Prof. Muna Ndulo

Executive summary

The paper looks at political parties and their role in democratic governance with specific reference to Zambia. Political parties play an essential role in governance and the democratic process. The paper discusses the subject along the following headings: political parties and governance, underlying features and problems of African political parties, financing of political parties, and the participation of women in politics. Political parties act as agencies for the articulation and aggregation of different views and interests, serve as vehicles for the selection of leaders for government positions, and organize personnel around the formulation and implementation of public policy. Before considering the above issues, the paper outlines the elements of democratic governance. It identifies a number of conditions that are necessary in a democratic state including: participatory governance, accountable political systems, free speech, the rule of law, independence of the judiciary and adequate provision of democratic space for civil society to operate. Political parties in Zambia, like elsewhere in Africa, lack institutionalization, have a tendency to factionalism, lack internal democracy, are dominated by founding fathers, have a limited focus and lack alternative sets of policies to those of the party in power to cope with the major problems affecting the country. In addition, they tend to be focused on urban centers and ignore the rural areas. This is despite the fact that the majority of the people live in rural areas.

The paper shows that Zambia, like most other African countries, has a huge number of political organisations, but only few can truly be called political parties. The others are merely one-person parties of dubious creation that border on the fringes of what a political party should be. It points out that the 1996 general elections in Zambia showed the Movement for Multi-party Democracy (MMD) as the dominant party gaining as many as more than two thirds of the seats in the parliament. The MMD has conducted national affairs in disregard of the need to reach a national consensus on matters of governance. The paper argues that in the 1996 Zambian general election an electoral system based on proportional representation would have produced a more representative Parliament. The resulting legislature would have represented the diversity of opinion in Zambia. The paper argues that the ruling party has been intolerant of opposition parties and civil society and attempts to weaken them. The government uses a number of measures to harass the opposition, including making it difficult for them to exercise their freedom of assembly and abusing the criminal process by bringing dubious charges against opposition party leaders and leaders of civil society. On the participation of women, it notes that despite the fact that legal equality is recognized in the Zambian constitution, women are largely under represented in the political leadership and other levels of government. It looks at some of the contributory factors to this situation which include poverty, unfair burdens placed on women in the family, gender role stereotyping, and tradition. The paper notes that only complete equality between men and women in legal, political arrangements can create the proper conditions for human freedom and a democratic way of life.
On political funding, the paper observes that the main source of income for most political parties in Zambia is party membership cards and contributions by party members. It notes that these are totally inadequate to meet the operational needs of political parties. As a result, most political parties outside the ruling party are hamstrung in their operations by their lack of resources to finance political party work. The ruling party, on the other hand, uses government resources to supplement its limited resources. This has created a huge unfair advantage in favour of the ruling party. The situation invites a serious consideration of the adoption of the strategy of state funding of political parties which has been adopted in a number of democracies in the world. Adequate financing is vital to the viability of political parties. They need money to pay for logistics, staff, publicity, cover campaign costs and day to day costs of running a party. Without adequate financial resources, a political party cannot operate effectively.

The paper concludes by pointing out that democracy cannot be established simply because people favor democratic methods of resolving conflicts and developing a nation. The establishment of democracy demands determined and concerted efforts to bring it about. In order for democracy to take root in Zambia, there is needed to strengthen the institutions that guarantee democratic governance. This involves identifying such institutions and taking deliberate actions to build them. In addition, the people must internalize the importance and legitimacy of a constitutional system based on the rule of law. Democracy depends on values such as tolerance and trust which cannot be secured in a written document or legislation alone. Rather, the values, to gain a foothold in a given country depends on the political will of a nation.
1. Introduction

The 1990s have witnessed concerted efforts by several individual nations and the international community to transform many dictatorial governments around the world to democratic systems of governance accountable to the people, through regular and fair elections and an array of representative institutions. Southern Africa has perhaps, more than any other region of Africa, experienced the most dramatic transformation in this regard. The end of one party rule in Zambia, Tanzania, Lesotho, and Malawi, the attainment of independence in Namibia\textsuperscript{1}, the resolution of the Mozambican\textsuperscript{2} conflict, and the end of apartheid accompanied by a peaceful transformation of South Africa\textsuperscript{3} into a democratic and non-racial state were, both dramatic and rapid. These developments have, in a region otherwise long torn by racial and liberation wars, created new challenges for democracy in the region. The changes have also come at a time when there is growing worldwide consensus concerning the central role a good, efficient and capable government plays in the economic and social development of a country. The United Nations General Assembly has recognized that Democracy, transparency, accountable governance and administration in all sectors of society are indispensable factors for promoting people centered development\textsuperscript{4}, and moreover as Mandela keenly observed in his opening address at the Annual Summit of Heads of State for the Southern African Development Community (SADC) held in September 1997: “Africa’s rebirth depends on the continent’s countries and regional groupings committing themselves to democracy and respect for human rights.” Yet, in most of the countries in Southern African, democracy remains fragile and has not moved beyond the holding of multiparty elections.

The prospects for further democratization in these countries present a very mixed picture with entrenched hierarchical and repressive structures vying against a wide assortment of new initiatives. This is largely because democratic institutions ranging from legislatures, local governments, electoral bodies, political parties, the judiciary, the media, and civil society remain weak and are therefore unable to act as countervailing forces to an often powerful executive branch of government. Real and enduring change therefore will depend on increasing public participation, access to resources and the building of strong democratic institutions and the development of a strong culture of democracy. This paper looks at political parties and their role in democratic governance in Zambia. Since political parties play an essential role in the democratic political process, they need to be strengthened if democracy is to take root in Southern African countries. This implies the need for strong parties both inside and outside government. If we are

\textsuperscript{1} See National Democratic Institute for International Affairs, Nation Building: UN and Namibia (1990).
to strengthen political parties, it is essential to identify and understand the constraints and problems political parties, especially opposition parties, face in the new democracies of Zambia and Africa in general. This will enable us to determine what needs to be done to transform the current state of weak multiple small parties into strong institutionalized and democratic entities. The paper discusses the subject along the following headings: political parties and democratic governance; African political parties and underlying features and problems; the current state of political parties in Zambia; participation of women in political parties; and political party funding.

2. Political Parties and Democratic Governance

By any measure, political parties—defined as distinctive organizations whose principal aim is to acquire and exercise political power, that is, gain control of governmental apparatus—are undoubtedly a dominant feature of contemporary organized political systems. Originating in their modern form in Europe and the United States in the 19th century, political parties, as formal organizations, have spread and become ubiquitous throughout the world. And they currently play a multiplicity of vital, indeed indispensable, roles in political systems, especially so in regards to democratic governance. Political parties perform the following essential functions: first, acting as agencies for the articulation and aggregation of different views and interests; second, serve as vehicles for the selection of leaders for government positions; third, organizing personnel around the formulation and implementation of public policy; and serving in a mediating role between individuals and their government. It is for this reason that political parties, in their various manifestations, have attracted unending intellectual and public policy interest, more so in developing regions including Africa where their strengths (or lack thereof) is deemed crucial for the democratic project.

Today, most African governments, including those that are universally known to be autocratic, claim to be democratic. In justifying such claims there have been attempts to “racialise” democracy into brands of “African” democracy, which is then claimed to be different from other brands of democracy elsewhere. An example has been the use of such “racialisation” in rejecting competitive politics as un-African. Unfortunately, African experience with modern governmental systems has known little else but central executive so powerful that their claims to democracy, even “African” democracy, commands little credence. Many African leaders accepted and participated in the democratic process after the collapse of the one party systems of government as a means to an end: a vehicle or conduit for personal power. The situation is compounded by poverty. Most politicians in Africa see the state as the primary source of accumulation of personal wealth. This economic interest motivates the drive towards the monopolization of power by a single party and a narrow class of elites.

At this juncture a fundamental question, what does democracy mean, needs to be answered before we proceed with the discussion on political parties and democratic rule in Zambia. In general terms,

political parties and democracy in Zambia

3. African Political Parties and Underlying Features and Problems

Across the length and breath of Africa today, there exists several political parties, some of which are remnants of nationalist parties formed in colonial times to spearhead the demand for independence but most are of more recent origins. A brief survey of the number of political parties currently registered in a number of African countries illustrates the Party registration virus” in Africa. In Kenya there are 37; Sierra Leone-19; Senegal-34; Mozambique 20; Mali-18; Cameroon-150; Ethiopia- 59 and Zambia-42. These parties have varied widely with respect to ideological orientation, policy persuasion, organizational structure, geographical spread within their respective domains, degrees of popular participation, and length of time in existence (i.e. durability).

Of course, the experience of political parties in these African countries with different political actors, different circumstances, and different cultural milieu and disposition, is not, and cannot be expected, to be the same. Hence, it is somewhat difficult to speak in general terms on a continental level of a phenomenon that is very much nuanced even within a country's provinces. Granted, however, that the structure and modus operandi of a particular country's political parties depends to a large extent on the country's political and cultural history, one cannot help but observe that across countries, regions, and colonial parentage, there is a panoply of generic attributes, easily discernible patterns common to
African political parties which are in no way time bound. There is a certain commonality of features characterizing these parties—features which in their very pervasiveness and intensity confluence to hinder, or outrightly scupper the actualization of democratic governance in Zambia and Africa in general.

The main role often asserted for political parties in new African countries was their capacity to further national integration, an argument said to apply not only to single parties but also to multiparty systems, particularly those with proportional representation. The party was seen as an organization that could potentially draw members from all sectors of society, cut across social groupings, furnish a nationwide input mechanism, and if they have a superbly articulated and effective structure, could dampen separatist antagonisms. Other functions were equally claimed for political parties in new nations including ones that considered them as the ones most capable of leading the process of modernization, of sustaining devotion to policy, of mobilizing support and participation, of recruiting and training new leaders, and finally of assisting in expressing and aggregating interests.

(a) The Lack of Institutionalization

A remarkable feature of African political parties is that they have been marked by little institutionalization. According to Huntington, by institutionalization is meant the process of crystallizing (i.e. defining, creating, developing and maintaining) social institutions and the extent or degree of institutional characteristics at any given time. It is not therefore surprising that because of little institutionalization, the stark reality is that while in other places parties take over governments, in Africa governments were taking over parties. Upon independence, and also following post-cold war induced multiparty transitions, governing parties had their ranks seriously depleted when party officials filled government positions. With governmental duties occupying the time and energy of party officials, the logical sequence was that government agencies instead of party meetings began making important decisions, thus inebriating the party with the concomitant decline in participation. Moreover, the governing parties through the state attempted to circumscribe the activities of opposition parties if not completely outlawing them. Opposition parties are often not treated by African regimes as fully legitimate despite the removal of the legal impediments to their creation. Incumbent regimes employ a wide range of tactics to hinder opposition activity, including imposing tight restrictions on

7 Ibid. P.15.
10 For example, King Nswati of Swaziland banned all political parties in 1973. This law is still in force. Recently, the royalist cultural-cum-political group, Sive Siynquaba publicly called on King Mswati to lift the 27 year old ban on political parties. See Vuyisile Hlashwayo, Royalist join calls to lift ban on political parties, Africa New Service, January 7, 2000.
legal sources of funding. Meanwhile ruling parties are largely unhindered in their use of public funding. The private sector, the only potential source of funding must resort to covert funding of opposition parties rather than risk punitive actions by the government such as loss of government contracts and harassment by the tax authorities. In turn, opposition parties become antagonist to the ruling party and oppose everything it does. They see their role in governance as ensuring that the ruling party falls from power by whatever means.

This alluded lack of, or less, institutionalization of political parties becomes even more evident in other important respects. Modern party systems, it must be stated, are invariably involved in interlocking relationships with other political institutions: as controllers of the military and other national bureaucracies, as recruiters of judicial personnel, as coalition builders among organized interest groups, as civic educators and as managers of election systems. As power is, and ought to be, distributed among the institutions of a political system, it is usually the party system that must draw together the dispersed units of power to enable the country to achieve working consensus on public policies and legitimacy for its leaders and institutional operations. This, however, has not been the case in African countries where transparent adherence to the “rules of the game” is not the norm.

(b) Factionalism and Political Parties

Perhaps one of the more widely publicized peculiarities of African political parties is the serious problem of ethnic/religious factionalism. A number of parties (large and small) have sometimes been formed based on traditional or tribal considerations. Oftentimes, parties, originally not formed on an ethnic basis ultimately gravitate to ethnic appeal. On account of this tendency to factionalism, inter-party competition in most cases exacerbated cleavages in several cases in many African states. This is why David Apter aptly referred to them as “parties of solidarity” that more often than not rely on appeal to primordial sentiments. In the past this unwholesome situation provided the justification for some ruling parties to create single-party systems. Nonetheless, the single parties were themselves riven with factionalism, and moreover their inability to equally represent tribal or regional groups created antagonisms in these states.

Even in the post cold war era of democratic revival, the tendency toward factionalism has not been curbed. Although the majority of parties are no longer overtly formed on the basis of ethnicity or religion. This phenomena still lurks beneath the surface and plays a great part in Zambia and other

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African countries. In many African countries, election results show the main political party as having overwhelming support in a core region. This can be attributed, as Nwabueze has observed, to the fact that: “for most African politicians the tribe is the base for political activity and tribal sentiment the focus of appeal, which inevitably disables them from rising above tribal interests and pressures in the administration of government. The result is that the government comes to be regarded as one huge cake, already baked, and it is the duty of a political leader to secure for his or her tribe as large a share as possible.”

The system of winner-take-all, which is applied in Zambia and most African countries, tends to reinforce this kind of approach to politics as it creates permanent losers and permanent winners. The winner-take-all system is based on the principle of territorial representation, emphasizing the relationship between the voter and the representative. The size of the party’s representation is thus determined not only by the number of voters received, but also by their geographical concentration. Should a party’s votes be too widely scattered or too highly concentrated, under-representation in parliament could result. In such a situation, groups that are numerically small can never win an election or be represented in the legislature. They, therefore, remain permanently aggrieved.

(c) Absence of Internal Party Democracy and openness

Yet another salient commonality of African political parties is the absence of, or minimal internal party democracy. A well-organized party system implements the concept of popular sovereignty by systematically putting political leaders in touch with and accountable to their citizen constituents. For a party to discharge this important responsibility, it must be democratic in its internal structure and way of doing things, and therefore it goes without saying that a political party lacking internal democracy can be expected to subvert the democratic process and institutions of the country if it attains power. Amongst the vast majority of African parties, internal democracy is a rare commodity. "Within the [African] party what generally has obtained is not democracy but some aspect of oligarchy," While parties everywhere are prone to be oligarchic in nature, those in Africa are principally so, as power tends to be concentrated in the hands of a few. Many Zambian parties have had difficulties in holding national congresses to hold elections for the leadership. In addition, when held, the party congresses of these groups are usually non-congresses. The entire political process is usually merely a showcase or coronation of the party leader. There also is generally the absence of openness and transparency in the conduct of party operations, including the selection of nominees to stand as candidates for elections and government positions.

17 Ibid.
(d) Dominance of Party Founders

In remarkably similar ways, the founders of political parties or their designated henchmen through elaborate patronage mechanisms invariably control the party, dominate national life, monopolize power and make important decisions. This pervasiveness of oligarchism in the African party system is due largely to what Ali Mazrui has dubbed as the quest to “royalize an African republic” that is the “tendency towards sacred leadership”, leading to the emergence of monarchical republics”[and] “what monarchical republics of Africa have now been out to assert is the new doctrine of the divine right of founder-presidents.”18 In the absence of openness and internal democracy, the leaders through the party machine become presidential monarchists. In a nutshell, there has been, generally speaking, the dearth of any real connection between African parties and the people, thus making democratic functioning a mirage. Another feature of African political parties is that women are grossly under represented in leadership positions. Women members are often organized into women’s brigade or league that are encouraged to concentrate on what are termed women issues and providing entertainment by way of cultural dances at political party conventions. We will return to this issue later in the paper in our discussion on women and politics.

(f) The Limited Focus of Political Parties

The raison d’être for forming parties, and their limited focus is one more of the distinguishing features of African parties. As widely known, political parties have been organized for an assortment of reasons including the advancement of a particular policy or a general ideological stand, the aiding politically of certain groups or sections of society, the supporting or promotion of a particular political figure, or purely to combine for the achievement of short-term political advantage. Unlike the parties formed prior to political independence to lead the offensive against European colonialism and imperialism, most of the parties founded in post-colonial Africa especially during the more recent era of political pluralism fall into the last two categories: to advance the presidential ambition of a particular individual or to coalesce for short-term political advantage.

Beyond the empty rhetoric of introducing multiparty, there is hardly any presentation of alternative sets of policies to cope with the major problems affecting a given country or to move the country forward while addressing the needs of the citizens. As for their focus, Fanon observed that the inherent defect of the majority of political parties [in Africa] “is their disproportionate emphasis on the most politically conscious: the working classes in the towns, the skilled workers, and the civil servants to the exclusion of the rural populace.”19. 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 centers. It means that African parties do not insert themselves into the conditions, experiences, and aspirations of the rural majority. To some extent this is a result of poor communications and their inability to raise funds to enable them to finance their operations countrywide, but to a large extent it is a matter of focus.

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19 Sono, 1993, supra, p.162.
4. State of Political Parties in Zambia

Zambia at independence was a multi-party state. The ruling party, the United National Independence Party (UNIP) faced a small but persistent opposition in the African National Congress (ANC). The two parties were the two main nationalist parties that led the fight for independence against British colonial rule. In 1966 a split within UNIP led to the formation of the United Party (UP). In 1971 a further split within UNIP occurred resulting in the formation of United Progressive Party (UPP).

By 1971, the tendency towards fragmentation arising out of disappointment and bitterness at the pace of development had, to some extent, become self-generating since access to individual employment and wealth, or to regional amenities and infrastructure, were frequently perceived as emanating from political position; political competition had become essential for self- and community advancement. The formation of UPP was followed by widespread detention of its leaders. UNIP leaders who had up until then opposed the introduction of a one party state shifted their positions significantly, and argued that there was a need to create one-party state to overcome what they perceived as the danger presented to national unity by factionalism within the ruling party and the need to create a united front to tackle urgent issues of development.

In 1972 the government announced that it had decided to turn Zambia into a one party state. The second Republic, as this period is known in Zambia, was enacted into law on 25 August, 1973. The 1973 Constitution declared UNIP as the one and only political party allowed to operate in the country.

As the decade of the 1980s drew to a close, demands for an end to the one-party state became more insistent. In defiance of the government, pro-democracy groups, initially spurred by the trade union movement and university students, formed the Movement for Multi-Party Democracy (MMD). At first resistant, the government then announced a referendum on whether to continue the one-party state. Subsequently, in September 1990, it changed its mind and abandoned the referendum idea. Rather, the government promptly amended the Constitution to permit the formation of other parties and undertook to introduce comprehensive amendments to the Constitution to facilitate the introduction of multi-party politics. The government appointed a Commission to obtain the views of the population on a future constitution of a multi-party Zambia.

21 The MMD was formed at a meeting held at Garden Motel in Lusaka in July 1990. It was largely an initiative of intellectuals, students, and trade unions. See John Mwankatwe, THE END OF THE KAUNDA ERA (1994).
The Commission produced a number of recommendations, some of which were rejected by both the government and the opposition parties. A serious stalemate ensued. The solution only came when the churches intervened and mediated the dispute. This led to the agreement to reformulate the 1973 Constitution in order for it to reflect a multi-party politics system. Barely two months after the enactment of the 1991 Constitution, elections were held on 31 October, 1991. The results represented an overwhelming victory for MMD. Chiluba was elected President by a wide margin over Kenneth Kaunda, who had served uninterrupted as President since 1964, the entire life of the Republic. MMD captured 125 of 150 seats in the National Assembly. With only 25 members, UNIP lacked the numbers to create an effective opposition.

A year after the MMD government acquired power, for the third time, and for the second within three years, the government appointed a Constitutional Review Commission. The Commission was directed to recommend a system that will “ensure that Zambia is governed in a manner that will promote the democratic principles of regular and fair elections, transparency and accountability, and that will guard against the re-emergence of a dictatorial form of government.”22 The Commission produced a progressive report which, had it been accepted, would have produced a constitution good enough to serve generations to come, except with its inexplicable recommendation of a discriminatory restriction on who could stand for the office of President. “person to be qualified as a candidate for election as President had to be a citizen of Zambia, born in Zambia, of parents who are Zambian citizens and also born in Zambia.”23

The government rejected most of the progressive recommendations of the Commission. Significantly, the government did accept the recommendation relating to the qualifications for presidential candidates. The most telling of the governments responses to the Commissions recommendations was its rejection of the Commission’s call for a broadly-based Constituent Assembly to ratify the proposed constitution and any future constitutional changes. The Government white paper was widely condemned by opposition parties, churches, scholars and students at the Universities, members of trade unions, and a broad section of the Zambian population. Non Governmental Organizations (NGOs) and the Churches organized what was termed a Citizens” conference to raise public awareness and elicit public resistance to the governments proposed measures.24 Despite the widespread criticism, the government without seeking national consensus proceeded to amend substantially the 1991 Constitution through the enactment of the Constitution of Zambia (Amendment) Act, 1996. This was made possible by its overwhelming majority in parliament obtained in 1991 and the non existence of a strong opposition party in Parliament.

24 Report of the Constitutional Review Commission, Chapter II, paragraph. 11.4.1. This was subsequently enacted into law by the Constitution of Zambia Amendment Act, No. 18 of 1996. The Constitutional amendments were adopted without the participation of the major opposition in Parliament UNIP whose members walked out of Parliament in protest at the amendments.
24 Citizens A Green paper” Summary of Resolutions by the Citizens Convention on the draft Constitution, 1-10 march, 1996.” The Conference was an initiative of the Church organizations and NGOs.
Since the introduction of multi-party politics in Zambia, 42 political parties have been registered but only few can truly be called political parties. The others are merely one-person parties of dubious creation that borders on the fringes of what a political party should be. Five of the 42 could be termed serious and are represented in Parliament: MMD, Agenda for Zambia (AZ), National Party (NP), United Party for National Development (UPND), and UNIP. On November 18, 1996 the second general election since Zambia reverted to multiparty politics was held. The election results returned President Chiluba and the MMD to power with an overwhelming majority of contested seats in what was presented as a landslide victory; but in reality it was a hollow defeat of an opposition that had chosen to boycott the electoral process. UNIP the leading opposition party boycotted the elections and by doing so literally gave up 27 safe UNIP seats to the MMD. The 1996 Zambian elections led to unprecedented tensions in the country and to an attempted coup. The opposition parties felt that the elections had been manipulated by the ruling party. MMD obtained 127 seats, National Party 5; Agenda for Zambia 2; Zambia Democratic Congress 2 and there were 11 independents. An electoral system based on proportional representation would have produced a different structure of Parliament as shown in the table below. Every Zambian would have the ability to be represented in parliament by a candidate of his or her choice. The resulting legislature will more fairly represent the diversity of opinion in Zambia as expressed through the vote.

<table>
<thead>
<tr>
<th>Party</th>
<th>National Vote</th>
<th>Constituency Seats</th>
<th>Proportional Rep. Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>MMD</td>
<td>60.8%</td>
<td>127</td>
<td>91</td>
</tr>
<tr>
<td>Agenda for Zambia</td>
<td>7.2%</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>ZDC</td>
<td>14.00%</td>
<td>2</td>
<td>21</td>
</tr>
<tr>
<td>NLP</td>
<td>6.6%</td>
<td>0</td>
<td>10</td>
</tr>
</tbody>
</table>

The MMD government has been very intolerant of opposition parties and civil society. It has used its control of the state apparatus, especially the security wings, to undermine and weaken opposition parties and NGOs. For instance, following the announcement by the Committee for a Clean Campaign (CCC) that the November elections of 1996 had not been free and fair, the government threatened to pass anti-NGO legislation if the NGOs continued to act in an “anti-patriotic” manner. The Government raided the offices of the Zambia Independent Monitoring Group (ZIMT), the CCC and the offices of the Inter-African Network for Human Rights and Development (AFRONET), both groups had declared the 1996 elections as not free and fair. The Foundation for Democratic Process (FODEP) which also concluded that the elections were not free and fair, was also targeted by the government. Previously the FODEP had enjoyed tax exempt status from the Zambia Revenue Authority because it was operating on a grant from donor agencies aimed at strengthening the democratic process. But on December 19, 1996 and as a direct consequence of its report, it received a tax demand for outstanding tax arrears for K27 million. Shortly afterwards, tax authorities confiscated...
all of the funds in FODEP’s bank account. After international protest, the money was returned in 1998.\textsuperscript{25} The Government repeatedly accuses NGOs of being members of opposition political parties.

Another method used by the MMD government to harass the opposition is through making it difficult for them to exercise their freedom of assembly. Under Zambia Law any group of citizens that wishes to hold a public meeting or demonstration must obtain a police permit seven days before they hold the public meeting or the demonstration.\textsuperscript{26} While pro-government demonstrations are never denied permits, opposition parties and NGOs trying to obtain permits are regularly turned down. Recently, the Police refused to grant Catholic sisters a permit to demonstrate on January 28, 2000. The planned demonstration by the Zambian Association of Sisterhood was to draw government’s attention on the plight and the needs of the poor in society.\textsuperscript{27} In addition opposition rallies have on occasion been disrupted. It was the case in the Kabwe episode where two opposition leaders, Kaunda and Chongwe, were shot at and the police responsible are yet to be brought to book.

Yet another form of harassment of the opposition parties has been the implication of opposition leaders in the commission of crimes through the criminal process by bringing dubious criminal charges against prominent members of the opposition parties. The state arrests them and puts them through the criminal process at great cost to the defendants and withdraws the case before conclusion using the constitutional powers of the Director of Public Prosecutions to enter a “nolle prosequi.”\textsuperscript{28} The power when exercised has the effect of putting an end to the proceedings but the individual involved is not thereby acquitted and he or she may, at least in theory, subsequently be re-indicted for the same offence.

A good example of this form of harassment is what happened in the aftermath of the 1997 attempted coup. Although the government appeared in full control, it declared a state of emergency in the country. Immediately after the attempted coup the government publicly claimed that the opposition was not involved. But a few days later the government changed its position. On 31 October, Dean Mungomba, leader of the Z DC was picked up; on December 23, UNIP’s head of security was arrested. UNIP leader Kaunda was arrested on Christmas day and charged with misprision of treason. Chongwe, leader of the Liberal Progressive Party, fled the country to avoid arrest. In court no credible evidence was ever presented to back the charges brought against the opposition leaders. After months in detention and after incurring huge legal costs, the opposition leaders were released after the state entered a “nolle prosequi” with respect to each one of them.

\textsuperscript{26} Public Order Act, 1996.
\textsuperscript{28} The Supreme Court in Zambia has held that the entry of a “nolle prosequi” by the Director of Public Prosecutions can not be questioned by any court. See Director of Public Prosecutions v. Mbayo Mutwala Sugustino (SCZ Judgment No. 41 of 1977).
The government has also been known to use state money to bribe opposition leaders to leave the opposition parties and join the ruling party. State agents are constantly infiltrated into opposition parties to cause confusion. The events discussed above show that the ruling party has not accepted the concept of the opposition and is not willing to give the opposition democratic space in which to function. A de facto one party state system continues to exist where what matters are the views of the ruling party and there is no attempt to build national consensus on national issues. Whether inside or outside, the electoral arena’s momentum towards greater democratization will be determined by whether political authorities commit themselves to engage in real dialogue with political opposition parties and NGO groups and the extent to which dissent is accommodated.

5. Participation of Women in Political Parties

The Universal Declaration of Human Rights states that everyone has the right to take part in the government of his or her country. As was observed at the Beijing conference, the empowerment and autonomy of women and the improvement of women’s social economic and political status is essential for the achievement of both transparent and accountable government and administration and sustainable development in all areas of life. Achieving the goal of equal participation of women and men in decision-making will provide a balance that more accurately reflects the composition of society and is needed in order to strengthen democracy and promote its proper functioning. Women’s equal participation in decision-making is not only a demand for simple justice or democracy but can also be seen as a necessary condition for women’s interests to be taken into account. Without the active participation of women and the incorporation of women’s perspectives at all levels of decision making, the goals of equality, development and peace cannot be achieved.

Despite the fact that legal equality is recognized in many state constitutions, including the Zambian constitution, and the widespread movement towards democratization in most countries, women are largely under represented at most levels of government, especially in ministerial and other executive bodies, and have made little progress in attaining political power in legislative bodies. In the current Zambian parliament there are 16 women out of 150 members of Parliament, two Cabinet ministers out of a cabinet of 24 and three deputy ministers out of 41. Women are under represented in the judiciary, corporate boards and state boards. It is to some extent a reflection of the intensity of conflict embodying change between the aspirations of women who take their countries’ constitutions seriously

29 The Beijing Declaration and Platform for Action, Fourth World Conference on Women, Beijing, China, 4-15 September, 1995, United Nations (1996)

30 Realizing the central role that women should play in politics the governments of the SADC region hope that by 2005 at least 30 percent of the positions in political and decision-making structures will be occupied by women. Gender Feature: Zambian Women Eye 2001 Presidential Elections, African News Agency, 6 May, 1999.

31 Other statistics around the continent include: Mali: 18 Women in the National Assembly: 6 Cabinet Ministers; Cameroon: 10 in Parliament out of 180; Kenya: 7 members of Parliament out of 210; Uganda: 52 Women in Parliament out of 152. South Africa has probably the best statistics for Africa with well over 30 percent women in parliament.
Political Parties and
Democracy in Zambia

and resistance by men who imagine, despite legislation, that power is necessarily masculine. Political parties in Zambia field very few women candidates in national elections. The MMD has expressed itself as opposed to quotas as a way of enhancing women representation in Parliament. The inadequate representation of women in politics is reinforced by a number of well known conditions that affect women disproportionately. Poverty and lack of education impact negatively on people’s ability to exercise civil liberties. People whose focus must be on meeting their basic daily needs have little time for political participation, nor do they readily see the connection between their political participation and their social status.

Education is very much the key to including empowering society’s traditionally non-participating groups in any successful reform. And yet in many Zambian societies parents are willing to invest more in a boy child than a girl child. Other numerous factors such as the heavy burden of household chores for girls, early pregnancies, and early marriages conspire to reduce the number of girls who attain higher education. The constitution can be used as a tool for educating women in particular, but also society about the right of women to participate in the political life of their countries. Knowledge must be generated and shared equally. If people are to be encouraged to act in ways that protect and promote their interests, they must gain knowledge of ways to do this, and they must have access to all relevant information. Teaching women about the constitution and its relevance in their lives will help, not only to develop a more representative democratic state, but also to set in motion changes in societal thinking about the role of women.

Economic factors come into play as well in keeping women from fully exercising political participation rights even where they are fully guaranteed on paper. Women are responsible for most of the caring for children, the disabled and the elderly. In agricultural societies they make up the majority of the farmers. It is necessary to address these obstacles by removing them to allow for the full realization of women’s rights. Some of the possibilities for removing these obstacles include the provision of child care facilities, the creation of safer public places and improvement of women’s access to education. The present economic situation in Zambia is harder on women than men. In Zambia as elsewhere, woman are the poorest among the poor. Economic necessity erodes and dilutes any formal rights, including human rights and democratic rights. Under such a situation, casting the vote for women is then reduced to a mere physical exercise. So education for democracy and raising awareness of human rights should go hand in hand with the economic and financial empowerment of women.

Other problems facing Zambian women include: “gender-role stereotypes”, male resistance to women’s participation, more limited resources with which to participate, and political structures and processes that impede women’s political activity. The largest impediment to the realization of true equality of women in Zambia as elsewhere in Africa is traditional thinking. In most communities in Zambia, women have been conditioned by historical circumstances, religion and tradition to hesitate, even to be reluctant, to take positions of leadership in politics, regardless of the level of formal education they have achieved. Society has trained women to obey and not to debate decisions made by men. Most important, there is the need to instill in the minds of the public that woman’s rights and democratic freedoms are not synonymous with permissiveness. Likewise, there is a need to grapple
with the task of raising a corresponding awareness of women’s rights among men at the same time, as otherwise raising awareness of those rights only among women is likely to cause social conflicts and have very negative repercussions. A central component of civil education must therefore include the need to eradicate all vestiges of fear and ignorance among the public that letting women participate fully in the democratic process and enjoy all the fundamental human rights will mean the destruction of the fabric of society and lead to chaos. On the contrary, the ensuing liberation and empowerment of women will enrich family values and culture and will result in the development of a peaceful and stable society. As Mills observed: “only complete equality between all men and women in legal, political and social arrangements can create the proper conditions for human freedom and a democratic way of life.”

6. Political Party Funding

Herbert Alexander has observed that, the effort to understand the relationship between money and politics is an enterprise as old as the development of political theory. From Aristotle onward, many political philosophers have regarded property or economic power as the fundamental element in politics. In virtually all societies, money serves as a significant medium through which command over both energies and resources can be achieved. Political money can be attained through an incumbents use of the advantages of public office (for example in awarding contracts and jobs), in controlling the flow of information, and in making decisions. The principle of government funding of political parties or candidates or election campaign activities is well established across the democratic world. Political parties need money not only for election campaigns but also to maintain party organization in between elections. Some critics have argued that the state is not obligated to help meet the financial needs of parties and that it should not relieve parties of the risk of failure and the responsibility that goes with it. This argument fails to realize that in order to have an effective democracy you need strong political parties in and outside government. It also fails to realize that the ruling party by virtue of being in power has access to government resources which opposition parties do not. There is however a danger that public financing of parties may strengthen the position of party professionals by assuring their livelihood, conversely it may weaken parties in other ways. For example, government subsidies may create a distance between the parties and the electorate by seeming to relieve the parties of the necessity to solicit individual contributions. The main design difficulties in public funding are who should receive the subsidy and how and when it should be made.

The nature and modality of party financing is arguably one of the most pernicious aspects of African political parties, and indeed political parties in other regions of the world, although the problem seems more pronounced in the former due largely to the minimal presence of institutionalization earlier alluded to and widespread poverty that exists in this region which makes the people particularly

34 Ibid.
susceptible to bribery and corruption. Of course, political party financing is very vital because money is needed to pay for logistics, staff, publicity, cover campaign costs and day to day costs of running a party. As crucial as this is, the issue of the financial base of African political parties has attracted only scant attention because the evidence of party finance has remained fragmentary, and more significantly, everywhere in Africa the extent of contributions and the identity of donors have been shrouded in secrecy. Nevertheless, party financing in Africa, it must be duly noted, is often, for a variety of well-deserved reasons, associated with corrupt practices.

Southall & Wood have noted that party funding in Africa has, broadly speaking, proceeded through three phases: “first, during the early post World War II nationalist phase, mass-based political parties were funded in considerable part by party memberships like UNIP and ANC in Zambia. Also during this first phase, external agencies and/or governments interested in influencing the outcome of de-colonization, in some cases, gave substantial financial support to nationalist movements”.36 In the second phase, “the effective merging of ruling party with state structures which took place during the post-colonial phase was accompanied by ruling parties moving away from reliance upon membership subscriptions to utilization of state resources”37. In the third phase, according to Southall & Wood, “when confronted by the need to embrace a return to multi-partyism in the early 1990s, ruling parties continued to rely primarily upon their control of state resources”.38 In contrast, pro-democracy challengers to authoritarian or military regimes returned to grass-root financing, while also drawing material provision directly or via local non-governmental organizations (NGOs) from foreign donors, both government and unofficial.

What bears repeating is that in practically all cases, ruling political parties in Zambia as elsewhere in Africa no longer rely on contributions from the rank and file of their supporters but on appropriation of state resources, or financial support from a few business interests (both domestic and foreign) and external agencies/governments, all of whom expect something in return. In Zambia there are no laws in the statute books attempting to limit the extent of contributions and the resources of the parties or sources of funding.

In Zambia like in most other African countries, most of the political parties outside the ruling party are hamstrung in their operations by the lack of resources to finance their operations. They are unable to rely on party membership as most of their members are poor. Almost all political parties other than the ruling party rely exclusively on membership fees and donations from party members as sources of funding. This has created huge problems in their operations. They very often have great difficulty to meet election fees and other expenses. The ruling party always has a huge advantage as it has access to government resources such as government vehicles, radio and television. The ruling party uses

37 Ibid.
38 Ibid. p.204.
government vehicles and money to finance its operations especially election campaign. There is also the controversial presidents fund which has been criticized and the ruling party accused of using it in election campaign to woo voters by making donations to projects situated in districts were elections are being held. Public media has remained by and large, government mouth pieces and they have actively contributed to the breakdown in the respect of law in Zambia to day. They are also perceived by the population at large as co actors in covering up misdeeds of those in power. The independent press is intimidated and handicapped by the lack of resources. It is not just outright intimidation that the independent press faces, most government institutions will not advertise in the independent press thereby depriving them of much needed revenue. This situation invites a serious consideration of the adoption of the strategy of state funding of political parties. This is the only way that political parties, especially opposition parties are going to be strengthened and enabled to operate effectively.

Conclusion

In conclusion we would like to address the future of democracy in Zambia. In discussing this issue one must acknowledge that democracy can not be established simply because people favor democratic methods of resolving conflicts and developing a nation. It demands determined and concerted efforts to bring it about. In order for democracy to take root in Zambia, there is need to strengthen the institutions that guarantee democratic governance. Essential to the full realization of democracy is the existence of political institutions, widely accepted political structures and procedures, that are supportive of democratic values, the existence of an appropriate supportive legal system, and the existence of a political culture that encourages political practices and behavior that promotes rather than undermine democratic values. Given the adoption of the Westminster model with its strong executive in Zambia there is need to restrain the executive. The institutions charged with the task of imposing that restraint must be equally powerful in their respective roles. Zambia needs strong opposition parties, civil society and media that can serve as countervailing forces to the central government and that are an alternative to the government in power and are capable of forming a government. It needs a strong judiciary that can interpret the law firmly and fairly and protect individual rights of the citizens. Zambia needs a strong Parliament. At the moment the Zambian Parliament like other African parliaments tend to be the weakest link in the scheme of separation of powers concept of governance. They have always dutifully legislated in accordance with the wishes of the executive and are clearly rubber stamps. Once the state and its institutions are seen to be truly above partisan interests, once they are seen to be even handed in their dealings between the competing interest groups, we would have began endowing our political institutions with the necessary legitimacy and thereby created conditions for vibrant democracies to take root in our societies.

In all fairness, it would be wrong to blame the executive entirely, for every aspect of subservience to the executive branch of government and for the failure of democracy to take root in Zambia. In some cases, resistance to the interference or unwarranted dominance of the executive was, in spite of everything in the constitution. This points to the fact that to a large extent, democracy is less of a formalistic system than an attitude. It is a way of approaching the business of governance, setting up rules for government, a way of creating enough checks and balances that the government is less dependent on individuals and their personal whims and more on systems and processes. The people must internalize the importance and legitimacy of a constitutional system based on the rule of law. Where citizens of a country have not internalized the values of democracy and have no sense of it and are unwilling or unable to insist that their leaders deliver democracy, a written constitution, however eloquently it proclaims democracy, will be insufficient to guarantee it. Democracy depends on values such as tolerance and trust which cannot be secured in a written document or legislation alone. Rather, these values, to gain foothold in a given country depends on the political will of a nation.