of governance, the operationalisation of the democratic system requires governance and infrastructure that is, at best, of debatable quality in Zambia. With lack of accountability and bad governance comes corruption – which is said to be endemic or systemic in Zambia.

DONORS' SUPPORT TO DEMOCRATISATION IN ZAMBIA

Shumbana Karume

Without donors we can as well forget about democracy.

A remark made by an NGO representative

DONORS' SPECIAL INTEREST IN ZAMBIA'S DEMOCRATIC PROCESS

Donors' democracy support in Zambia was born out of the bold decision the country took to move forward with the transition from a one-party state to multiparty democracy ahead of most countries on the continent. The subsequent defeat of Kaunda and UNIP and the peaceful transition that followed, further enhanced Zambia's credibility as a progressive country, worthy of support.

It is important to make a distinction between democratic assistance and economic assistance. With the advent of democracy in 1991, the democratic movement received great moral and financial support from the West. The change in the political landscape automatically made Zambia one of the largest recipients of donor aid in Africa in 1991. It gained a substantial increase in economic and financial support from donor governments and international financial institutions. However, the honeymoon quickly ended as donors started to question the government's human rights credentials. As Erdmann and Simutanyi put it: 'The international donor community has almost permanently imposed some pressure on the government in favour of human rights and good governance.'⁴⁵ Two events influenced the change in donors' attitude, namely: increasing government intolerance *vis-à-vis* the opposition; and the 1996 constitutional amendment to prevent Kaunda from standing. As such, concern about human rights and governance impacted negatively on donors' commitments to economic assistance. Much of the international development support to Zambia was predominantly directed at reducing rural poverty. With the increasingly autocratic behaviour of the new leadership, donors began to reduce the level of their financial assistance and

to link most of their financial support to good governance. It seemed that Zambia was back to square one, with a government that was increasingly seen to be no different from Kaunda's. Indeed, the Chiluba government's democratic credentials progressed from bad to worse in a very short period of time, with corruption and mismanagement taking root at all levels and in all government structures.

GOVERNANCE ISSUES DOMINATE DONORS' AGENDA

The reduction in aid happened at a time when donors were glorifying Chiluba's bold and ambitious liberalisation programmes and the immediate structural adjustment programme (including privatisation) that his government had commenced, as demanded by both the World Bank and International Monetary Fund (IMF). In fact, following this bold move, Zambia today has the most enabling macroeconomic policy environment in Africa. Inflation has been brought down to less than 30% a year from a high of 200% in 1990/91, while interest rates and the exchange rate have also stabilised. However, the consequence of these reforms on the socio-economic conditions of most Zambians was negative. The reforms were accompanied by massive job losses and the collapse of local firms as a result of a sudden opening up to foreign competition. Reforms have also failed to restore growth that, on average, remained at less than one per cent between 1991 and 2000. Logically, poverty is high with 80% of the population living on less than US\$1 a day. One would have expected donors to intervene quickly to support the economic reforms through massive financial assistance; however, they increasingly withdrew from Zambia due to the emerging political culture, which was far from democratic. This shows the importance of governance issues over macroeconomic issues in influencing donor support.

Level and scale of support for democratisation

As far as support for the democratisation process is concerned, Zambia was seen as a pilot project and donors wanted, through financial and technical support, to demonstrate the benefits a country could draw from democracy, thereby influencing other countries to follow suit. Against this background, programmatic support for Zambia's democratic processes gained prominence among both bilateral and multilateral aid agencies. For instance, Finland's contribution to good governance for the period 1998 to 2001 amounted to about FIM8.7 million (US\$1,581,818).⁴⁶ Other key donors included Norway,

the EU and Denmark, not to mention the numerous UN agencies in Zambia. (The EU is currently going through a transition phase with regard to its democracy programmes. It is undertaking a study of focal sectors it wishes to engage in for its next phase which, we were informed, would have fewer focus areas.) The EU's last funding phase in support of democratic governance issues ended on 30 April 2004. This support was for specific interventions, including election support and providing technical assistance to government officers in managing funds.

Danida, for example has given support to NGOs and government institutions with the ECZ as its major target. Activities include building the capacity of government institutions and electoral process management. We were informed that the aid agency does support party activities but does not, however, fund individual parties. Other bilateral agencies have supported Zambia's political reforms in the same way. The Norwegians, for example, are supporting institutions in the areas of human rights, the media, and the judiciary and anti-corruption. The United Nations Development Programme (UNDP) is focusing on stimulating political participation and supporting democratic participation at the local level. Its support to government is directed at strengthening the capacity of oversight bodies to demand and enforce accountability, transparency and effective coordination in public institutions. Further, the UNDP's support is directed at capacity development of the ECZ and, in particular, performance management. Donors meet frequently to discuss concerns, set priorities and coordinate approaches, and they do so through a recently established donor coordinating group on democratic development, chaired by the Netherlands Aid office.

Overall there is strong evidence that democratic assistance to Zambia has fallen steadily over the years. This could be a response to donors' concerns about Zambia's governance issues, associated particularly with the flawed presidential elections of both 1996 and 2001. Regrettably, it is becoming increasingly apparent, for whatever reason, that unlike technical fields, governance issues have not continued to receive the same level of attention. There are some signs of success in areas where donors have tried hard to help, in particular in the 2001 elections. It was, however, generally felt that many donors take a short-term approach. 'They will wait until a year before the election, and will carry out quick spending to reach expenditure targets,'

attested a donor representative. 'The problem with this approach', we were informed, 'is that one cannot improve a problem in the system.' Ideally, foreign donors are meant to assess the process and provide the necessary support in terms of long-term priorities. It was charged, however, that most donors focus on expenditure as that is judged on delivery and outcomes. Elections are therefore treated as an event rather than as part of a larger process.

Special support for the electoral commission during the 2001 elections

The 2001 elections in Zambia were important for the international community, and subsequently received much attention. These elections brought the possibility of a fresh start and a new political beginning for Zambia after almost a decade of MMD rule. Donors relished this notion and as a result treated the event with great consideration and much financial support. In addition, as a country that has received generous levels of financial assistance for its poverty eradication programme – support that is tied to democratic and governance conditionalities and the success thereof – the 2001 elections provided the Zambian government with an opportunity to fulfil some of these conditionalities (despite the fact that there was little success in this area). Moreover, given the improvements that had been made to the political environment, which differed greatly from the 1996 political problems, donors felt pressurised to act in support of these improvements, which included the emergence of a strong civil society and an equally strong political opposition post 1996.

For the first time since independence the ECZ, in addition to government funding, received donor funding for the 2001 tripartite elections. However, as mentioned earlier, for every kwacha that donors pledged to provide the ECZ, government funding for the ECZ – which had already been budgeted for and which the Ministry of Finance and Planning had pledged – was reduced. Donors contributed K22.4 billion to the total budget of K89 billion required by the electoral commission. The government then reduced its support to K64 billion, giving the impression that donor funding could easily have been replaced by government funding. Part of the donor assistance, in particular that from the EU, included contributions to the DNR. Despite these contributions, which were channelled via the ECZ, a donor respondent commented that 'the DNR did not get much of a voice [considering that] it

is a bigger task to get [a] registration process going than to run the elections'.⁴⁷ The DNR, in fact, was constantly overshadowed by the ECZ. It was not regarded as a full partner and as a result there was a lack of communication and dialogue between these institutions. This clearly affected the DNR's role in the registration process.⁴⁸

The multilateral and bilateral donors who contributed to the election budget included the EU, the UNDP, Norad, Danida, the Japanese government and the South African government. The EU and its member states contributed approximately K15 billion (€4,100,060) to both the ECZ and the DNR. The UNDP's grants amounted to K211,346,142 (US\$48,585.32)⁴⁹ and the rest of the contributions from non-EU and government donors totalled K7,255,702,201. Most donor support to the ECZ came in the form of supplies, logistical and technical assistance, as well as support for awareness-raising and voter education campaigns. The EU funded the purchase of polling booths, ballot boxes, security paper and office equipment. It also funded the attachment of a technical and financial advisor for elections. The UNDP grants were used for purchasing indelible ink and brushes, and Danida contributed to the funding of publicity for the voter registration exercise.

It must be noted that the funds from the EU were withheld and only released in September 2001, as a way of compelling the Zambian government to follow through with the promises it had made regarding changes to the legal and constitutional framework prior to the 2001 elections. The EU, in fact, was the only donor to set some pre-conditions on its electoral support. There was a suspensive clause in the Financial Agreement⁵⁰ that specifically spoke to this: 'The Commission in consultation with member states reserves the right to suspend the endorsement of the contract in case it finds the conditions of a conducive environment for free and fair elections unsatisfactory.'⁵¹ One of the conditions for disbursement was that Chiluba would not seek a third term, although as the elections drew closer it became clear that this was not to be.

The ECZ was denied access to EU funds on the claim that other crucial conditions had not been met. For instance, the ECZ was requested to level the playing field and to ensure that the registration of voters would be effected on a continuous basis. The monies, which had been negotiated the previous

year,⁵² were only released in September 2001 as an act of faith, although according to the EU the conditions were never fulfilled. This, the ECZ states, only delayed the process.

Not all donors believed in attaching conditions to their electoral support, on the understanding 'that they only become an obstacle to change, and thus delay funding in a messy environment'. Some asserted that the EU conditions were unrealistic. Despite obvious inadequacies displayed by the ECZ, such as its lack of independence from the executive, this group of donors felt that 'they needed to support the administration, as it was the only one they had'. As a result, many of the bilateral donors commenced funding to the ECZ in 2000, which, according to the ECZ, helped to facilitate the delimitation and registration processes and generally moved the process forward. Whatever requirements they placed on their funding, ECZ commissioners charged that their constant liaison and interaction with the donor community assisted the commission to meet some of these requirements.

The tense relationship between the ECZ and some donors, in particular the EU, hampered the ECZ's collaboration with donors and delayed the process even further. Donors, especially the Head of the EU Election Observer Mission, were accused of being highly critical, overt and confrontational in their deliberations with the ECZ. Donors, in turn, accused the head of the ECZ, saying 'they found him difficult to work with'. Generally, the donor community felt that the ECZ leadership engendered mistrust and suspicion. These tensions between the two camps further intensified when the government suggested that national sovereignty was at stake as a result of donor interference. Zambia's highly contested elections and the events that occurred during and after the elections, showed how difficult it is for donors to draw a line. It is hard to distinguish their involvement in local political processes: is their interference arbitrary or are they referees aiming to bring about consensus in the political struggles? There were many cases when foreign donors, and later international election observers, directly broached some issues relating to election fraud and electoral arrangements, with the ECZ believing that it was not their place to do so.

The poor performance of the ECZ during the elections evoked concern among many donors, the NGO community and other relevant electoral stakeholders.

Analysts later concluded that many of the ECZ's managerial shortcomings and technical weaknesses were, in fact, a product of underfunding and not, as was initially observed, deliberately caused by ECZ members' partisan affiliations and biases, or even by political interference. It seems that the ECZ was paralysed by a lack of resources due to the government's refusal to provide adequate funding.

There have so far been three general elections in Zambia under the multiparty dispensation, which is more than most countries in the region. Since 1996, therefore, the ECZ has been responsible for two general elections as well as for the local government elections that took place in 2000. Consequently, the commission should by now be in a position to perform better. This is partly the reason why it was concluded that the ECZ's administrative inefficiencies were due to insufficient funding, rather than to intentional fraud aimed at affecting the outcome of the elections.

Similarly, on several occasions during consultations, stakeholders commented 'that the ECZ managerial capacity had always been an issue of concern to them and that it needed a lot of improvement and sufficient funding'. Some areas that would improve the ECZ's management and administration capacity have been highlighted. These include the need to have effective internal management and financial control systems and highly qualified staff. Although, since the 2001 elections donors have initiated several programmes aimed at building the capacity of the ECZ, it was charged that the trend has been to deal with these issues at the last minute, and not enough is done in terms of administrative reform and the development of management skills.⁵³ By focusing on strengthening its managerial capacity, it is hoped that the ECZ will be in a position to function more effectively for the next election. In addition to improving its delivery capacity, it was announced that new funding arrangements were necessary. The Zambian government should be made to fund elections adequately and on time, or other arrangements should be made to ensure that the ECZ is able to undertake medium- and long-term planning, thereby enabling it to organise elections effectively.

Lack of independence also affected the ECZ's delivery capacity. According to one donor representative: 'In theory, the ECZ is highly independent to

manage the processes, but in reality the situation is different. In principle [the ECZ is] accountable to parliament, which does not necessarily dictate upon them (sic) ... this makes the ECZ feel insecure and that sense of insecurity leads them into doing favours.'

This sentiment is widely expressed among the various electoral stakeholders in Zambia. There is broad consensus that the commission is not truly independent. As a result, a number of concerns were raised during the consultations, specifically regarding the exercise of the ECZ's functions: in many instance the commission would ultimately depend on the executive for the implementation of its various programmes. This dependence or control over the ECZ was particularly exercised by the executive when it came to disbursing funds for its various tasks. Again, it must be emphasised that the commission was not given the necessary resources from the Ministry of Finance; the government arm responsible for its finances. This was further compounded by government delays in the releasing of funds. When the Finance Ministry disbursed the necessary funds, decisions about the areas of focus for funding were most likely influenced by the executive, which inevitably undermined the ECZ's operations and effectiveness. These concerns were expressed mainly by individuals within political parties and civil society regarding the funding of the electoral commission during the course of our consultations.

Due to the considerable technical and financial support that donors provided to Zambia's 2001 elections, some donors were keen to know if they had received value for their money. As a result, donors recently contracted a South African NGO to assess the effect of their support and to evaluate the overall impact and role of their investments in these elections. We were informed that this evaluation of donor coordinated aid will be used as the basis for a workshop, where the findings will be discussed with all relevant stakeholders. According to the evaluation (and in the words of a donor representative): 'The concluding finding was that, in general, the money on election-related projects was well spent, although the ECZ did not provide work in accordance to an agenda that the donor community was expecting.'

The ECZ carried out a similar assessment of donor assistance for its own internal use.⁵⁴ The assessment evaluated whether the activities funded by

donors contributed towards the effectiveness and quality of the commission's work. The assessment also offered recommendations on what the role of donors should be in the future, as well as lessons to be learned from the 2001 elections. To begin with, the commission's members hope this will be a trend that will continue, and if not, they have faith that 'the government will cover the funding'. On the issue of conditionality, those interviewed said that: 'Without such interference we would have been able to run elections more smoothly; it would have been easier because it would have given us more time to focus on our work. The problem with donors is that they came as funders, observers and judges; they tend to be players rather than facilitators.' In addition, the report recommended that, ideally, the role of the donor community should be supportive, in that donors should recognise that the operational needs in running elections may vary from country to country. An ECZ respondent charged: 'Donors were, on the one hand, supportive of the process in terms of financing but not interested in the design.'

Overall, the ECZ felt that donor funding did effectively assist the commission in conducting the 2001 elections. Donors' logistical and technical support, in particular, strengthened the ECZ's financial management systems, especially through the employment of financial consultants and key accounting staff. In election-related areas, donor funds made it possible to extend voter registration, which enabled both the NGO community and the ECZ to raise the number of registrants.⁵⁵ The donor community appropriately met most of the commission's requests for material assistance, although some materials were procured late and were not within the ECZ's specifications.⁵⁶ The evaluation report of EU election support conducted by an EU evaluation mission is in agreement with the above assessment. According to the report, the procurement procedures of the ECZ were not followed or were ignored; the supplies to both the ECZ and the DNR were not linked to a timetable or activity plan. As a result, most of the material did not correspond to the specifications and were delivered late.⁵⁷

Support for civic and voter education

Many NGOs in Zambia are involved with civic education, aimed at improving citizens' participation in governance. The most prominent of these NGOs are Anti Voter Apathy, Women for Change and the women's lobby

group. Like the Irish Embassy, which has taken the lead in the electoral reform process, support for civic education is coordinated by the Netherlands Aid agency, to ensure a practical division of labour. Donors contributed up to K45 billion to NGOs for election-related activities and among these there was a focus on increasing voter participation. Women for Change, for example, instituted a human rights programme on public participation in politics, the aim of which was to improve its beneficiaries' ability to articulate issues of governance and to increase their participation in politics. Part of the project was to provide vital information to improve people's participation and to allow them to choose leaders on the basis of issues, as well as on who was going to represent them effectively. 'Politicians like driving on people's ignorance', charged several of the NGOs interviewed. NGOs are therefore working, through popular education methodologies, towards building the capacity of citizens, as well as building the critical mass within the community to be able to bring politicians to task and hold the leadership accountable.

It is in these initiatives that donor investment has been significant. We were informed that 'civic education focusing on how to get communities to vote is bearing fruit, and has been working effectively'. According to NGOs implementing voter and civic education programmes through the conducting of workshops, fieldwork and media programmes both at the national level and in provinces, 'there is evidence that people have begun to understand their role and to analyse critically the causes of their own conditions'. That said, donor support for these programmes tends to be election specific.

Most donors approach NGOs a few months before an election. During the months leading up to the elections, for example, 27 NGOs funded in part by the EU carried out an assortment of voter education activities. According to one donor representative: 'Only a few of these had a good track record, and actually carried out voter education efficiently. Most ... relied on donor resources, without a serious agenda [and] as a result there has been some abuse in the sense that they have not gone through to meeting the programmatic ends.' Some funding agencies have recognised these shortcomings and are attempting to overcome them by providing assistance for a critical re-examination of civic education and the development and testing of new approaches. It is important to have the right agenda and facilitative interventions. Most of all, programmes need to be part of a broader

process of improving participation in electoral processes, and not just focusing on elections.

Generally, many of the electoral NGOs were appreciative of the role played by donors in the 2001 elections. They agreed that the financial contributions they received had made it possible for NGOs to contribute sufficiently to the election preparations. In their opinion, if left entirely to the government, the elections would not have received adequate attention; hence the remark: 'Without donors we can as well forget about democracy.'

DONORS NEED POLICY CHANGE

In the wake of the 2001 elections, it has become apparent that other areas need work. The customary practice for most donors has been to focus on election administration, leaving other governance issues in the periphery. It was stated that fundamental governance areas associated with election administration needed to receive equal attention from the international community. For instance, it was felt that due to the incoherent funding practices deployed for political parties during the elections, the international community should use this time to address the important question of how to fund political parties. Equally importantly, they should commence discussions with the government regarding the measures that need to be put in place to ensure that the government does not access public resources. Instead, some civil society groups believed that the opportunity for discussing such pertinent issues would not be utilised to its full potential before the next election. Some have even gone as far as saying that 'since the elections they are confused in terms of what donors want to do'.

On a lighter note, despite the backseat that donors seem to have taken in the aftermath of the 2001 elections, donors say that they will hold the government accountable to a fair level of democratic standards. Donors believe that unity and cohesiveness amongst them must be maintained while they work towards supporting (financially and technically) democratic governance in Zambia. Moreover, many inadvertently stated that appropriate assistance for future elections, and for Zambia's other democratic processes, would be available provided that the outstanding issues which came up during the 2001 elections are settled to the satisfaction of the opposition, donors and the Zambian people. Given that there was dissatisfaction with the way the

ECZ used donor funding, the issue of late has been to discern whether or not such donor funding will be available for future elections. The indication within the donor community is that such support will likely be forthcoming provided, as stated above, the Zambian government functions within the framework of a coherent and comprehensive programme of reform.

Constitutionalism: The re-emergence of the constitution debate

The issue of the constitution is not new; rather, it is unfinished business that seems to come up in differing phases and contexts. The first Constitutional Review Commission (CRC) – or the Mwanakwate Commission – was conducted in 1994 and was chaired by John Mwanakwate, a former UNIP Minister of Finance. Since 1991, Zambia has been using an interim constitution, which was only accepted in order to facilitate an early multiparty democracy. By 1994, however, there were calls for a totally new constitution, but one which would come out of national consultation, and be approved through a constituent assembly.⁵⁸ This push to review the constitution is seen in Zambia as a broadening of participation in politics by the ordinary person in the street as a result of the proliferation of political parties. More so, the work on a constitutional review began following considerable donor support and pressure.

Mwanawasa confronted a similar urge from the public for a review of the constitution, in particular because one of his pre-election promises was to revise the constitution. His list of constitutional amendments and issues for negotiation had included the constitutional amendment act, the electoral process, the electoral commission and generally the conditions for the creation of a level playing field – not forgetting the removal of some of the controversial constitutional clauses instituted by Chiluba concerning the qualifications for candidates wishing to run for the presidency. Most obviously, a further issue for review was the clause relating to parental qualifications, commonly known in Zambia as the ‘third generation’ clause. This clause stated that both parents of a presidential candidate had to be Zambian by birth or decent.

The review of the constitution was seen once again as an opportunity to make amends and to accommodate the many liberal recommendations that were made in 1996 by the CRC, and subsequently rejected by Chiluba. Most

of the 1996 recommendations tackled the excessive power of the presidency and focused on making the government more accountable. Since the 2001 general elections, the focus of this review has been on laws governing elections; the recommendation being that the legal framework for the electoral process should be harmonised and made consistent with the overall constitutional changes.

The review of the constitution has, not surprisingly, attracted much donor attention. As always, donors in Zambia have a tendency of showing strong support for the government in their dealings with issues of maintaining democracy. In this particular case many donors are supporting the president's plans on how he would prefer the CRC to materialise. A donor representative remarked: 'We think that the president has been very open.' Donors have expressed appreciation of the government's acknowledgement of the need for a proper national debate regarding the CRC's proposals, whether it be in a constituent assembly or in parliament. However, if the final decision is to go through a constituent assembly, donors would like the CRC to stipulate how the constituent assembly would be proposed and set up. A constituent assembly is seen as the best way of ensuring that the constitution is adopted by all stakeholders. They propose that a new constitution should be debated in a constituent assembly followed, perhaps, by a referendum; although political tradition is to have it passed via the national assembly / parliament. Mwanawasa's government has not yet made a decision on this proposal, which has become the main point of contention within the opposition and NGO community. In the meantime, the donor community is willing to support (technically and financially) the constituent assembly and other related processes once a decision is made.

Not all are happy with the way the government has conducted the CRC. Most opposition parties and pro-democracy NGOs are against the review commission. They feel that participation in the debate is being narrowed down to parties that suit the government's interests. As one NGO activist confirmed: 'The adopted enquiry process is not the best way of capturing the views of the people for [constitutional review]. These few parties involved have a certain agenda, and interest to uphold.' Generally, the opinion in all sectors was that the government lacked adequate consultation with relevant sectors and with the public in general. Likewise, the support that donors

have given to such unconstitutional and flawed processes has not been well received by the NGO community and has been widely opposed by many pro civil organisations. The general sentiment expressed among this group was that 'all the populace desire and advocate for is a constitution that is being viewed as the people's constitution and one that is not doctored'; emphasising the need for public consultation. Some of the more actively involved NGOs have even agreed to enact a law that specifies that the CRC's proposals will not necessarily go through the inquiry's act; a necessary prerequisite for the CRC's proposals, says Mwanawasa.

At the beginning of Mwanawasa's reign the re-emergence of the constitution debate and the people's desire to have the recommendations formally adopted in a constitutional assembly, was the highest priority among the Zambian populace and thereby crucial for Mwanawasa's political integrity. This is no longer the case. The CRC, we were told, is now in the background. It seems that Zambia goes through peaks of crises with little continuity, and as a result debates on the CRC and other reforms – including electoral reform and political funding – are usually left at the level of rhetoric with very little focus on the steps that should be put in place.

Electoral reform

Acting on the observer mission recommendations, the government has promised to reform the electoral system and to put a team in place to carry out the necessary reforms. It is worth noting that the legal framework for the electoral process is contained primarily in the 1996 constitution, and, as it stands, there are a number of inconsistencies and gaps within this legislative framework which need to be clarified. Already donors have expressed interest in funding these reforms. The first indication of this support was the establishment of a donor coordinating group on electoral reform support, led by the Irish Embassy. Any fundamental review of the electoral system will first require constitutional amendments, and thereafter the process will entail a review of the electoral act, the electoral commissions act and other statutory provisions to ensure that they are in harmony with the constitution and are internally consistent. As a donor representative pointed out: 'The electoral system needs to be removed from the clutches of the executive, which needs to start with a constitutional reform.' The government has so far only indicated that there are plans to reform the electoral system, without

necessarily committing itself to a specific reform framework or deadlines. This delayed response has irked some donors, especially after they had shown their willingness to support the process both technically and financially. Some donors said that in April 2004 the government promised to submit a proposal on electoral reform to the donor community. Four months later, however, the process had still not started and the government had not come up with its promised action plan for reform. For their part, the donor community has taken steps to establish a technical committee where jointly as donors they have taken the opportunity to look at a number of electoral reform issues. The expectation was that the government would have moved on some of these issues by now. The question for this group, therefore, is whether the government will actually move forward. Perhaps, they suggested, the next stage will be for donors to ask for a new meeting and to renew their interest in funding the reform process.

Donor support for political parties

Political parties claim to be funded by well wishers from home and abroad. Various respondents told us that this category included foreign donors, and there is ample evidence that donors have contributed substantially to political parties' coffers. These contributions have come mostly in the form of assistance to party polling agents, providing media outreach to offset biases in the official media, setting up conflict resolution programmes and capacity building packages through NGOs such as FODEP and the ZNWLG, which supported female candidates in the elections. Much of the support provided, particularly in training and the deployment of party agents, was highly welcomed by political parties, especially given that many were new party organisations with limited experience and with basic and undeveloped structures in place. Through the donor-driven party polling agents' project, political parties were able to employ their own monitoring systems via NGO-trained polling agents. The channelling of donor support, both technical and financial, through certain NGOs was, however, not all that well received by political parties. Some parties expressed dissatisfaction at the quality of NGO interventions. Others preferred to have donor funding distributed directly to individual parties, but channelled via independent structures, such as a multiparty fund.⁵⁹

There had been some talk from the government on devising an ad hoc formula for party funding that both the ECZ and opposition parties needed to

negotiate. At first, parties that took part in these negotiations proposed to have a similar scheme as that which exists in Mozambique. Little consideration, however, was given to these suggestions. It was generally felt that serious reflection would need to be given to long-term ways of providing resources for parties from public funds. However, there has been an on-going, lively debate that political parties must be funded by the government, especially when the ruling party, without reservation, uses state resources to subsidise its own campaigns. Mwanawasa has made it clear that this would be impossible, with the Zambian government now close to bankruptcy. It is perhaps a subject ready for reconsideration at the national constitutional review consultations, and donors should use this opportunity to encourage the government to commit itself to funding parties.

While no donor agencies working in Zambia currently provide direct funding in support of political parties, most of them could consider doing so if the atmosphere allowed. The Embassy of Norway, for example, said that it would be willing to make money available to a joint funding scheme, similar to the one currently used in Mozambique, if such a system could be established.⁶⁰ In many democracies where regulations are in place to control party and campaign funding, there is an absolute ban on foreign funding. The justification is clear: foreign interests should not be given an opportunity to influence unduly the right of nationals to determine their own political future. Even where no such ban exists, there are disclosure rules and other limitations on such foreign funding.

In relation to this, the debate is also currently on instituting appropriate rules and regulations to control campaign and party funding. Although political parties in Zambia are required to mobilise support from sources other than the government, there are no laws that limit the amount or use of such funding. The ECZ, in addition, has no control over party funding. These regulations should also include requirements that force political parties to disclose their sources of income; the current code of conduct features no such requirement. The law at present does not compel political parties to publish their accounts or to disclose their sources of funding. Such disclosure would not only allow a fairer playing field for political parties during elections, but would, among other things, restrict parties' financial backers from influencing their operations.

Parliamentary development

It was only after the 2001 elections that donors found reason to implement parliamentary reforms. For the first time a multiparty legislature existed in Zambia, with the opposition representing 71% of voters and holding just over 50% of the seats in parliament. This meant that the National Assembly now comprised a large number of opposition parliamentarians. Eight different parties had representatives in the National Assembly, as follows: MMD – 71; UNIP – 13; UPND – 46; HP – 2; PF – 1; FDD – 12; ZRP – 1; and one independent MP.⁶¹ Parliament has predictably become more fragmented than in the past. This different composition in parliament gave many donors an opportunity to refocus their parliamentary reform interventions and to design efforts that would improve parliamentarians' participation in the legislature. The parliamentary reform process has consequently been funded by many donors. It aims to reinforce parliament to counterbalance the executive. PACT, an independent international non-profit corporation, has taken the lead in administering this reform process. The reform process for parliament has largely focused on improving parliamentarians' understanding of the workings of parliament. This has been done through workshops, providing technical assistance and training programmes.⁶² These reforms have continued despite the recent cohabitation of opposition members into the ruling party. Donors need to continue to focus on uplifting parliamentary work.

VI

CONCLUSION AND RECOMMENDATIONS

Claude Kabemba

Although Zambia has been a pioneer in showing the way to multipartyism, it has failed to progress towards some form of democratic consolidation. Instead, the country has regressed, and it is surely not the best example to follow as far as the democratisation process is concerned. The failure of the political elite to respect the autonomy and independence of institutions such as the ECZ and the justice system is the biggest weakness of the unfolding democratisation process in Zambia. Despite the strength of Zambia's civil society, it has not been consistent in keeping leaders accountable and forcing respect for state institutions.

The Zambian democratisation process is increasingly confirming the assertion that democracy does not flourish in a poverty-ridden society. Poverty unfortunately seems to be dictating the behaviour of political actors. The weakness of political parties is firstly caused by lack of finances. Parties in Zambia rely on party members' contributions. A poor Zambian population has abandoned its civic responsibility, leaving parties at the mercy of 'patrons'. Political party leaders are also affected by hunger and are readily prepared to be incorporated by the most powerful. The floor-crossing of MPs and political leaders abandoning their parties in the aftermath of the election – giving the ruling party almost a majority in parliament, which it did not have following the 2001 elections – demonstrates that democrats in Zambia pursue the politics of survival, rather than the control of political power for the benefit of the nation. Unless citizens are empowered both economically and politically, patronage will remain the most effective campaign tool in Zambia. This environment has seriously affected the positioning of women in the political arena. Zambia has also shown a serious lack in terms of political leadership, both at the national level and within political parties. A new generation of politicians is urgently needed in Zambia to break with the culture of impunity that has come to characterise its politics.

The organisation of elections needs to be improved. It is common to hear Zambians say that it is impossible for the ruling party to lose an election, not

because it is politically strong but because it uses its incumbency either to manipulate or simply rig the elections. Citizens' lack of trust and confidence in the electoral process suggests that constitutional and electoral reforms are urgently needed. Most of the reforms that the MMD government campaigned for in 1991 – constitutional reforms, electoral reforms and good governance – have not been introduced. People doubt whether the recommendations of the current CRC will be implemented. It is here that the work of opposition parties and civil society is most needed. In Zambia, however, weak opposition parties – many of which have already been co-opted into the MMD – would not present a strong challenge to the ruling party or, correctly put, to the president.

For a smooth democratisation process to be restored in Zambia, the following must happen:

For the administration of elections

A truly independent electoral commission is needed in Zambia. The current arrangement for the appointment of commissioners is, in the view of many, unsatisfactory. At present, the president selects and then appoints the commissioners. There is no independent element in this process nor are there any criteria for selection. Parliament is then requested to ratify the president's decision. A more open and transparent mechanism is required involving all stakeholders, including political parties, to ensure that the ECZ is not only independent but, equally importantly, is also generally *perceived* to be such. Zambia could perhaps follow EISA's Principles for Election Management, Monitoring and Observation in SADC (PEMMO), which recommends that commissioners be selected by a panel of judges, set up by the chief justice (or equivalent) on the basis of the individual's calibre, public stature, public respect, competence, impartiality and knowledge of elections and political development processes. The selection of commissioners should be done in consultation with all political parties and other interested stakeholders. The selected commissioners should be approved by parliament.

For political parties

The problem related to party funding (this point is linked to the first point) must quickly be resolved for Zambia to have a stable party system. There are options available to Zambia to improve the quality of its party system.

The problem of underfunded parties can, and should, be remedied through a state funding scheme. This would assist parties in building stronger organisations and would level the playing field between the opposition and the ruling party. Party funding should, however, be implemented in tandem with strict rules to control the registration of new political parties. New parties should, for example, be required to demonstrate support in more than one province, and the amount of funding should be proportional to demonstrated support. International experience shows that even in mature democracies, laws to control the funding of political parties are often flouted. It is therefore necessary that appropriate enforcement mechanisms are in place to ensure compliance. Enforcement demands a strong authority endowed with sufficient legal powers to supervise, verify, investigate and, if necessary, institute legal proceedings.

For civil society

Civil society must be capacitated beyond sporadic courageous actions. CSOs in Zambia have demonstrated from time to time that they can be effective in holding government and rulers accountable. The ability of CSOs to work together has been demonstrated on different occasions. Their response to the third-term bid is one such example where civil society stood as a block against the threat of a third presidential term. Nevertheless, this capacity is only observed in extreme situations; for the rest of the time, civil society retreats into a comfort zone. This is why civil society has for many years failed to persuade the political leadership to introduce the constitutional and electoral reforms promised since the country's return to multipartyism in 1991.

For constitutional and electoral reforms

It is suggested that there has been a 'loss of trust in the political system' which 'may have a serious negative effect on the electoral process' and thus undermine the country's peace and stability. This would certainly have intensified following the 2001 elections. Political parties and CSOs are worried about the functioning of the electoral system; and, in particular, about the ECZ's weakness and lack of transparency as well as the excessive influence being exercised by the executive over the electoral process.

The review's main aim should be to reduce the power of the president in Zambian politics. The call for a review of the constitution and the introduction

of electoral reforms is not new. Previous attempts were blocked by the unwilling president, who saw in the changes a threat to his power and his political party. Zambia would be better off if it were to move from a presidential system to a parliamentary system, and from a first-past-the-post (FPTP) electoral system to a proportional or mixed-member proportional system.

Continuous voter registration on the basis of a civil register is needed in Zambia. The relatively low level of voter registration for the 2001 elections, and the failure to undertake a timely and comprehensive process of delimitation, are some of the reasons why on-going registration is necessary and unavoidable. Other issues, such as the date of elections, need to be clarified in the constitution or the electoral act, and the code of conduct for political parties needs to be enforced.

An independent broadcasting authority is also urgently needed in Zambia. The government/ruling party's control of the national broadcaster has had a negative impact on party competition.

Concerns have also been raised over the ruling party's control of the political system: this is not good for the healthy development of Zambian democracy. Despite the democratic dispensation, Zambia seems to be locked in a one-party state mindset and political culture. The FPTP system, coupled with the ban on elected members of parliament crossing the floor and, more perniciously, the requirement for MPs to stand for re-election if expelled by their party bosses, tends to petrify politics and strengthen the influence of party apparatchiks.

For democratic assistance

Democratic assistance needs to be maintained, even increased and coordinated. Zambia cannot organise an election without external financial and logistical support. The ECZ and CSOs have benefited immensely from Western donors' financial contributions to the democratic process. Political parties have also benefited in terms of funding for their media campaigns. Without external support, prospects for democracy in Zambia appear very bleak indeed.

NOTES

- ¹ P Nordlund, *Organizing the Political Agora: Domination and Democratization in Zambia and Zimbabwe*, Uppsala, 1996, p 59.
- ² J Mwanakatwe, *End of Kaunda Era*, Multimedia Publication, Zambia, 1994, p 85.
- ³ Ibid.
- ⁴ Interview, UNIP, 23 July 2003.
- ⁵ F Macpherson, *Kenneth Kaunda of Zambia: The Times and the Man*, Oxford University Press, London, 1974, p 429.
- ⁶ C Landsberg & C Kabemba, *Partnership for Real Africa. Swedish donor assistance, democratization and economic growth in Africa*, Centre for Policy Studies, 1997, p 18.
- ⁷ Ironically, the clause sparked controversy on the legality of President Chiluba's presidency, since there were claims that he was Congolese.
- ⁸ C Landsberg & C Kabemba, op cit, p 18.
- ⁹ G Erdman & N Simutanyi, *Transition in Zambia: The Hybridisation of the Third Republic*, Konrad Adenauer Foundation, Occasional Papers, Zambia, December 2003, p 27.
- ¹⁰ P Burnell, *The Party System and Party Politics in Zambia: Continuities Past, Present, and Future*, *African Affairs*, 2001, pp 100, 239-263.
- ¹¹ Interview, UNIP, 23 July 2003.
- ¹² Interview, Neo Simutanyi, researcher and lecturer, Institute of Economic and Social Research, University of Zambia, 23 July 2003.
- ¹³ *The State of Political Parties in Zambia*, Assessment conducted by the National Democratic Institute for International Affairs (NDI) and the Foundation for Democratic Progress. Executive Summary, published July 2003, Lusaka, Zambia, p 8.
- ¹⁴ View expressed by representatives of Women for Change, Zambia National Women's Lobby Group, Afronet and others.
- ¹⁵ Interview, Chairman of Elections, Member of the National Executive Committee, MMD, 25 July 2003.
- ¹⁶ Interview, UPND, 24 July 2003.
- ¹⁷ *The State of Political Parties in Zambia*, op cit, p 14.
- ¹⁸ M Ndulo, International IDEA-SADC Conference, Towards Sustainable Democratic Institutions in Southern Africa, Political Parties and Democracy in Zambia, International IDEA, Stockholm, Sweden.

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- ¹⁹ Interview, Women for Change, 21 July 2003.
- ²⁰ Background to the 2001 Zambian Election, *Zambian Election Update* No. 1, 24 September 2001, p 6.
- ²¹ Interview, Neo Simutanyi, 23 July 2003.
- ²² Interview, Women for Change, 21 July 2003.
- ²³ Interview, Zambia National Women's Lobby Group, 23 July 2003.
- ²⁴ Interview, UPND, 24 July 2003.
- ²⁵ Interview, UNIP, 23 July 2003.
- ²⁶ Interview, MMD, 24 July 2003.
- ²⁷ Ibid.
- ²⁸ B Osei-Hwedie, The Role of Ethnicity in Multi-Party Politics in Malawi and Zambia, *Journal of Contemporary African Studies* 16(2), 1998, p 232.
- ²⁹ J Momba, *The Monitor*. Cited in B J Phiri, *Democratisation in Zambia: The 2001 tripartite elections*, Africa Institute of South Africa, Pretoria, 2002, p 19.
- ³⁰ Ibid.
- ³¹ Interview, UPND, 24 July 2003.
- ³² B J Phiri, op cit, p 20.
- ³³ Ibid, p 21.
- ³⁴ B Osei-Hwedie, op cit, p 235.
- ³⁵ Interview, Zambia Information Services, 21 July 2003.
- ³⁶ Interview, Zambia National Women's Lobby Group, 23 July 2003.
- ³⁷ B J Phiri, op cit, p 21.
- ³⁸ Interview, Member of the National Executive Committee, MMD, 24 July 2003.
- ³⁹ Interview, Oasis Forum, 24 July 2003.
- ⁴⁰ The commission, however, seems to believe that the constitution already provides for it to be 'independent' as well as 'autonomous', but this is not the case. See, 2001 Presidential, Parliamentary & Local Government Elections, report from the Electoral Commission circulated to diplomatic missions in Harare, 16 January 2002.
- ⁴¹ Electoral Act Chapter 13 (section 13) of the Constitution of Zambia[0].
- ⁴² D Zamchiye, T Sheey & C Kabemba, *Zambia Election 2001: Evaluation of the electoral process*, EISA 2002, unpublished. John Sandwe, Director of Elections, UNIP, complained that the ECZ has no 'backbone' to stand-up to the government, which is itself not trusted by the opposition parties. Mambo Baxton, Elections Secretary, UPND, believes that the ECZ has a hidden agenda. Although nominally independent, it is clear from the

way that the commission responds to the concerns of political parties that it is willing 'to be used by the government'. The ECZ is willing to exchange information but not to engage in any serious consultation: it only really listens to the government. The commission must become totally separated from the government and report to parliament.

⁴³ Even estimating the registration rate proved to be highly problematic. Initial estimates released by the Central Statistics Office indicated a voting population of 3.6 million (implying a registration rate of 71%). The Central Statistics Office subsequently revised its estimates to 4.8 million - an increase of one-third. The latter figure implies a registration rate of 55%. However, it also implies a population growth of three per cent a year after 1996. This is unlikely. In the 1990s, economic collapse and a high HIV / AIDS prevalence rate reversed what had been seen as an inexorable 'demographic transition' to low fertility and low mortality rates. The collapse of the health system under the structural adjustment programme, coupled with the impact of HIV / AIDS on the adult population, make it improbable that a population growth this high could have been maintained over the period in question. Consequently, the population estimates have to be treated with some caution.

⁴⁴ Mkushi South is represented by the dot on the bottom left of the graph.

⁴⁵ G Erdmann & N Simutanyi, *op cit*, p 83.

⁴⁶ Using the rate of US\$1 to 5.5 Finish Markkaa (FIM), average exchange rate in September 2003.

⁴⁷ A total of €500,000 was directed to the Department of National Registration.

⁴⁸ V De Herdt & G Saphy, *Evaluation Report of the European Community's Support to Zambia on Democracy and Good Governance*, Brussels, 21 April 2003.

⁴⁹ At the prevailing exchange rate in 2001, which was K3,819.06 to one US dollar.

⁵⁰ In preparation of the 2001 elections, both the EU and the Republic of Zambia signed a Finance Agreement in November 2000 that specified the areas of support; these were technical support and supplies to the ECZ and DNR, the establishment of the EU electoral unit for activities related to civic education and NGOs, and providing funds for the election observation mission.

⁵¹ The effect of this clause was in fact lifted on 15 June 2001.

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- ⁵² Ibid.
- ⁵³ V De Herdt & G Saphy, op cit.
- ⁵⁴ Assessment of the donor assistance received by the ECZ for the 2001 tripartite elections. A short assessment drafted by the ECZ and distributed to the EISA team during interviews with some members of the commission, 22 July 2003.
- ⁵⁵ K Chirambo, N Nel & C Erasmus, *Evaluation of donor investments for the 2001 Zambian presidential, parliamentary and local government elections*, Institute for Democracy in South Africa (IDASA), June 2003.
- ⁵⁶ Assessment of the donor assistance received by the ECZ for the 2001 tripartite election, op cit.
- ⁵⁷ V De Herdt & G Saphy, op cit.
- ⁵⁸ Zambia: Democracy on trial, Report of a mission by the non-governmental Commonwealth Human Rights Initiative, CHRI Fact Finding Mission to Zambia, 28 August-5 September 1996.
- ⁵⁹ K Chirambo, N Nel & C Erasmus, op cit.
- ⁶⁰ Interview, Embassy of Norway, 22 July 2003.
- ⁶¹ Dr F Mutesa, Private funding of political parties in Zambia, a paper presented at a workshop on private financing of political parties, Leriba Lodge, Johannesburg and organised by the Institute for Security Studies, 31 October 2002.
- ⁶² PACT is a facilitator of leadership and organisational development for both nascent and established NGOs, networks and intermediary organisations around the world.

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Claude Kabemba is the Programme Manager in the Research Department at EISA. He holds a Masters Degree in International Relations from the University of the Witwatersrand, Johannesburg. His research interest lies in the area of democratisation and governance in Africa, as well as trade, regional integration, conflict resolution and social policies. He has observed elections in many African countries and has evaluated election administration in specific countries. He was part of the team that drafted the SADC Principles for Election Management, Monitoring and Observation and also participated in the drafting the Norms and Guidelines for Election Observation on the African Continent on behalf of the African Union.

ABOUT EISA

EISA is a not-for-profit and non-partisan non-governmental organisation which was established in 1996. Its core business is to provide technical assistance for capacity building of relevant government departments, electoral management bodies, political parties and civil society organisations operating in the democracy and governance field throughout the SADC region and beyond. Inspired by the various positive developments towards democratic governance in Africa as a whole and the SADC region in particular since the early 1990s, EISA aims to advance democratic values, practices and enhance the credibility of electoral processes. The ultimate goal is to assist countries in Africa and the SADC region to nurture and consolidate democratic governance. SADC countries have received enormous technical assistance and advice from EISA in building solid institutional foundations for democracy. This includes electoral system reforms; election monitoring and observation; constructive conflict management; strengthening of parliament and other democratic institutions; strengthening of political parties; capacity building for civil society organisations; deepening democratic local governance; and enhancing the institutional capacity of the election management bodies. EISA is currently the secretariat of the Electoral Commissions Forum (ECF) composed of electoral commissions in the SADC region and established in 1998. EISA is also the secretariat of the SADC Election Support Network (ESN) comprising election-related civil society organisations established in 1997.

VISION

Realisation of effective and sustainable democratic governance in Southern Africa and beyond.

MISSION

To strengthen electoral processes, democratic governance, human rights and democratic values through research, capacity building, advocacy and other strategically targeted interventions.

VALUES AND PRINCIPLES

Key values and principles of governance that EISA believes in include:

- Regular free and fair elections
- Promoting democratic values
- Respect for fundamental human rights
- Due process of law / rule of law
- Constructive management of conflict
- Political tolerance
- Inclusive multiparty democracy
- Popular participation
- Transparency
- Gender equality
- Accountability
- Promoting electoral norms and standards

OBJECTIVES

- To nurture and consolidate democratic governance
- To build institutional capacity of regional and local actors through research, education, training, information and technical advice
- To ensure representation and participation of minorities in the governance process
- To strive for gender equality in the governance process
- To strengthen civil society organisations in the interest of sustainable democratic practice, and
- To build collaborative partnerships with relevant stakeholders in the governance process.

CORE ACTIVITIES

- Research
- Conferences, Seminars and workshops
- Publishing

- Conducting elections and ballots
- Technical advice
- Capacity building
- Election observation
- Election evaluation
- Networking
- Voter / Civic education
- Conflict management
- Educator and Learner Resource Packs

PROGRAMMES

EISA's Core Business revolves around three (3) main programmes namely (a) Conflict Management, Democracy and Electoral Education; (b) Electoral and Political Processes; and (c) Balloting and Electoral Services.

CONFLICT MANAGEMENT, DEMOCRACY AND ELECTORAL EDUCATION

This programme comprises various projects including voter education, democracy and human rights education; electoral observation; electoral staff training; electoral conflict management; capacity building; course design; citizen participation.

ELECTORAL AND POLITICAL PROCESSES

This programme addresses areas such as technical assistance for electoral commissions, civil society organisations and political parties; coordination of election observation and monitoring missions; working towards the establishment of electoral norms and standards for the SADC region; providing technical support to both the SADC-ECF and the SADC-ESN.

BALLOTING AND ELECTORAL SERVICES

The programme enhances the credibility and legitimacy of organisational elections by providing independent and impartial electoral administration, management and consultancy services. The key activities include managing elections for political parties, trade unions, pension funds, medical aid societies, etc.

EISA'S SPECIAL PROJECTS INCLUDE:

- Rule of Law, which examines issues related to justice and human rights;
- Local Government, which aims to promote community participation in governance ; and
- Political Parties, which aims to promote party development at strategic, organisational and structural levels through youth empowerment, leadership development and development of party coalitions.

EISA'S SUPPORT SERVICES INCLUDE:

- Research
- Publications
- Library
- Information and Communication Technology (ICT).

EISA PRODUCTS

- Books
- CD-ROMS
- Conference Proceedings
- Election Handbooks
- Occasional Papers
- Election Observer Reports
- Research reports
- Country profiles
- Election updates
- Newsletters
- Voter education manuals
- Journal of African Elections
- Election database

GOVERNANCE STRUCTURE

Patrons

EISA's patrons are His Excellency Sir Ketumile Masire, former President of Botswana and the instrumental broker of the peace negotiations that ushered peace and reconciliation in the Democratic Republic of Congo in 2002 and Mr. Cyril Ramaphosa, a key negotiator during the political transition to democratic governance and majority rule in South Africa in 1994 and a businessman of standing in the new South Africa.

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