POLITICAL GOVERNANCE STUDY IN ZAMBIA

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PEOPLE CHANGING THE WORLD

A study commissioned by Diakonia Zambia

Sida

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COUNCIL OF CHURCHES IN ZAMBIA

MISA ZAMBIA
PROMOTING MEDIA DIVERSITY • SELF-SUFFICIENCY • INDEPENDENCE

FODEP

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Acknowledgement

List of Acronyms

ACC	-	Anti-Corruption Commission
ADC	-	Area Development Committee
AIDS	-	Acquired Immune Deficiency Syndrome
CBO	-	Community Based Organization
CCZ	-	Council of Churches in Zambia
CDF	-	Constituency Development Committee
CSO	-	Civil Society Organization
CSPR	-	Civil Society for Poverty Reduction
DDCC	-	District Development Coordinating Committee
DFID	-	Department for International Development
ECZ	-	Electoral Commission of Zambia
EFZ	-	Evangelical Fellowship of Zambia
EISA	-	Electoral Institute of Southern Africa
EU	-	European Union
FODEP	-	Foundation for Democratic Process
GRZ	-	Government of the Republic of Zambia
HIV	-	Human Immune Virus
IDASA	-	Institute for Democracy in Southern Africa
LAZ	-	Law Association of Zambia
MISA	-	Media Institute of Southern Africa
MMD	-	Movement for Multiparty Democracy
MP	-	Member of Parliament
NGO	-	Non- Governmental Organization
PDCC	-	Provincial Development Coordination Committee
PF	-	Patriotic Front
RDC	-	Resident Development Committee

SACCORD	-	Southern African Centre for the Constructive Resolution of Disputes
SNDP	-	Sixth National Development Plan
TC	-	Technical Committee on Drafting of the Zambian Constitution
TI-Z	-	Transparency International Zambia
TOZ	-	Times of Zambia
UNDP	-	United Nations Development Program
UNIP	-	United National Independence Party
USAID	-	United States Agency for International Development
UPND	-	United Party for National Development
UNZA	-	University of Zambia
VDC	-	Village Development Committee
WB	-	World Bank
YALI	-	Young African Leaders Initiative
ZAMTEL	-	Zambia Telecommunications Company
ZCID	-	Zambia Centre for Interparty Dialogue
ZDM	-	Zambia Daily Mail
ZEF	-	Zambia Episcopal Conference
ZICTA	-	Zambia Information, Communication and Technology Authority
ZNWL	-	Zambia National Women's Lobby

Preface

This study was commissioned by a consortium of five Zambian civil society organisations namely Council of Churches in Zambia (CCZ), Foundation for Democratic Process (FODEP), Media Institute of Southern Africa (MISA),Southern African Centre for the Constructive Resolution of Disputes (SACCORD) and Zambia National Women's Lobby (ZNWL). The report is being produced under the auspices of the project entitled *Non State Actors - Building Democratic Culture in Rural Communities* that is being implemented by the above consortium organisations. The Project is funded by the European Union, SIDA and Diakonia-Sweden and aims at promoting effectiveness of political governance in rural communities with the focus on marginalised persons such as women, youths and differently abled people.

The outcomes of this study come over one year of ascendancy of the Patriotic Front (PF) government into office, following the holding of Zambia's 5th multi-party elections on September 23, 2011. President Michael Chilufya Sata's government was ushered into office on what many consider a populist or revolutionary vote for change. It was a vote for change in the sense that the Patriotic Front's election campaign was premised on providing hope and promise to improve people's livelihood after the Movement for Multiparty Democracy (MMD)'s20 years reign, characterised by perceived high incidences of corruption, economic mismanagement and reversals on commitments around tenets of good governance.

This report provides analysis of political governance and the extent to which it facilitates or impedes the participation of citizens in the political and development process – and how, these two factors, shape people's perceptions and interest plus involvement in the governance of the country. Further, useful insights are provided on how citizens perceive the democratic process development in Zambia, and in the short term, weigh out the performance of the new government since coming into office.

Zambia, in comparative terms to other countries, is seen to be progressing well in its democratic and political governance practice, over the years. The country is seen to have passed what would be considered as the breakthrough stage with the transition it made in 1991 from a one party state to multi-party, while a number of characteristics that would assist in defining the country as a practicing democracy, can be seen in the consolidation stage. The country's ability to consistently hold periodic elections and peaceful transition of power in a continent that is dogged by various electoral contestations is seen as a milestone and best practice. In addition,

there is still a high endorsement of democracy as a good system of governance though there is need for improvement especially to get it more institutional-based.

However, the major complaint is that most citizens do not see democracy as delivering development, and have strong views on how subsequent governments have not fulfilled promises arising from electoral campaigns, which has meant that the anticipated benefits from their participation in elections, including enjoyment of freedom of expression have not necessarily changed the economic status and way of life for the majority of the people.

At the time of the study, key issues of greatest concern to citizens are around the lack of economic opportunities (that is both job and wealth creation) and delays in the enactment of a new people-driven constitution. These issues were areas of focus in the pre-election campaigns and are considered key deliverables for the new government in a seemingly presumed social contract with the citizens that ushered or indeed desired a changed leadership from the former MMD led government. Majority of respondents during the study view Zambia's democratic process as providing a good opportunity for development, notwithstanding the fact that this can only be achieved if both leaders and citizens see democracy as an opportunity to develop the country. Political governance is identified as a critical aspect.

This was designed to be a desk study but also include community views from areas in which the stated project is being implemented. The researchers had an opportunity to visit two districts and also carry out a number of interactions in Lusaka. A total of 56 Zambians with diverse backgrounds participated in the focus group discussions in Sesheke, Milenge and Lusaka. This interaction was the basis for capturing the qualitative views from the community on the issues addressed in this study.

The discussions in this report are presented in six (6) Sections. Section I briefly discusses the concept of governance and specifically narrowing down to political governance, as a basis for providing the conceptual understanding and context for this study. Besides the definitions, this Section also elaborates on the parameters used in discussing political governance, and further looks at issues of governance (at micro and macro level) because of their effect on both perceptions and practice. Section II, provides discussion around Zambia's political context, reflecting on issues of economy and electoral dissatisfactions. In Section III the report takes a close look at some aspects of governance, post-September 2011 Elections, and the impact they may have on the overall performance of PF government.

In Section IV, the report discusses the factors identified to be hindering effective political governance, in many ways highlighting some of the critical issues arising from that. Section V, as per requirement, but building on the issues in Section III and IV, responds by providing views and opinions of the various stakeholders on issues of political governance. Section VI provides the conclusions and recommendations arising from the study. We conclude with Section VII to discuss aspects of the annotated bibliography.

We do hope the contents of this report will be useful to various stakeholders who have an interest around issues of political governance in Zambia.

Section I – Governance and Political Participation – Conceptual Issues

1.1   Introduction

This section discusses the concept of "governance" and specifically narrowing down to *political governance*, as a basis for providing the conceptual understanding and context for the study. The concept of "governance" is not new, just as much as the broad definitions are often rather vague. It is interpreted differently by various people. The actual meaning of the concept depends on the level of governance we are discussing, the goals to be achieved and the approach being followed.

Common definitions, thus, will include, but not limited to the following:

- "GOVERNANCE is the exercise of political, economic and administrative authority to manage a nation's affairs. It is the complex mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights and obligations, and mediate their differences"[1];

- GOVERNANCE is "… the traditions and institutions by which authority in a country is exercised for the common good. This includes (i) the process by which those in authority are selected, monitored and replaced, (ii) the capacity of the government to effectively manage its resources and implement sound policies, and (iii) the respect of citizens and the state for the institutions that govern economic and social interactions among them"[2]

From the two definitions, which this study embraces, it is clear that a good deal of governance is about the exercise of various forms of power. There are different types of power- ideological, political, legal, military, economic, administrative, and so on-and governments everywhere frequently use various combinations of power to govern.

It is also important through discussion that the definitions are broadened to capture the thoughts of economists[3], who when considering issues of governance, bear in mind that many senior

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[1]Definition of governance according to the United Nations Development Program (UNDP)

[2]Definition of governance according to the World Bank

[3]Just as one famous brief definition of economics is that economics is about "who produces what, and for whom", so a brief definition of governance might be "who controls what, and for whom".

government leaders see economic policy[4] tools as part of the broader spectrum of levers of power which they can draw upon at any time to achieve their goals. In addition, the World Bank's focus on governance reflects the worldwide thrust toward political and economic liberalisation. Such a governance approach highlights issues of greater state responsiveness and accountability, and the impact of these factors on political stability and economic development.

As stated earlier, there is considerable literature that discusses how, precisely, the concept of governance might be defined but for the purposes of this paper this literature may be summarised as emphasising the following:

- The processes by which governments are chosen, monitored, and changed.

- The systems of interaction between the administration, the legislature, and the judiciary.

- The ability of government to create and to implement public policy.

- The mechanisms by which citizens and groups define their interests and interact with institutions of authority and with each other.

1.2   Democracy and Good Governance – the interplay

Democracy, in its ideal sense is the notion that 'the people' should have control of the government ruling over them. This ideal is pursued by implementing a system of voting such that the majority of people rule, either directly or indirectly through elected representatives. Democracy is often implemented as a form of government in which policy is decided by the preference of the real majority.

Democracy is the "ability of the citizens in society or participants in an organization to effectively take part in the choice of their representatives or leadership and to effectively participate in the decisions made on issues that affect them or society in general"[5]. According to one of the United Nations General Assembly Resolution, democracy is "a universal value based on the freely-expressed will of the people to determine their own political, economic, social and cultural systems, and their full participation in all aspects of life." The resolution further recognizes that "while democracies share common features, there is no single model of

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[4] Issues of economy are central to political governance because of the net effect on how the economy shapes politics and achievement of political governance.

[5] Bratton, M, Phillip A. Simutanyi, N. 1997. *Political participation in Zambia, 1991-1996: trends, determinants and USAID Program Implications.* Michigan: Michigan State University

democracy and that democracy does not belong to any country or region. Some of the key actors in democracy are: parliament, civil society organizations, media and the government at all levels.

Another aspect which we briefly look at relates to the issue of democracy and good governance being crucial as far as running the affairs of a particular country is concerned. In the exercise of democracy, it is clear that there are some key players in the process, including parliaments, civil society organizations, media and the government at all levels[6]. Of these, three players, namely: political parties, media and civil society, tend to dominate the governance architecture and shape the extent to which political influence and democratic participation takes place. The extent to which these three segments interact has a bearing on the quality and depth of democratic participation in a country. Individuals who are said to have authority and power, normally political leaders have a lot of influence in their immediate environments as they control the political system of a particular country, media and civil society through their machinery system.

1.3   Democratic Participation

Public participation is one of the key principles of democracy and is undoubtedly one of the crucial determinants of the nature of democracy. A democracy revolves around the people and provides an explanation of why it is important to emphasize the importance of public participation.

Scholars have argued that political participation is a multidimensional concept but broadly conceived, participation concerns "the entire process of how and why people get involved in politics"[7]. More precisely, political participation consists of "those legal activities by private citizens that are more or less directly aimed at influencing the selection of government personnel and/or the actions they take"[8].

The Zambian experience illustrates that among other things, political participation embraces a wide range of citizen behaviours from registering to vote, actually voting in various types of elections, attending community meetings and elections rallies, campaigning, lobbying and representatives and officials, writing letters and signing petitions and when all else fails,

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[6]*Soko, M & Shimizu, M. (2011). UNDP: deepening democracy in Zambia through citizen active participation:* Available at: File://C:users/doc/deepening democracy in Zambia through citizen's active participation. Accessed on 10th September, 2012

[7]Chilcote, R.H. 1981. *Theories of comparative politics. The search for a paradigm.* Boulder, CO: World Press

[8]Verba, S, Nie, N.H., Jae-O.M, 1978.*Participation and political equality: a seven nation comparison.* New York: Cambridge University Press

assembling for demonstrations. Factor analysis done on political participation in Zambia by Bratton, Alderfer and Simutanyi in 1997[9] reveals that in Zambia, participation has three dimensions namely-voting "contacting" and "communing" and these are in a good part consistent with patterns of participation elsewhere in the world.

This study also showed that community based action (communing) and face to face interactions with political representatives (contacting) is what Zambians regard to be more important about democracy as compared to voting. The analysis further shows that there are mainly three determinants of political participation: socio-economic, attitudinal and institutional. According to the above study, socio-economic factors include age, gender, and residential location and education factors influence citizens' active participation in democracy. In addition political attitudes shape citizen's interest in politics and a citizen's assessment of the performance of the local government councillor influences the ability and willingness to participate in processes that have an impact on governance.

Institutional arrangement is another important determination of citizen's political participation. In Zambia, two political institutions constitute platforms to active citizenship, that is, voter registration and political party membership. Beginning with voter registration up-to the time of vote casting, this platform provides different avenues that influence activity engagement of citizens in the overall democratic process. For example, the above study established that voting increased the likelihood that individuals would discuss politics, attend community meetings, and contact a national political leader. In addition, citizens belonging to political parties and are dully registered with the party are more likely to vote in elections, and engage in contacting and communing behaviours.

1.3 *Macro versus Micro issues of governance*

The last aspect to discuss in this section is to distinguish between issues of governance at two levels, macro and micro level. Matters that might be classified at the macro level include such things as constitutional reform; the overall role of government itself (structure, size and resources); the relationship between the key national institutions of the administration, the legislature, the judiciary; and the executive; and the manner in which the political players operate.

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[9]Bratton, M, Phillip A. Simutanyi, N. 1997. *Political participation in Zambia, 1991-1996: trends, determinants and USAID Program Implications*. Michigan: Michigan State University

In contrast, micro issues of governance can be taken to include issues in many sectors of the nation including at the regional and unit level: government departments, education and health institutions, cooperatives, organisations active in civil society affairs (such as the media, think-tanks, and non-government organisations), and informal institutions of governance which operate in the large informal sector across Zambia, especially traditional leadership at various levels.

To conclude on this Section, it is clear that the concept of governance takes a number of forms, and there is greater momentum to widen its meaning and will be used as an instrument of public affairs management, as much as gauge political developments. By focusing on it, as a point of study, it is also being used as an analytical framework or approach to comparative politics.

Section II - Overview of Zambia's Political and Economic context

2.1   Political Context – Independence to date

Zambia achieved independence from Britain in 1964 and since then, there has been three Republics, starting with multi-party politics[10]that ensured that opposition political parties existed until 1972 when the one-party system came into being.

Although Zambia ceased to be a multi-party democracy in 1972, the country still remained a one-party-participatory democracy essentially meaning that the people still participated in elections[11] to elect their leaders. The competitiveness[12] of the elections especially at parliamentary and local government levels remained very high but that was not the case at presidential[13] where effectively no competition existed.

In 1990, the country reverted[14] to pluralism adopting a multi-party democratic system. In the elections that followed the following year, the Movement for Multiparty Democracy (MMD)emerged as part of the multipartisan political system that followed the 27-year rule of Kenneth Kaunda and his United National Independence Party (UNIP). UNIP remained in opposition to the MMD thereafter. The country used the political changes to set pace to key democratic tenets for those who govern and how to ensure that a high standard of democracy and accountability exists[15].Since 1991the country has held a number of general elections which have been hailed as representing a growth in Zambia's democracy, including not so impressive or 'perceived' fraudulent elections in 1996 and 2001.In the case of the 2001 elections, most local and international[16]election observer's concluded that the Government of Zambia and the

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[10] The independence constitution provided for multiparty politics, and though UNIP was the dominant party, it faced formidable opposition from the Africa National Congress and United Party.

[11] Elections are one form of participation that citizens have continued to have their voice heard on national matters.

[12] Electoral Institute of Southern Africa (2008) **Elections and Democracy in Zambia**, Edited by Claude Kabemba

[13] Mostly, the presidential candidate was made to stand against a creature, including but not limited to a frog. The vote was mostly 'yes' or 'no' for the president.

[14] Kaunda repealed Article 4 of the Zambian Constitution – opting for this route in contrast to a call for a referendum.

[15] Goodwell Lungu & Francis Mwale (2012) Accountability & Democracy in Zambia, TI-Z Report

[16] The American-based Carter Centre in its Election Observation report for the 2001 Zambia Elections, , observers reported serious problems in critical aspects of the electoral process, in particular regarding a lack of transparency in the tabulation of votes and the verification of final results. Consequently, the legitimacy of the electoral process was clouded.

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. According to provisional final results, the MMD's Levy Mwanawasa defeated Anderson Mazoka of the opposition United Party for National Development by less than two percentage points (28.7 % for Mwanawasa versus 26.8 % for Mazoka). The aggrieved parties, mainly Anderson Mazoka, Godfrey Miyanda and Christon Tembo went to court with a petition. After a long-protracted hearing and ruling, the Court ruled in favour of Mwanawasa. Elections held thereafter have been under close scrutiny amidst allegations of rigging, and in all fairness Zambia has had to strive to build confidence in the outcomes of recent elections including those held in 2006, 2008 and 2011.

Relentlessly, the Patriotic Front (PF), founded as a break-away from the MMD in 2001, challenged the MMD in the fourth election, defeating the previous ruling party in an election which featured a close race between two main contenders[17] whose mutual distrust occasioned concern especially against a harsh party polarization that characterized the run-up to the 2011 elections. Michael Chilufya Sata triumphed over Rupiah Banda, to make him the 5th Zambian President, since independence. The smooth and peaceful handover of power following the announcement of, particularly the presidential results, following the September 2011 Elections, raised Zambia's democratic credentials in a continent that had experienced several election reversals and contestations[18].

In the views of many, the outcome of Zambia's September 2011 elections reflected the general wide consent of the population to multi-party democracy, which once more received affirmation[19]. The elections were widely considered free and fair[20] and the shift of power was nationally and internationally accepted.

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[17] Observers indicate that the high levels of polarization between Michael Sata and Rupiah Banda in the run-up to the elections creating an environment, with unlikeliness of the election results being accepted if they went the way of the then ruling party (MMD) as they would have been considered to have been rigged.

[18] Get to state that other elections in Africa either had incumbents retaining their seats or coup de tats taking precedence.

[19] German Technical Assistance (2011)**Post-Election Analysis on Zambia's 2011 Elections**, Unpublished

[20] EU-Elections Observer Mission to Zambia (2011) Elections Report, Southern Africa Development Community-PF Report on Zambia's 2011 September Elections and Electoral Institute of Southern Africa (EISA) etc.

2.2   Political/Economic Perspectives since 1991

From 1991 up to 2011 the MMD dominated the national politics. During this period MMD implemented reforms steering Zambia towards a more liberal and free-market economy. The country most recently enjoyed more than 10 years of sustained economic development. The World Bank declared the country as a lower middle income country in 2011. Many Zambians are yet to understand and appreciate the shifting of Zambia from a least developed country to a low middle income country because of the fact that poverty levels are still very high, manifested in a continuously increasing cost of living. This is against a background of the country's stable economic growth of above 6% per annum over the last five years.

Despite attempts to make the economy more diversified, the growth still is highly dependent on revenues from the Zambian mining industry causing the Zambian economy to be very sensitive to fluctuations in commodity prices at international market.

The study notes that between 2006 and 2009, there was deterioration in people's access to basic needs, including food, medical care, and clean water, cooking-fuel (electricity, charcoal and kerosene) and cash income[21]. Poor living conditions have encouraged citizens and civil society organizations[22] to demand that the State provides clean water, housing, food, employment and equitable access to employment through the inclusion of such rights in the Constitution. They contend that the development of Zambia will only be facilitated and achieved through the government's observance of economic, social and cultural rights[23]. Despite these being included in Policies, plans and programs there has not been a point of reference for Zambians to hold the government accountable beyond stakeholder meeting and advocacy efforts, which in many instances the government has overlooked with impunity, as there is no legal binding on the part of government. It must also be noted that Zambians have been demanding for the enactment of a law that will enable public leaders, especially members of parliament, to be recalled if they have not performed to the expectations of the electorate. In the current 1996 Constitution such provision does not exist.

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[21]Institute for Democracy In Southern Africa (IDASA) **Afrobarometer Working Paper**, Issue Paper No. 81

[22] Various local and international civil society organizations in Zambia have called for an expanded Bill of Rights to cover for social, economic and cultural rights but more importantly ensure that basic needs provisions is included have a constitutional provision. An opportunity exists through the on-going debate on the content for Zambia's new constitution which has provided for the same in the Bill of Rights. The question is whether such a progressive recommendation shall be considered and maintained as suggested.

[23] Jesuit Centre for Theological Reflections (2008) **The Case for Social, Economic and Cultural Rights in Zambia**, Lusaka

The Zambia Afrobarometer survey of 2009 shows that in the period 1999 to 2005, the country's democratic process was in decline and even though support for democratic processes remains high[24], a majority of Zambians remained unsatisfied at about 50% between 2005 and 2009. The demand for representation was high, with indications that most Zambians were getting more together with others to raise a problem or issue. Engagement with formal and informal representatives, especially in rural areas was also active. Despite all this most Zambians continue to face logistical challenges associated with distances from government offices and infrastructure which limits their capacity to interact with government officials and formal representatives.

Notwithstanding, it is observed that democratic institutions in Zambia fundamentally perform their functions. However, with extended powers given to the presidency, legislators (the national assembly) have limited possibilities to supervise the government effectively. The Executive dominance is one of the disconcerting features of modern African governance systems, and Zambia is not in anyways insulated from the practice[25]. In such a political environment checking executive power is a major factor in good governance. Not much has been done to invigorate checks and balances, strengthen separation of powers or constrain the executive[26]. In the case of Zambia, the aspect of shifting power bases or indeed balancing power between and among the arms of government underlies callings for constitutional guarantees, especially in the ongoing constitutional making process.

Despite all this, Zambia has achieved a considerable level of progress in regard to democracy, good governance and leadership institutions compared to the years before 1991. The 2011 Mo Ibrahim Index of African Governance rates Zambia as having improved its overall governance quality, especially between 2006 and 2010 and thus received a score of 57 out of 100 for governance quality. According to the Mo Ibrahim Index the country is ranked 16th out of 53 countries. In 2011, Zambia improved from a hybrid to a flawed democracy on the Economist Intelligent Unit Democracy Index[27]. The overall Democracy Index is based on five categories: electoral process and pluralism; civil liberties; the functioning of government; political

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[24]Institute for Democracy In Southern Africa (IDASA) **Afrobarometer Working Paper**, Issue Paper No. 81

[25] Goodwell Lungu & Francis Mwale (2012), Accountability & Democracy in Zambia, TI-Z report.

[26] One of the critical aspects around previous constitutional making processes has been how the process would ensure that there is balance of power among the three arms of government. The executive still wields a lot of power, in particular presidential powers. If this has to be addressed, it requires a legal framework intervention, especially constitutional provisions. There is an on-going constitutional making process, and it is hoped this is a matter that may be addressed.

[27] The Democracy Index is an index compiled by the Economist Intelligence Unit (a private business) that measures the state of democracy in 167 countries.

participation; and political culture. Countries are placed within one of four types of regimes: full democracies; flawed democracies; hybrid regimes; and authoritarian regimes.

One of the factors that can be attributed to this improvement is the increase of information on democracy through community radio stations. Currently, each province has a community radio station based in one or two districts. The community radio stations have been offering a platform that never existed before where citizens can freely debate and discuss issues affecting the country. There are however, still many rural districts in Zambia which have no access to any Zambian radio or television and do not even have community radio stations. Those near the border with neighboring countries end up listening to foreign radio stations. Chiengi and Milenge district in Luapula plus Shangombo and Sesheke in Western are just a few of the examples that are cited, particularly that the current project supported by the EU through Diakonia Zambia is operating in such areas.

Secondly President Mwanawasa's fight against corruption and the quest to pursue cases involving former president Chiluba and the desire to clean the civil service improved the general perception of the government. The survey also demonstrated that Zambia's population does not support authoritarian regimes or government and further showed that many Zambians are against military rule, one-party rule or one-man rule. Analysis of the findings in 1999, 2003, 2005 and 2009 showed that Zambians have consistently rejected military rule as well as one-party rule and one-man rule.

A recent EU Report[28]notes that government effectiveness is the area of governance in which Zambia is worst performing, below the Sub-Saharan average. Public services are plagued by staff shortages, unmotivated and often ineffective or absent staff. Until recently, most financial releases from the Treasury to spending ministries and agencies was very minimal, unpredictable and focused on meeting personal emolument expenses for civil servants with trickling funding to development projects[29]. It further noted that the government still struggles with accountability for public resources and inability to effectively deliver services. While levels of participation in accountability can be considered as high, approaches to this differ widely and this is largely localized. Accountability takes various forms but primarily solutions are addressed by

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[28] European Union Delegation - Zambia (2008) **Zambia - European Community, Country Strategy Paper and National Indicative Programme for the period 2008- 2013**, Lusaka

[29] There was an upswing of government undertaking and allocating resources to projects such as building of roads, schools and health facilities two years prior to the 2011 elections. Even then most of those projects remained poorly funded despite high visibility provided to their commissioning by high ranking officials, including former President Banda warranting them to be labelled as political-expediency projects.

community, religious or traditional leaders. In some instances, civil society has taken up some of the problems identified by local communities to government and policy makers. In recent years, especially in cases where community radio is established, citizens have used this media form to hold local government accountable.

2.3   Economic Gains, Electoral Dissatisfaction

While the MMD's record on improving the economy is noted, it is also clear that economic gains during its reign did not translate into improvement in the livelihood of the majority of the citizens. In addition, the positive economic record is largely attributed to the time and leadership of late President Levy Mwanawasa (2001-8), with the earlier privatization of state owned enterprises under the late Frederick Chiluba (1991-2001) being the reason for the high job losses and economic stagnation until 2001. Notwithstanding, more than 60% of the Zambian population is still living under the poverty line[30].

According to the government of the Republic of Zambia, 61% of Zambians live below the income poverty line[31]. The concentration of poverty is especially high in rural areas where as many as 78% of the households can be characterised as living in poverty with limited or no access to educational opportunities, housing, health, clean water and sanitation. Many of the poorest households are headed by women. In addition, the youth, mostly in the age 12-24, constitute a large demographic group, estimated at about 70% of the population. During the last September 2011 Elections, they constituted more than 50% of the electorate and hence played a crucial role in the outturn of the election. However, their representation in politics and national development remains inferior.

The dissatisfaction with democracy can also be attributed to the high levels of poverty in the country. A study by Simon[32] in 2002 found that economic trends helped shape patterns of political participation in the first five years of Zambia's new democracy, with economic difficulties depressing voter registration and turnout. In his study, Simon observed that many of the countries that underwent transitions to democracy in the 'Third Wave' did so under

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[30]Poverty levels still remain high at 63.8% of the Zambian population living under the poverty line of US$1 per day and 87.2% of the Zambian population live under the poverty line of US$2 per day (CSPR 2012).

[31] Central Statistical Office (2011), **Living Conditions Monitoring Survey 2010,** Government of the Republic of Zambia

[32]Simon, D.J. (2002) **'Can Democracy Consolidate in Africa amidst Poverty? Economic Influences upon political participation in Zambia'**. Michigan: Gale Group

conditions of severe poverty--conditions that pose a high barrier to the consolidation of democracy. Poverty threatens the generation of democratic institutions and patterns of behaviour because it affects political participation.

Poverty does indeed appear to reduce political participation in Zambia. Evidence from district-level data as well as from individual-level survey data lends support to the notion that poverty undermines participation according to either of the means suggested above. Simutanyi made a similar observation at a conference on participatory democracy in South Africa, when he noted the following about Zambia's poverty:

> *"Under Chiluba, poverty and inequality increased while Zambia's democratic performance regressed. Zambia was much poorer in 2001 than it was ten years earlier, with 8 in every 10 Zambians living below the poverty line. All social indicators were negative, including the high unemployment levels of more than 40 percent, highest maternal mortality rates in the world, high infant and child mortality, inhabitable urban dwellings and homelessness, declining literacy rates and poverty wages. HIV and AIDS prevalence of 16 percent was high by world standards, especially when the absolute number of infected persons was 1,200,000 and close to 900,000 deaths per year against a population of less than 12 million"[33]*

The poverty situation described above has not changed very much under the successive governments of the late President Mwanawasa, former president Rupiah Banda and now under President Sata.

In a nutshell, issues of economy have a direct bearing on the manner in which politics are shaped and invariably play out. In both the 'revolutionary' changes illuminated in the 1991 change of government, and similar trend of 2011, fundamentals around political economy and how they influence participation levels and positions taken by citizens are critical. There is belief that MMD lost power as citizens became more fatigued that they were not so accountable, growing intolerance of the MMD to divergent views leading to reduced participation space for key stakeholders in the governance process. MMD had not responded to pertinent issues people were looking forward to such as employment, growing concerns of raising corruption going on unabated. Behind all this was the issue of people's welfare and livelihood amidst concerns of wealth creation and distribution.

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[33] Simutanyi, N. (2010). **The State of Zambian Democracy: Left Organisations and their Role in Political Struggles**, paper presented to the SACP Democracy Conference on the Lefts Experience of Participatory *Democracy in Africa: Tasks and Challenges.* Lusaka: Centre for Policy Dialogue

Section III - Post-September Reflections on the PF Government

3.1   Overview

In this section, the report looks at various aspects pertaining to political governance since the PF government came into office to date. Attention has been given to reflect on the extent to which the new government has performed or perceived to have performed on those areas relating to the fight against corruption, facilitating the participation of civil society and other stakeholders in the governance of the country. Further discussion looks at political developments in the country especially issues around political intolerance, violence and sometimes uncertainty on policy frameworks. all these factors, invariably have impact and implications on quality and outcomes of governance in the country.

The September 2011 elections, are seen in many ways as a resolve by the citizenry of this country to remove an MMD regime they felt had lost touch with the needs of the people. The reign of the former ruling party, especially was reflective of a party that had departed from the tenets of democracy and good governance it campaigned for in 1991. The PF's ascendancy to power, thus was heralded and supported on the hope and promise to create more employment opportunities and improve the standard of living among citizens. In addition, there was a commitment to delivering development and consolidating Zambia's democratic practice, which was seen to be in reversal.

The PF government's development agenda cannot be overemphasized coming from a background of election promises to which the party committed itself to addressing severe incidences of poverty that the majority of citizens are experiencing. To this effect there have been notable interventions of initiating development projects across the country, increased budgetary allocations to the health, education, agricultural sector, and in particular by placing emphasis on infrastructural development across the country such interventions will in the medium to long-term not only open up opportunities for rural development but create jobs and wealth for the citizens. However, the handling of the agricultural sector, still remains lacking and since the country's majority rural population largely depends on agricultural activities, this poses a great challenge in improving people's welfare.

3.2   The country's economic outlook visa vis people's livelihood

Despite the political changes of September 2011, the country has not faced major shocks on economic performance, and this trend is likely to continue with the PF government maintaining

similar macro policy and fiscal discipline. In 2012, the country's economic performance remained robust, with output expected to have risen by 7.3%, from 6.5% recorded in 2011. Growth continued to be supported by the manufacturing, agricultural and services sectors, while mining output contracted, despite a new mine coming on stream. Labor disputes[34], lower copper prices and persistent problems with insufficient and intermittent electricity[35] contributed to the decline. Agriculture benefited from a diversification from maize to crops such as barley, sorghum and soya-beans which have higher yields.

Domestic demand will be supported by the hike in public sector salaries as well as the rise in the minimum wage during 2012 and rapid credit growth as banks look to expand their balance sheets. Mining production will recover as additional capacity comes on stream.

The PF government will need to strike a balance between meeting the expectations of its supporters who want a more equitable distribution of wealth, better industrial regulation and lower unemployment and sustaining investment and growth. However, finding this balance will be challenging and there remains some risk that populist policies will undermine economic growth. In line with the central scenario, the government is expected to stick to a market-oriented agenda.

Construction will be supported by the public sector infrastructure investment programme, where the government intends to invest USD655m of its Eurobond[36] proceeds in energy and transportation. The government's infrastructure programme – particularly the President's Roads Link Zambia 8000 project[37], the agricultural input support programme, as well as an increased focus on secondary and tertiary education - will be central to this initiative. Infrastructure will

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[34] Upon assuming office, one trend that hit the country was the high incidences of work stoppages, mostly illegal strikes by employees demanding better working conditions. Against a backdrop of the new PF government coming into the office to improve labor relations, most employees staged protests to win government sympathy and intervention. The mining sector was not any spared.

[35] The Zambia Electricity Supply Corporation (ZESCO) has attributed the increased load shedding currently being experienced in the country to a power generation deficit of 250 Mega Watts. The deficit has been caused by increased mining, industrial and agricultural investments.

[36] In September 2012, Zambia's accessed a record USD$750 million sovereign bond, with a ten year period at a price of 5.3%. The money raised from the bond will be spent on growth promoting projects and the social sectors of health and education, as follows: USD$186 million will be allocated to government's equity into the Kafue Gorge lower Hydro power project scheme, and the other will also be injected into Zambia Railways and the diversification of the agriculture sector.

[37] The Link Zambia 8000 road Project also known as Accelerated National Roads Construction Programme is a Project that the Government of the Republic of Zambia has initiated to accelerate road construction in the Country through the Road Development Agency (RDA).

improve gradually as investments, both public and private, are made in power supply and roads. However, this could be implemented at a slower pace, due to capacity constraints.

Power generation is expected to grow by 50% in 2012-16, reducing the frequency of power cuts but not eliminating them. Further delays to new power stations, a decline in copper prices or heightened policy uncertainty could see plans being pushed back. These policy measures are broadly welcomed. However, concerns remain about the government's capacity to deliver them, particularly large scale infrastructure projects as well as the feasibility and economic return of the roads projects.

A drought or unfavorable weather conditions could reduce agricultural output. Developments that contribute to policy uncertainty or a more difficult operating environment could also constrain growth.

The PF government has demonstrated that it is possible for the treasury to timely release development resources to spending ministries, which has enhanced the performance of most ministerial departments in providing services. However, despite the treasury being efficient at this, many departments faced high levels of absorption capacity challenges. previously, departments were used to receiving finances erratically but this was not the case in the period under review. Notwithstanding, the trend also revealed serious gaps around capacities and commitment of the civil service to deliver. This impediment is a matter requiring attention especially through the ongoing public service reforms and the rolling out of decentralization.

3.3   The Fight Against Corruption

Upon assuming office, the PF government undertook progressive steps in championing the crusade against corruption. One hallmark of this was the restoration of the 'abuse of office clause'[38] in the country's anti-corruption laws. this single action provided impetus and built confidence in restoring the provisions that would allow to deter a vice that has seriously become or perceived common amongst public offices.

The government has also made consistent commitment in policy pronouncements about the fight against corruption. the rejuvenated crusade also saw the appointment of a female Director General to head the watchdog institution. At implementation level, the Anti-Corruption Commission (ACC) has shown high levels of autonomy and effectiveness, including embarking on a more decentralized and resourced programs to prevent the occurrence of incidences of

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[38] Refer to the Anti-Corruption Amendment Act of 2012 that replaced the ACC Act of 2010.

corruption. Increasingly, the ACC has been seen now to have a voice. It has also been resourced to carry out and deliver on its mandate, in comparative terms to support provided under previous regimes.

However, the effectiveness of the ACC is questioned by many citizens in the manner in which it is or has handled its functions on cases that involve political leaders[39], previous or currently serving in government. At the political level, it is becoming difficult to reconcile the pronouncements of distaste for corruption and the embracing of leaders facing investigations for corruption alleged cases and indeed criminal charges. Observers see this emerging dilemma and inconsistence especially as it relates to the recent appointments of persons appearing in court on allegation of malpractices.

In looking at political governance in Zambia, post the 2011 elections, the study recognizes that issues pertaining to the extent to which the PF government has adhered to its election promises, and the resulting performance will be closely interrogated. It may be too early to judge the Patriotic Front's performance in office after realistically completing one year. However, indications are that majority of the respondents remain anxious on whether the new government would be able to deliver, differently.

Unfortunately, the 'rhetoric' around delivering development within 90-days of coming into the office, as the PF had espoused during the campaigns, has inevitably put the government under a lot of scrutiny. Suffice to say that a number of policy pronouncements and changes in the way of doing business by government have taken place. We look into some of the areas, primarily within the context on how they facilitate or impede participation by the general public in the development and governance arenas of this country.

3.4   Regulating freedom of association, assembly and dealing with discontent

This is one area that has put inevitably attracted attention of the PF's reign. A lot of anxiety has gripped the nation and serious examination of the PF on its record around respecting and promoting citizen's civil liberties. For this study, the following constitute part of the discussion.

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[39] A number of cases including that of Hon. Steven Masumba (Obtaining an academic qualification by false pretence), Hon. Gabriel Namulambe (Abuse of Office) and Mr. George Mpombo (forgery and lack of retirement of government imprest) which are before the courts of law for alleged malpractices.

3.4.1 Status of the NGO Act, and government's commitment to its amendment or repeal

In the run up to the 2011 elections, one of the controversial laws to be enacted was the Non-Governmental Organizations (NGO) Act which seeks to regulate[40] the operations of civil society organizations in the country[41]. Enacted by the MMD government in 2009 the NGO Act is perceived to be an instrument to close up the space for participation of civil society. For NGOs working to protect human rights, the NGO Act of 2009, if fully implemented in its current form will give the government enough powers to aggressively harass and intimidate CSO groups[42]. The NGO Act also greatly narrows the definitions of CSOs[43].

It must also be noted that on page 48 of the Patriotic Front (PF) manifesto, the PF government, elected in 2011 presidential elections, vowed to amend or repeal the NGO Act which they stated was detrimental to the creation of an enabling environment for civil society. One and a half years have passed since the PF came into office, and Civil society organizations, late last year raised concerns around the inertia exhibited by the government in making the appropriate changes to a piece of legislation considered prohibitive to the operations of NGOs in the country. PF Secretary General, Wynter Kabimba, also in his capacity as Minister of Justice said Government will ensure that it modifies matters which NGOs are not comfortable with in the NGO Act.

Observers and civil society actors say that the PF government won the support of NGOs during the campaign due in large part to these promises, however, since coming into office they have reneged on their promise and have moved towards implementation of the law as it stands. The NGOs have complained over the rigidity of government in opening up to address the matter during the first NGO Congress which has exposed government's lack of interest in laws meant

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[40] Section 31 of the Non-Governmental Organization Act of 2009 provides for the creation of an NGO council, to be appointed by Government, which will be established to develop and administer and impose a code of conduct. Additionally, Section 26 of the Act requires civil society organisations to reveal their sources of funding. The Act gives discretionary powers to the Minister of Community Development, Mother and Child Health regarding the registration of NGOs and does not provide clear parameters from which the Ministry must operate.

[41] With the enactment of the law amidst dissent by NGOs, who were opting for a self-regulatory entity, Zambia seemingly joined a number of countries who were seen to be stifling the operations of civil society, especially those of an advocacy nature who provided a platform and voice amidst weak political opposition.

[42] NGO partners point to the fact that out of the 26 provisions in the NGO Act, only 10 are progressive while the rest hinder civic space.

[43] Labour unions, faith based organizations and professional groups are not recognized under the NGO Act and are expected to register according to separate legislation with the Ministry of Labour and under the Society Act for Faith Based Organisations.

to improve people's well being. Government's slowness[44] in addressing this issue has since brought anxiety amongst NGOs who felt that the NGO Act is likely to reduce their space. All genuine and well meaning NGOs are all united on the fact that the NGO Act is a bad law.

Current perception about CSOs by the public, notwithstanding, is that they have changed, and not for the better good of the constituents they serve but there seems to be this unclear agenda that they are trying to champion. Most CSOs are either perceived or have failed to disengage from the likeminded positions they shared with the PF while in opposition. Similarly, with a number of CSO representatives appointed into government, it appears that CSO leaders have had a 'carrot' dangled to them, and many have taken unequivocal stands on matters were the public expected them to be strong and censor the government of the day. This could be giving government impetus to keep the NGO Act and use it effectively on CSOs in the long-run.

On March 1, 2013 - following months of speculation and uncertainty, Government launched the NGO Regulation Board - an eight person Board[45]. The NGO Registration Board[46] will be responsible for monitoring the operations of NGOs. It is also expected to perform, among other functions, register, maintain and approve the area of work of NGOs operating in Zambia as well as recommend rules and procedures for the audit of NGOs accounts.

An opportunity for the PF to stick to its commitment exists, especially if it can take the Act back to Parliament for amendment following recommendations from the just ended NGO Congress. NGOs were requesting for a law that would work for the betterment of the Zambian people and not promote hostility between the law makers and the NGO sector. Parliament has a responsibility to ensure that this law is repealed so that it works for the good of NGOs, because as it is in its state, the law will frustrate the efforts of the NGOs.

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[44] Government's inertia on repealing the law is largely due to lack of its capacity to meet the demands that come with the implementation of the law when in place.

[45] By its composition, the Board largely comprises Ministerial representatives and very minimal CSO presence. So far, on the eight appointed, only the Board Chair is not a government official.

[46] The Minister has the power to appoint the Board Chair and Vice-Chair of the Board. In addition to the above, there is supposed to be a mother body, the Zambia Congress of Civil Society, which appoints board members, the Minister also has the power to deny the proposed names. The Board of the NGO council is bloated and dominated by Ministers(16 board members of which15 are ministers),it has been given the function of registering NGOs, processing applications of NGOs, receive and discuss annual reports and approve the work of NGOs operating in the country. What stands out in the Act is that there are no dead-lock mechanisms to ensure that the Minister does not use discretionary powers to manipulate the law.

3.4.2   Application of the Public Order Act and its implications on political stakeholders

One of the most controversial and contested laws on Zambia's Statutes is the Public Order Act. This is owing to the manner in which subsequent governments have continued to unreasonably use it to prevent citizens from holding public gatherings. Devised by the British government in colonial times to control nationalistic politics, this law was carried over into the first and second republics of Kenneth Kaunda's reign. In 1991, the MMD upon assuming office found the same law which had seen most of the champions of democracy being detained or their freedoms curtailed. Ironically, in office, the MMD did not see anything wrong with the Act that outlaws free assembly without a permit. During the MMD reign the constitutionality of the Public Order Act was adjudicated by the Courts of Law, leading to its amendment in Parliament. The amended Public Order Act of 1996, thus has provisions that allows meetings to be held without permission (just a formal notification to the local police is what is provided for). However, this is not how it is currently being applied leading to anxieties by opposition parties and civil society groups, who are of the view that this law, in practice, is being applied in its original form.

The PF government, itself a victim of this law when in opposition, has seemingly embraced the same archaic law and used it against its political foes. The Zambia Police Service[47] has many times denied other political parties from having demonstrations or indeed meetings by invoking this law to the disappointment of many stakeholders. Leading opposition party leaders have been arrested several times while meeting constituents and they have been told they now need formal authorization to hold rallies and meetings or they could face further detention. From the Police's point of view not allowing the Opposition to hold meetings in some places (for instance a request to hold a public rally in Kanyama and Kabwata constituencies - though granted permission for this rally, where cadres from PF and UPND clashed on the day of the rally, are cases in point) was to protect the citizens and the parties concerned.

In some instances, the denial of opposition to meet - even private citizens such as traditional leaders or their own members - has been done with impunity, resulting in battles between the police and political party cadres. Recently, Nevers Mumba, the MMD president was arrested in Lufwanyama district for allegedly meeting with a traditional leader and his supporters. At the time of authoring this report, Dr. Mumba was facing a court case. In a nutshell, the Executive has shown high levels of intolerance in guaranteeing segments of its citizens to enjoy the right to

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[47] The leadership is seemingly supportive of the Zambia Police Service, in instances, seen to be praising and even rewarding police officers who were brazenly infringing the constitutional rights of Zambia citizens.

freedom of assembly and freedom of association - which are inalienable rights enshrined in the Bill of Rights of the Zambian Constitution. On this basis, no person or government authority has the right to violate these constitutional rights of citizens, unless under compelling and clearly deserving circumstances.

The development is worrisome, and has attracted local and international attention. Besides other citizens making a vehement call to the PF government to honour its commitment to strike off this 'archaic' law from the Statutes, when in office, bodies such as the Law Association of Zambia have in essence decided to petition the High Court challenging the constitutionality of the Public Order Act. The law body contends that certain provisions of the Public Order Act require to be removed to ensure that existing imperfections in the law are addressed - leaving no room for manipulation in its implementation by the law enforcement wing in this case the Zambia Police Service.

3.4.3   *Unfavourable political developments resulting in political intolerance and polarization*

Post 2011 Elections, the country has experienced unprecedented high levels of political intolerance. The levels of antagonism amongst the political players, civil society organizations and sections of the media is evident. The intolerance has resulted much from perceived government manoeuvres to close up space for participation especially for opposition parties[48], civil society[49] and media[50].

Through this study, however, many reasons are given that have led to this development suffice to say that no one reason is presented leading to this or indeed weighted out as the most prominent. Some respondents suggest that despite the PF government ascending to office through a populist vote, the high tensed pre-election experiences that they faced at the hands of the former government still have effect on them after they took over the reigns of power. For instance, some suggest that some sections of the current civil service still remains sympathetic to

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[48] Major opposition parties - MMD and UPND denied permits to hold political rallies, conduct demonstrations etc. One of the resultant effects of this was the holding of a press briefing in South Africa on 12th February, 2013 by three opposition parties, namely MMD, UPND, and ULP, at which among other issues, the three commenced lobbying the Commonwealth to suspend Zambia due to this 'deteriorating' human rights record. During the press briefing the parties accused the Zambian government of harassing, intimidating and attacking members of the opposition and trying to bring in a one-party state and fueling ethnic-based violence.

[49] FODEP was threatened with de-registration by the Registrar of Societies while YALI received a letter from the Minister of Justice warning them to stop conducting public consultative meetings on the constitution without the participation of the TC.

[50] UNZA Radio was cautioned on its content broadcast after featuring UPND President, and its scope of broadcast censured. The Zambian Watchdog and other Web-based media continue to be threatened.

the MMD and have not accepted or adapted to the fact that a new government, and in particular that President Sata is at the Presidency of this nation. In contrast, some are of the view that the civil service continues to be 'choked out' by a continuous reminder to implement not only government programs but the current ruling party's manifesto - which has also brought in some inherent resistance from technocrats.

There is also a wider view all parties, are still in an electioneering mode. The contestations that have characterised the PF with its former foe, the MMD, on one hand, and the tiffs that the PF had with its once political ally, in the defunct PACT, the UPND are still evident. Immediately after the elections it was easy for the two parties to quickly form the UPND-MMD alliance, of which one of the position was to make the work of the new government difficult, especially in parliament. Others contend that the two major political parties did not, and have not accepted that there is a new government in place, and to this effect their strategies remain to detract any progress that the PF government intends to implement. To the contrary, there is also an argument that the PF, recognizing the weakness it has in running a government with a reduced number of parliamentarians, its thrust has been to exert its influence by appointing opposition MPs to the Executive, as will be further elaborated below.

The President of the Republic is mandated to appoint members of parliament, even from the opposition, to ministerial positions. President Sata has exercised such powers, and this has seen the appointment of deputies to his cabinet, from the opposition MMD, and most recently, UPND. This move, though legal, has caused a lot of anxiety, and some political parties have accused the president of wilfully appointing such members of parliament to destabilize and weaken the opposition. The MMD for instance, has in effect experienced a dwindling number of its opposition influence, including now the loss of two parliamentary seats arising from either expulsion or resignation from the party of its parliamentarians, while at the same time faces internal turbulence with some MPs who view their president, Dr. Nevers Mumba as an illegitimate leader through a High Court ruling[51] of January 28, 2013, which recognizes him as the bona fide leader of the party after the now expelled National Secretary had attempted to expel his own president. Most recently, two UPND members of parliament have been appointed by the Head of State, and already, the opposition party has proceeded to expel one of its MP and the fate of the other is yet to be decided. While it is within the president's powers, many commentators, question the morality of the appointments and have called on the Head of State to exercise restraints. In similar vein, opposition parties whose members have been appointed to

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[51] The ruling of the High Court, arose from a petition of a factional group of the MMD through their former National Secretary, Major Richard Kachingwe, challenging his expulsion from the party following on January 28, 2013.

ministerial positions have been advised or indeed called upon not to expel their members as this is resulting into unnecessary and costly by-elections, draining national coffers at a time when people's aspirations is for development.

The levels of political intolerance has also manifested in violent campaigns during all the by-elections so far held. The most notable was a local government election in Rufunsa, Mufumbwe, Mpongwe and Livingstone. In the case of Livingstone[52], the by-election which was scheduled for 28th February, 2013 had to be postponed following the killing of a political cadre and riots that ensued following arrests of the opposition leaders.

The violent nature of politics has a significant impact on how citizens will ultimately participate in the political process. The incremental trend of incidences of violence correlates well with the resulting low levels of participation. most by-elections have had a paltry 28% turnout while many people shun political gatherings for fear of being caught up in skirmishes between and among parties.

At the time of conducting this study, various segments of society[53] have heightened calls for political dialogue amongst the political stakeholders, and are impressing on State House to provide leadership and take a bold step in addressing glaring scenarios that are denting the repute of Zambia as a democratic country.

3.5   *Zambia's Constitutional Making process - Where is it going?*

Since independence in 1964, Zambia has seen four attempts at reforming the constitution. Most of these attempts occurred just prior to elections and each effort was largely rejected by Zambians because the processes lacked significant public consultation. However, President Sata kept his campaign pledge to resume the constitution-making process. He appointed the Technical Committee on Drafting the Zambian Constitution (TC), chaired by retired High Court Judge, Justice Annel Silungwe, with an initial mandate to deliver a constitution within a 90-day period. Unfortunately, this has not resulted close to 16-months of its appointment.

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[52] The Electoral Commission of Zambia Chairperson, Justice Ireen Mambilima, announced the decision on February 27th, 2013 - a day before the by-election was scheduled to take place, citing incidents of violence that had rocked the tourist capital. The decision was taken in line with provisions of the Electoral Act. During the press briefing the Commission chairperson expressed deep concern with the high levels of intolerance and violence by the political parties during elections and the apparent disregard for the Electoral Code of Conduct.

[53]Refer to Zambia Center for Interparty Dialogue (ZCID), Zambia Episcopal Conference Pastoral letter, dated January27, 2013; A Joint Communique by the three main church bodies - Zambia Episcopal Conference, Christian Council of Zambia (CCZ) and Evangelical Fellowship of Zambia (EFZ) issued following the electoral violence witnessed in the run up to the Livingstone by-elections.

The TC produced the first draft of the constitution on April 30, 2012, at which point the public consultation period began. Comments from the consultation period were to be incorporated into the second draft of the constitution. This was the first phase of the consultations with the Zambian public, both local and international. This process required time, and the TC heeded advise from various stakeholders to provide for more debate and opportunity for the public to engage in the constitutional reform process. After this phase, albeit a delayed one, the TC has hosted forums in all 72 districts - through district-based 3-day forums - at which various stakeholders deliberated the constitution and provided their positions on the content of the draft constitution. This process was further augmented through Provincial Conventions, which were held between November 2012 and February 2013, while the National Convention is expected at the end of April 2013. The TC is expected to produce a final draft constitution at the end of June 2013[54], as per its current timeframe.

In terms of facilitating for outreach and participation, the current constitutional making process has been the most engaging, providing for various citizens to bring in their perspectives in the anticipated new constitution. There is general agreement that the citizens voice - even at this stage - is consistent in their debate and resolve to maintain most of the provisions in the draft constitution. It is worth highlighting that across the country, issues pertaining to: need for an expanded Bill of Rights; credible electoral process; greater mechanisms for transparency and accountability; reduced powers of the presidency; and devolved system of governance remained a priority.

There is no explicit engagement and position of the respective political parties in the constitutional making process. Most political leaders have not commented or guided their constituents and perspectives on the content and process of the constitution. Mostly, views that have been advanced on platforms especially during the district forums and provincial conventions were not party but individual positions, and invariably were inconsistent in different areas and largely influenced by the levels of understanding by the party representative. For parliamentarians, especially from the ruling party now, they expressed worries around provisions seen to be reducing the powers of the president, the costly nature of enacting the constitution through a referendum, and the implementation of a new electoral regime - mainly preferring the current *first-past-the post system*. Some of the positions, also are indicative of the need to guard the process of the constitutional making process, because it is possible that a well-meaning, well-

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[54] This detail is based on the TC revised roadmap in December 2012. Based on this revision, following the finalization of the district-based forums, the 10 Provincial Conventions, were all held according to schedule.

crafted and debated document can fail to be enacted based on the decision of a few legislative representatives. This gives credence on the worries many stakeholders continue to highlight, particularly around the need for a legal framework to safeguard the process.

At the start of the latest constitutional making process, enthusiasm characterized the process, especially with the release of the first draft of the constitution, which in many ways was well-received by many stakeholders and seen to have incorporated a number of issues, including progressive provisions made in the Mung'omba draft constitution. The euphoria, however, started to wan taking into account many challenges that the constitutional making process faced, including lack of sensitization, which raises public concerns about the extent to which ordinary Zambians would be involved in the process of finalizing the constitution. There is also lack of clarity on how the process will meet all the people's aspirations amidst reaching consensus on key issues in the constitution. There is also a major concern on the absence of a legal framework that would protect the process and the content.

Other commentators have also raised concern on the prevailing uncertainty around the referendum. There is conflicting position, even, within government itself on whether or not a Referendum would arise, and how this will be conducted. It must be borne in mind that the PF government did promise that the constitution would be subjected to a Referendum, but for the moment there is a lot of uncertainty, and the Zambian public await assurance on this aspect. Whether or not a Referendum Commission will be appointed is a matter that needs addressing suffice to say that this is the vehicle that Zambian's prefer before the new constitution can be enacted by Parliament.

Despite these setbacks, government continues to assure the Zambian people that the country will have a constitution that will reflect the calls and wishes of the masses. Recently, newly appointed Justice Minister, Wynter Kabimba, reiterated that government is not going to manipulate the constitution-making process as it wants justice and fairness to prevail for all Zambians to have their voices heard and respected. He further emphasized that the Patriotic Front (PF) government wants to see a constitution that is people-driven and not one which is government inclined.

3.6   Women's participation in the political process and the commitment to address the imbalances

Women's participation in political life has significantly declined especially at parliamentary and local government levels as attested from the 2011 September elections. This is against a background of many interventions to reduce this gender imbalance. A trend analysis by the

Ministry of Gender & Child Development indicates that from 1991 women representation in politics was on the increase from 4.8% to 10.6% in 1996, and further increased to 15.19% in 2006. In contrast, there was a sharp decline in 2011to 11.3%[55]. Similarly the Zambia National Women's Lobby (ZNWL) Gender Analysis of the 2011 Zambian Tripartite Elections provides context to these statistics. In practical terms, the 2011 Elections saw the participation of only one female presidential candidate, Edith Nawakwi who received 0.3% of the total presidential votes and came out 7th out of the 10 presidential candidates. Similarly, at parliamentary level, only 17 women were elected out of the 150 parliamentary candidates elected. This represents 11% out of the total number of elected to the legislative body. The report further goes to state that none of the female candidates who stood as independents managed to get a seat. At local government level, only 85 women were elected out of the 1,382 councillors that emerged winners. This represents 6.1% of women representation and shows a decline from the 7% female councillors in 2006. The Women in Law and Development in Africa (WiLDAF) report also confirms that the 2011 elections failed to address the gender gap in terms of women's participation in elections (NFD 2011). Cabinet level representation is also very low with only four[56] full cabinet members appointed by President Sata[57]. Out of 10 provincial ministers only one is female[58].

A lot needs to be done for Zambia to meet the SADC Protocol on Gender and Development, which calls for State parties to ensure 50% of women and men in all decision-making positions. Neither the Constitution nor electoral legislation has affirmative action provisions like quotas to further the representation of women in public elected bodies or for appointed positions. There is a need for a broad policy shift that would help Zambia dismantle the cultural prejudices that disadvantage women in the process of selection of candidates at presidential, parliamentary and local government levels. There is need for gender sensitive legislation to be developed. Proportional representation as an electoral system would also improve women's representation in elective bodies like Parliament and Councils as opposed to the *first-past-the-post system*, which is currently being used.

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[55] Statement attributed to Ms. Edwidge Mutale, Permanent Secretary, Gender and Child Development, December 2011 at a Gender and Politics Symposium, Intercontinental Hotel, Lusaka

[56] The four women in Cabinet are Professor Luo Nkandu, Minister of Chiefs and Traditional Affairs; Inonge Wina, Minister of Gender and Child Development; Emerine Kabanshi, Minister of Local Government & Housing; and, Sylvia Masebo, Minister of Tourism & Arts.

[57] The country which previously had 14% women representation in cabinet has slipped from number 13 out of the 15 SADC countries to rank last in the region.

[58] Hon. Josephine Limata Limata is a woman and is currently the provincial Minister for Southern Province.

A 2005 study by Jotham Momba in Africa as well as another study by Muna Ndulo (2000) on political parties, posited that selection of candidates by political parties in certain instances such as selection of candidates at the lower, middle echelons of authority within the party do not follow party democratic procedures, and tend to disadvantage prospective female candidates. In addition, the pre-dominant patriarchal structures and perceptions are at the centre of disadvantaging the adoption of women as candidates within the political parties. There is need for political parties to encourage a high participation of women in National Executive Committees and recognize that women are equally capable of being in leadership positions and taking decisive actions.

Moreover, political parties have failed to address significant inequalities among men and women in their ranks. The absence of voluntary quotas in political party manifestos and constitutions[59] to guarantee the inclusion of women exposes a lack of political and affirmative action. Studies conducted on political parties in Zambia show that none of the political parties provide any quotas for women or youth candidates for parliamentary or local government elections.

To date, the PF government has made up for the poor representation of women in parliament through the appointment of more women in decision-making positions[60]. For instance, the current Inspector General of Police is female; many of the provincial police commanders are also female. Women are also heading the office of the Auditor General, Drug Enforcement Commission (DEC), Anti-Corruption Commission(ACC) and as part of initiating Judicial reforms, females have been appointed to hold the position of Acting Chief Justice and Deputy Chief Justice. There appears to be a deliberate policy to fill most strategic decision making positions with women.

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[59] The current UPND Constitution provides for a 30% quota of women participation in decision making. In practice, the party has also strived to ensure that thee is 30% women representation, even during adoptions.

[60] Since 1991, the number of women in parliament and cabinet has been one of retrogression because in the one party era, there were more women in all sectors of decision making. In as much as the PF party, when in opposition sent the largest number of female MPs to Parliament in the 2006 elections, the party failed to double this figure in the 2011 elections as it had promised in its campaigns and manifesto.

Section IV – Factors Hindering Effective Political Governance

4.1   Overview

One of the anticipated tasks for this study focuses on attending to issue of ineffective governance, in particular identifying the factors that hinder Government from providing effective political governance to its citizens. The study acknowledges that there is a lot of literature which identifies various factors that have a bearing on the form and quality of governance, and this study has drawn useful insights from such discussions. Our own discussion and perspectives are complimentary, mostly providing for further elaboration by drawing on the Zambian experience to emphasize how some of these identified factors have negatively impacted on citizens' ability – directly or not – in their participation in the democratic and development process.

Briefly, we reflect on what are the expected roles and responsibility of government in the provision of goods and services to its citizens. This is useful especially that it will assist in mirroring the extent to which government entities play the anticipated roles. It should be noted that every country has its own government, with different forms of administration arrangements and representativeness. In the case of Zambia, there is existence of two forms of government, namely central and local government[61].

It is not the focus of this paper to discuss these forms of government but it is helpful to highlight that all governments owe certain duties and responsibilities to the citizens of their respective jurisdictions. These would be around four areas as, follows:

1.   *Provide Public Services:* Governments, especially in developing countries, are responsible for providing and/or facilitating citizens to access public services, including but not limited to health, education, agriculture support and market access, social security, access to finances, sanitation to mention but a few. Depending on the development levels of the country, a government has either provided these services directly or works with other interested stakeholders, especially private enterprise by providing them with favorable policy frameworks and incentives that enable them to

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[61]Zambia is a democratic republic with two spheres of government, national and local. There is constitutional provision for local government and the main governing legislation includes the Local Government Act 1991 and the Local Government Elections Act 1992

provide these services while government responds by ensuring that disadvantaged segments among the citizens also have access to these public goods and services.

2.   *Provide Economic Stability:* Governments use money collected from taxes to set budgets for government agencies. These monies are distributed and used for a variety of purposes, from delivering public services like education and sanitation. Government agencies and local governments then hire people to carry out these services, creating jobs for citizens so that they can provide for themselves and their families. Additionally, governments provide economic stability by negotiating trade agreements and regulating trade.

3.   *Provide Order:* Governments provide order first and foremost by setting forth a list of rights and privileges that all citizens are entitled to and explaining any limits or restrictions to those rights and privileges. Governments also create and enforce laws and regulations meant to keep citizens safe. Because most often, members of society have a voice in choosing who represents them in government through elections, they are willing to abide by laws and regulations set forth by these individuals as part of their governmental duties. When laws and regulations are broken, governments are also there to administer justice.

4.   *Provide Protection:* Most governments have armed forces that are ready to protect members of the citizenry from a wide variety of dangers. For instance, the Zambian government has a military to keep citizens safe from international threats, a police service that helps to police and provide security in the country. The Zambia Police service is mandated to enforce laws and keep the peace locally.

Weighing through the above outlined roles and responsibilities, a vital aspect for discussion is around what is expected or indeed conceived as 'good government'. Good governments are those that are seen to be: (1) representative of and accountable to the population they are meant to serve; and (2) effective, that is capable of protecting the population goods, needs and desires.

This aspect is critical because it also brings in the link that governments ought to have with the rights-holders.

Various studies point to the fact that the most representative and accountable governments are in democracies, but not all democracies have effective governments, and there are relatively effective and even representative governments in non- democratic states[62]. While democracy, or at least accountability and representativeness, may well improve legitimacy, the argument here is that effective government is a necessary condition in the long-run.

This study identifies a number of factors that may be responsible to hindering government's ability to effectively provide or facilitate political governance in the country. Some of the factors may be directly linked to government's inability to undertake its roles, while on the other, citizens reactions or responses to existing or perceived unfavourable situations have resulted in their inability to see the relevance in issues around political life and development of the country.

4.2   Lack of Development and Economic stresses on the majority of the Zambian citizens

One of the many factors, with a cyclic effect on peoples participation in development and political life, inter alia, has been the circumstances that citizens find themselves due to lack of development prevailing in most parts of the country, and in particular the high levels of economic stress[63] that are felt at individual and household levels. Over 8million of the 14million population of the country are cited to live below the income poverty line while an additional 6 million – which is nearly two thirds of the population, live in extreme poverty, unable to meet their basic food needs.[64] The majority of citizens live in rural communities, despite high concentration of people being in the urban areas of Lusaka and stretching out to the Copperbelt.

Beyond the provided statistics, as presented in macro-level analysis on economic development there is a human face to this. Most of those living in rural communities do not have an income, and mostly depend on seasonal farming. Vulnerability amongst the population is higher among farmers producing food only for subsistence, and they are at risks of sickness and drought

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[62]Margaret Levi & Audrey Sacks (2005)**Achieving Good Government—and, Maybe, Legitimacy,** Arusha Conference, *"New Frontiers of Social Policy" December 12-15, 2005.*

[63]The condition and hazards of poverty go well beyond the issue of incomes with deficits in choices and freedoms that extend throughout the lives of the poor. The Zambia Human Development Report 2011 states that in 2006, 64% of the total population was poor. However, poverty is not homogenous throughout the country and disproportionately affects women, elderly, children and youth.

[64] Central Statistical Office (2010)**2010 National Census**, Government of the Republic of Zambia

without saving. Their access to food and health services are largely influenced by demographic factors such as age, employment, physical health, gender, education, household size, and location (including differences between urban and rural areas).

Female headed households[65] are on the increase and challenges they face include food insecurity and illness because of a lack of access to land[66] and technology as well as education[67] and health services. Education especially among women influences household access to food and medicine by enabling individuals to acquire skills and make proper use of health care and other public services.

Their situation may comparatively be different from those in the urban (and specifically peri-urban areas) though this is not to suggest that it is any better. However, despite the economic challenges they tend to have urban residents have better nutritional and health status than their rural counterparts[68]. This urban-rural difference is mainly driven by the more favourable living conditions of urban areas including better sanitation systems, piped water and electricity. More opportunities to access income and ability to have greater organization and influence on political power in many instances effects on how government responds to improving their welfare further in comparative terms to the weak access circumstances of hopelessness and disengagement expressed by rural residents. These are the circumstances most rural Zambians find themselves in, and underdevelopment and lack of economic empowerment for the citizens is very visible. It is the order of the day.

To this effect, a common denominator for both rural and urban communities that face economic hardships is that democracy is remote to them. It has failed to be a vehicle to deliver

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[65] Slightly more women headed households (80%) live in poverty compared to male headed households (78%) while extreme poverty affects 60% of female headed households (Living Conditions Monitoring Survey, 2010)

[66] The issue of land is problematic in Zambia's development process. Land is a primary resource that men and women in Zambia depend on for their livelihood. From generations to generations, land has been hailed as the greatest resource and indeed the backbone of wealth in many African communities, whether urban or rural. The Sixth National Development Plan recognizes a number of impediments to the full realization of the potential of the land resource to contribute to poverty reduction in the country. These include duality of land tenure, over-centralised land administration, inadequate empowerment of citizens (especially in customary areas), lack of land policy, abuse of the current system of acquiring land in both customary and state areas, ineffective land use planning, and ignorance of land alienation procedures. Land is the focal point of economic growth poverty eradication and the general improvement of livelihoods.

[67] Literacy levels are much higher among men than women: 82% as compared to 61%

[68] Smith, Lisa C., Marie T. Ruel, and Aida Ndiaye (2005) **Why Is Child Malnutrition Lower in Urban Areas Than in Rural Areas? Evidence from 36 Developing Countries**. World Development 33 (8): 1285-1305

development[69]. Amongst the many options is that such citizens have opted to disengage with political and political life to focus on their immediate individual needs. It manifests itself on the high levels of apathy and cynicism to democratic processes such as elections or indeed participation in community work and development projects. It also breeds uncertainty and insecurity amongst individuals. Lack of security also means citizens are unable to invest or indeed explore their full potentials, which negatively impacts on their income and living standards. Growing youth unemployment is a phenomenon that can be equated to a national crisis. It is attributed to dwindling job opportunities due to the socio-economic crisis of the past two decades, as well as the increase in population, which results in an increased youth labour force. The lack of specific training and demand for previous work experience often limits a large proportion of youth from joining the formal sector of employment. Most join the informal sector and focus on petty services for irregular durations and pay, such as repairs, trading, hairdressing, and welding.

Zambia is also experiencing high levels of child-headed homes[70]. This is more prevalent in the urban areas than in rural communities. Most of these homes are resulting from high attrition rates of the adult population due to HIV/AIDS. Characteristically, the orphaned children, even when kept by elderly parents these are mostly sick and unable to meet the needs of the children. Such circumstances force the children, mostly in the ages of 12-15 to go on to the streets or engage in income generating activities to provide for their siblings and ailing parents.

4.3   Lack of sound choices and policy decisions

Sound choices and decisions about policy and resources are at the heart of a well-functioning government and its political processes. The government professes to be concerned with wealth creation and social protection, by promoting human development and creating conditions that encourage economic development. These aspirations are clearly articulated in national and sector development plans and other strategy documents, which strive to make good connections between economic and social policy.

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[69] Though this view is not new, as is attested by many analysis on how politics have played a role in improving people's lives, it takes new emphasis in mirroring the performance of the new PF government in light of its campaign promises.

[70] Child-headed households are believed to be a small but growing phenomenon in Zambia. Small-scale research studies have found an incidence of around 1 to 2% of all households being child-headed, making a possible total of 20,000 households nationwide. In both rural and urban areas, there are child headed households consisting of siblings, for whom no home or relatives were found after their parents died. The eldest amongst them takes principal responsibility for supporting the younger children. Strictly speaking, child household heads are under 18 years old, although there are many others where the head of house is a little older, but still equally unprepared and ill equipped to bring up their siblings.

In Zambia, the most current and holistic strategy document is the Sixth national development plan. Implementing such reforms requires a clear policy framework, sound public expenditure management and strong political engagement. However, the nature of the political system determines policy, and the allocation of scarce resources between competing interests, including those of poor people.[71] It has become clear that the production of policy statements does not represent a serious intention to implement policies. Poverty and Vulnerability Assessments undertaken show that poverty levels remained unacceptably high[72], and there was little evidence to show that they had fallen in recent years.[73]

The Assessments argued that slow growth in Zambia is not so much in the content of the development strategies, but in failure of detailed and consistent implementation. The 2006 Afro-barometer review observed declining confidence of Zambian citizens in their Government's ability to implement policy and manage national economies. The review also noted that citizen's trust in legislatures had declined dramatically. Thus, poor governance and policy implementation failures are said to be central to this problem.

For Zambia, policy choices and resource decisions (strands) come together within the institution of Cabinet. Cabinets are defined as a series of overlapping arenas that provide political leaders (Ministers) with an opportunity to compete for political gain and public expenditure.[74] The style and membership of cabinets varies enormously.

Evidence suggests that Cabinet decision making and policy implementation has been weak in Zambia. Annual Reviews of development strategies have constantly revealed the 'implementation failure'. A tracking study revealed that 75% of Cabinet decisions were not implemented. Findings further indicate that that the political elites do not feel that the provision of (all) services is crucial to retaining power. The political elites are competing in Cabinets for other purposes and on a different basis. An extreme representation of the lack of formal accountability and responsiveness has been a lack of budgetary discipline (because it indicates that there is no Cabinet view on the best use of the Government's resources as a whole). There is a strong

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[71] Department For International Development (2001), **Making Governments Work for Poor People**,

[72] Central Statistics Office (2010) Zambia - Census 2010

[73] World Bank (2005)**Poverty and Vulnerability Assessments**, Zambia

[74] N. Manning (1999), **Strategic Decision making in Cabinet Government,**

connection between leadership performance with trends in economic management and implementation of national development programs. [75]

4.4   The scourge of bad governance and its effect on political governance and participation.

Reports of widespread corruption during the ten-year reign of President Chiluba have been publicized in both the state and non-state media since the 'New Deal' government of President Mwanawasa came into office late in 2001. It is worth pointing out that the agenda of reform pursued by the MMD government since 1991, failed to address the fundamental structural determinants of corruption and patronage as well as the impact of these interrelated vices on good governance. Indeed, if anything, the withdrawal of state intervention in economic governance may have increased rather than decreased the scope for corruption.

On the part of the citizens, through freely electing their own leaders, they express their confidence in the elected leaders. However, citizens' feelings about the government and its performance have been affected by a number of negative developments in the country. These include high levels of corruption within government, abuse of public resources, lack of accountability, abuse of office among many others.

Afro barometer surveys conducted on the general satisfaction of citizens regarding the performance of the government in Zambia showed low results. It also showed that citizens were not satisfied with the previous government's management of the economy. The Auditor General's report for 2010 showed gross misappropriation of funds in various public institutions through excess[76] expenditure; misapplication[77] by various public institutions; and other irregularities such as unretired Imprest and unvouchered expenditure and delayed banking of up to 13 billion among other misdeeds. Most of the irregularities were due to failure to adhere to regulations, abuse of Imprest, failure to follow tender procedures and non-adherence to contract terms among others.

Civil Society for Poverty Reduction (CSPR) also observed that Zambia was experiencing a total collapse of corporate governance due to a collapsed political leadership that allows abuse of

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[75]Institute for Democracy In Southern Africa (IDASA) **Afro Barometer Working Paper** No. 60, 2006'
[76]The 2011 Auditor General's report indicated that the MMD government spent an excess amount to the tune of over 814 Billion Kwacha.

[77]. The report further notes that an amount of up to 220 Billion Kwacha was misapplied by various public institutions

public office as reflected in the Auditor General's report. In 2010, President Rupiah Banda removed the abuse of authority of office law saying it was retrogressive and undemocratic. He claimed that the abuse of authority of office offence was already provided for under section 99 of the Penal code chapter 87 of the laws of Zambia[78]. The Zambian people condemned this move by President Banda but fortunately, the clause was reinstated by the PF government of President Sata when it got into power and this move was welcomed by the public.

4.5   Lack of facilities to effectively disseminate government policies across the country

While there is general lack of communication facilities in most part of the country, over the years, government has not effectively availed or developed infrastructure to support information and communication needs across the country. The public radio and television facilities as at present do not cover the entire country. In all aspects only in the last four to five years has there been an upscale of projects aimed at getting both radio and television signals to rural areas. Upon assuming office, the PF Government intends to take this process further by establishing provincial-based television stations. Private sector involvement especially in terms of television is still low though through satellite terrestrial stations such as DSTV and Africa Unite (as the case may be for MUVI-TV) are assisting in sending information across the country. Notwithstanding, most of the border areas and rural communities depend on radio and television signals from other countries, which have more developed infrastructure in this area.

The public newspapers (that is the Times of Zambia and Zambia Daily Mail) circulation capacity are limited and do not meet the national demand. In addition, their circulation is limited mostly to provincial capitals away from the urban areas of Lusaka and Copperbelt. Such newspapers are incidentally found in rural communities and by the time they are accessed most of the information is stale. To this effect, government cannot easily disseminate or in reverse access information that is critical to interacting with citizens across the country or indeed inform its strategic decision-making. The knowledge and information gap is very evident as one traverses rural communities, and this is not only confined to the general citizenry but includes public servants who would ordinarily be expected to extrapolate and inform the citizens on what is happening within and out of the districs or the nation as a whole.

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[78] Abuse of office clause is retrogressive and undemocratic-says RB. Available at: www. Lusaka. Times .com/2010/2011. Accessed on:20/09/2012

Coupled with low literacy levels it is clear that access to information has serious implications to how citizens can engage with government at different levels. Most information that citizens' access is speculative and based on word-of-mouth. In the absence of such information it is further difficult to define or envisage what would be the basis on which already disadvantaged communities can interact with political and public service representatives at different levels.

4.6   *Weak political representativeness and increasing political intolerance that erode public confidence*

While Zambia's democratic development is noted, it is also true that support for institutionalizing the process still has a number of gaps. More inclusive concepts of democratic consolidation that include viable and competitive party system, respect for and efficacy of key institutions, accountability to citizens, and tolerance of participation by the media and civil society in the political process are being advocated for. Over the years, the country has experienced a steady decline of support for popular democracy. Doubts about the integrity of elections and elected leaders, in past elections have in many ways eroded legitimacy of those elected to political office. However, this is offset by a notable growing political patience: citizens are willing to give present system of elected government more time to deal with inherited problems; and increasing levels of institutional trust in democratic institutions such as elections and Political Parties.[79]

The growing trend of political competition in Zambia has been for the legislature to be dominated by the opposition. The political landscape is characterized by political hostility and shifting divisions between and within major parties as leaders scramble for influence and power. Political parties are weak relative to their leaders, lack ideological content and differences, and are usually defined on ethnic and regional distinctions. In addition, politics of development have been at the periphery with mostly aspersions and innuendos characterizing political discourse.

4.7   *Government's inability to effectively provide public services to its citizens.*

Government effectiveness is the governance area in which Zambia is worst performing, below the Sub-Saharan average. The Government still struggles with accountability for public resources and inability to effectively deliver services. A Public Sector Reform Programme has been running since the 1990s with attempts to restructure the civil service to make it more efficient. Salaries in the civil service remain uncompetitive and generate serious human resource problems.

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[79]Institute for Democracy In Southern Africa (IDASA), **Afro Barometer Working Paper** No. 60 (2006)

At local level, the majority of citizens have inadequate access to basic social and economic services to live dignified lives. There is general lack of adequate basic needs such as adequate food, clean water, education and health for most remote rural communities in Zambia. Inability of government to provide these services to be deemed accessible to citizens negatively affects citizens' views and perceptions of government effectiveness. Various factors are at play on why government cannot effectively provide these services.

Firstly, the manner of programme implementation, which ultimately affects both quality and adequacy of public goods and services, is that government operates a highly centralized system of governance and public service delivery, whose decisions are largely directed by the Lusaka-headquartered government ministries and agencies. The delivery is through deconcentrated, local structures of central government ministries/institutions, many times by passing or not coordinating with local government structures.

Secondly, the services expected to be implemented by local government through the various municipalities and districts are inadequate due to these district councils not having adequate local resources and delayed or inadequate development grants from the central government. In summation, the end-users of these public goods and services do not access adequate or timely services which means that their livelihood circumstances remain unchanged, and in many instances deteriorating.

Thirdly, there exists skewed distribution of services across individuals and regions in the country, vulnerability to economic and financial crises, and the overlapping deprivations suffered by many. Rural provinces of Zambia have over a long period of time remained under-developed. Though there is greater attention emerging to address these concerns, this has had the net effect of seriously affecting the inhabitants of these regions who inevitably become disillusioned and contend that government least cares for them.

Current efforts by the government are to implement the decentralization policy. The National Decentralization Policy (adopted in 2004) aims at a fully decentralized and democratically elected system of governance characterized by open, predictable and transparent policy-making and implementation processes. The slow pace at which decentralization implementation is taking place in the country has had serious implications on how government engages with citizens, and facilitates for them to take leadership in shaping local development and governance. Note that the Decentralization Policy was adopted in 2002 and officially launched in 2004. A plan for its implementation was developed in 2006, but was only approved in 2009.

Government has used the issue of lack of capacity particularly fiscal capacity, to explain the slow pace which characterises the implementation of the decentralization policy. Surprisingly, there has not been much concerted effort on the part of civil society to advocate for decentralization. This is difficult to understand in view of the importance of decentralization to the delivery of quality and responsive services.

In the absence of such a process, development approaches remain top-down and do not facilitate for engagement with local communities. The ability of people and their institutions to participate in decisions that affect them, and the power they possess to influence change are important for sustainability.

Service delivery must go hand-in-hand with high levels of accountability, the guarantee of basic human rights, and the empowerment of individuals and state and non-state institutions at the frontline of service delivery. For Zambia, this means that all efforts should be directed towards avoiding unnecessary delays in the planned devolution of decision-making to local authorities. It also entails the creation of space for the greater involvement of non-state actors in service delivery.

4.8   *Poorly developed and lack of reaching out transport and communication infrastructure*

Zambia's development process requires the support of varied state infrastructure. Transport and communication infrastructure, among others, are central to delivery mechanism in the generation of quality socio-economic development[80]. Eugene Weber (1976) noted, "Until roads spread, many rural communities remained imprisoned in semi-isolation, limited participants in the economy and politics of the nation"[81]. Currently, the road and communication infrastructure[82] has not penetrated all parts of the country. The rural road networks appear to be neglected. Zambia's rural road accessibility is poor compared to other countries in sub-region. While 70 % of Zambians depend on agriculture for their livelihood, only 17% of this population lives within

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[80]Ministry of Finance & National Planning (2010), **Sixth National Development Plan**, Government of the Republic of Zambia (Chapter on Transport)

[81] Eugen Weber (1976) **Peasants into Frenchmen: The modernization of Rural France**, 1870-1914. Stanford: Stanford University

[82] A core road network of 40,113 km has been identified as being the minimum road network needed to be effective in combating poverty through improved accessibility, connectivity and job creation. Out of the core road network, 7,250 km is paved and 32,863km is unpaved roads. The density of the core road network is 0.053 in km/square and 0,029 in km/capita. The percentage of international and domestic passenger and freight services carried by road is above 80%, which has also resulted in increased pressure on the roads.

2 km of an all-season road—about half the African average[83]. The condition of the existing rural networks is exceptionally poor, with only 21% in good or fair condition, compared with around 60% in the relevant peer groups. There may thus be a case for shifting attention and resources to the rural networks in the future.

In terms of communication, Zambia's GSM coverage is comparatively low by regional standards and well below what the market can deliver. Only 53% of Zambia's population lives within range of a GSM signal. There has been notable improvement especially with the competitive nature in which mobile phone access continues to grow, which ultimately starts to provide increasing access to information to citizens. However, most rural communities especially in the east and western stretches of the country do not have access to these facilities.

Although the use of the internet is not yet common in the rural areas in Zambia, the use of Internet technology to further citizen participation is believed to hold great promise to enhance democratic governance by allowing citizens to access public information and interact with government officials, promoting better accountability of public officials to citizens through efficient and convenient delivery of services, and producing fertile ground for reinvigorated civil society[84].

Empirical evidence suggests that some of the promises of bridging the gap among governments and citizens through enhanced interaction between citizens and government, and between citizens themselves are yet to be fulfilled especially in developing countries like Zambia. However, with the spread of mobile technology country wide, it is time Zambia assessed the emerging opportunities and challenges of Internet-based citizen participation.

The newly rebranded information authority, the Zambia Information and Communication and Technology Authority (ZICTA) can play a leadership role in this aspect by partnering with the major mobile communication service providers like Airtel, MTN and ZAMTEL to analyze technology/participation interactions, and identify the participation experiences of marginalized groups.The Zambian government does recognize this existing situation, and in the implementation of its development policy and strategy, it seeks to strongly address the challenges in transport infrastructure as these remain the major constraint to growth, economic diversification and human development. The SNDP identifies a close relationship between

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[83] Africa Infrastructure Diagnostic Report (2010) **Zambia's Infrastructure – A Continental Perspective**

[84]Joseph, R. C & Kitlan, P.D (2008) *Key issues in E-Government and Public Administration*. School of Business Administration. Available At: igi. Com From IGI Global

provision of such infrastructure and poverty reduction. This is envisaged to be done by undertaking construction, rehabilitation and maintenance of physical infrastructure[85]. The existence and continued provision of such strategic infrastructure can enhance a State's consolidation of power but also its capacity to provide services. This perhaps, is what has not been done effectively in Zambia.

In concluding this Section, there are various factors that have been identified on having a bearing on the extent to which citizens can be facilitated to participate or indeed how factors impede them from participation. The study further notes that there are still challenges of citizen participation in Zambia as measures have not had major impact on strengthening citizen participation in governance, or more importantly in influencing government decisions. In addition, service delivery to the communities has not improved. Sakala[86] attributes the failures of past or current polices on citizen participation "to lack of capacity of local authorities at both the institutional and individual levels, an inadequate legal and fiscal framework, political and administrative will, inadequate private or public sector participation and in some cases unabated corruption."

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[85] Ministry of Finance & National Planning (2010), **Sixth National Development Plan**, Government of the Republic of Zambia,

[86]Sakala, J. (2008) **"Strengthening Local Government for Effective Citizen Participation,"** A Key note Address to the 52nd Annual Conference of the Local Government Association of Zambia and the 5th AMICAALL General Assembly held at Livingstone, 21st – 25th July, 2008.

Section V– Community Views on issues of Political Governance

The findings below are based on 10 focus group discussions and individual interviews conducted between 3 August 2012 and 2 September 2012. A further extension was made to the ToRs to specifically address and bring some key issues bearing on governance. The discussions were conducted in Milenge district in Luapula Province and Sesheke district in Western Province[87]. Lusaka respondents, provided for the national level perspectives considering that most of the informants drawn from the organisations undertaking the implementation of the *Non State Actors - Building Democratic Culture in Rural Communities* EU-supported project are headquartered in Zambia's administrative capital.

A total of 57 Zambian citizens participated in the study. Group discussions were conducted with women and men of various age groups, and educational levels. There was particular focus in the study to highlight the views of the field as these are the areas whose participation remains low.

The findings are presented under the following sub-heads:
- State of democracy and political governance
- Assessment on government's ability to deliver on electoral promises
- Levels of citizen participation
- Involvement of citizens in decision making
- Knowledge and awareness around policies and laws promoting good governance
- What would citizens want to see in growing Zambia's democratic process

5.1   State of democracy and political governance

Most observations pointed to the fact that Zambia has embraced democracy as a system of governance and through practice this is being entrenched since 1991. The majority state that it is because of the demand by the people that has led to the existence of this democracy noting that even if it is a few people and institutions that have space to talk, for instance, civil society and the church have continued to offer constructive criticism where it is due and this has offered checks and balances to the party in government. They have also continued to sensitise the people on demanding their rights. The majority of respondents were also resonate that Zambia, in

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[87] Sesheke and Milenge are part of the 11 districts in which five Zambian civil society organizations are implementing the Non State Actors: Building Democratic Culture in Rural Communities in Zambia.

comparative terms to other countries, has progressed well in its democratic and political governance practice over the years.

Some argued that the country has passed what would be considered as the breakthrough stage with the transition it made in 1991 from a one party state to multi-party, while a number of characteristics that would assist in defining the country as a practicing democracy, can be seen in the consolidation stage. Some of these would include aspects which the country is considered as a democratic state, namely: Separation of Powers[88], rule of law, pluralism of political parties and civil society participation. In addition, most respondents noted that there is notable presence and fair participation of the media[89], which in some instances has been very critical and provided meaningful checks and balances to government and other powerful stakeholders in society.

Other views are that the state of Zambia's democracy and political governance is still nascent and requires to be further nurtured. To this effect, it is difficult to consider the extent to which the process can be said to have matured democratically. There was further observation that the process needs legal changes and improvements as a basis for strengthening the existing governance structures and practices.

An outstanding area, identified by many respondents, which is an aspect that this report further elaborates on, is the country's ability to consistently hold periodic elections and peaceful transition of power[90] in a continent that is dogged by various electoral contestations is a milestone achievement. Similarly, they endorse democracy as a good system of governance observing though that there is need for improvement for this to be institutional-based as against that being directed at the will of the presidency.

However, the major complaint is that they do not see democracy as delivering development, and have strong views on how subsequent governments have not fulfilled promises arising from electoral campaigns, which has meant that the anticipated benefits from their participation in

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[88] Some interviewees and group discussions continued to express concerns around the dominance of the Executive wing of government while the judiciary was said to be in a state of paralysis, the challenges facing the judiciary were considered to be higher especially that at the time of the study many calls for judicial reforms continue to be agitated in light of accusations around the manner in which the judiciary has conducted itself.

[89] Despite the restrictive nature of some of its laws around freedom of expression, Zambia's media landscape is fairly free and has been a critical partner in ensuring that transparency and accountability prevails. Zambia now has over 40 community radio stations, operating mostly in rural areas. In terms of print media, some named tabloids have assisted in shaping national agendas including holding leaders in government accountable.

[90] In Zambia, peaceful transitions of power have taken place amongst three political parties, namely, UNIP to MMD (in 1991) and most recently between the MMD to the PF, as witnessed in the September 2011.

elections, including enjoyment of freedom of expression have not necessarily changed the economic status and way of life for the majority of the people. Citing high poverty levels especially around rural communities[91], lack of jobs amongst the youth, and skewed development[92] across the country, there is a sense of hopelessness and disquiet. Unfulfilled promises by politicians, especially those made during the election campaigns are a yardstick in measuring the relevance of the democracy to their lives. For those now in government most of the things they had said they would do remain unattained. In all the discussions, the consistent expressed frustrations are those experienced from the youthful population which saw the change of government as an opportunity in addressing their perennial unemployment problems and access to income.

Other respondents contend that Zambia needs a paradigm shift in order to redefine its governance system. There is need to have a governance system that takes on board everyone. There is need for more participation but the pressure has to come from the people themselves. For example, the constitution is known by the elite only while the majority do not know it. They also argue that the current Electoral system is not yielding the intended results for the people to appreciate the system. It was also observed that the disparities between individual leaders and their constituencies in terms of development are very high giving an impression that politics especially roles such as being an MP is meant for one to access wealth and political power, and not to be of service to the communities they ought to be representing.

The prevailing political culture was considered by many respondents as showing high levels of intolerance, characterised by mudslinging, especially during election periods, and unfortunately, while many people expected this to go down after the holding of the 2011 Elections, the trend has continued. In some instances, this perceived intolerance being practiced by all political players in and out of government, affects the quality of governance to the extent that critical issues of development are not being pursued to the detriment of the majority of the citizens who want to see improvement in their way of life.

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[91] Poverty levels in rural communities continue to rise, and its impact is greatly felt on marginalized segments of the communities, mostly women and the aged who are also responsible for heading single-handedly households and are unable to provide for their families because of the subsistence nature of their economic activities, namely agriculture.

[92] Most respondents perceive that rural development has not been a priority of previous governments and to this effect, most rural areas continue to lack basic services. In contrast, urban areas remain high expenditure points for infrastructure development, especially road networks at the expense of feeder roads which would open up access to market and development for the rural population.

5.2   Assessment on government's ability to deliver on electoral promises

Since the study took place during the first year of the PF government, most respondents expressed disappointment and remained pessimistic on the performance of the new government on delivering on its economic agenda of 'more money in the pocket'. In many ways they see no significant difference on the delivery approaches by the new government particularly in creating jobs for the youths. The most referenced manifestation of lack of jobs for youths in the country was the overwhelming turnout of youths to get recruited in to the security wings, namely the Zambia Army and Zambia National Services, that attracted high media attention especially that there were allegations that the process was not transparent and favoured youths from families of high ranking officials serving in the said security wings.

Some of the respondents, mostly women and youth, described the state of democracy and political governance in terms of lack of socio-economic development. They noted the lack of adequate health facilities, water supply[93], and good roads[94] plus electricity as some of the major problems the people have been facing for a long time in the areas. The failure by the area Member of Parliament to return[95] to the constituency to listen to the views, problems and challenges of the people was also noted as a factor to the current state of affairs in terms of social development.

5.3   Levels of citizen participation

Many respondents observed that there is a very limited opportunity for citizens' participation through the government structures, and this is both influenced by existing structural and systems arrangements based on the manner in which the bureaucracy operates. More often than not there are no clear channels on how the citizens are supposed to participate. If they are there, they are not known to the people. Another reason cited for this limited and ineffective participation by citizens in political governance is because of the limited knowledge that citizens have of their civic duties, obligations and responsibilities caused by limited access to information. In addition

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[93] At the time of the interview, most of Sesheke district was facing an erratic water supply due to the breakdown of pumps. The pump is located along the crocodile infested Zambezi River, and is the only source of water for the district. The challenges faced by the population was acknowledged by the area MP and Council secretary

[94] The road infrastructure in Western Province is not well developed limiting access of citizens to markets and other public services. They also complained of lack of maintenance for the few that existed. Even, the connecting road between Livingstone and Sesheke had extensive pot-holes and with only remedial patching taking place

[95] This view was very strong in Milenge, in part because the area MP is from the Opposition, and the majority of the political leaders at local level are from the ruling party. It appears because of not having very good relationships arising from the campaign periods, the MP seldom visits the area.

there is a high prevalence of levels of illiteracy amongst many rural dwellers. High levels of ignorance are also manifested by citizens, who despite having gone to school, have not had a good orientation base to engage with national or local development issues.

The majority of the citizens in the rural areas do not understand their civic roles as citizens and tend to think that their role ends after elections and leave everything to the leaders. Most of the citizens do not know what the leaders are supposed to do for them and as a result they are not able to hold them accountable. This is attributed to the low literacy levels of the majority of the people and lack of continuous engagement between the elected leaders and citizens. One respondent sums it up as follows: "*My understanding is that during the period towards the elections, the people are a bit active, but soon after elections our culture has been that the people don't want to even make follow ups on what it is that we are supposed to see or how we are supposed to govern our nation. The citizens tend to sit back as a nation. It is like the citizens especially those in the rural areas forget about governance of the country. They leave everything in the hands of the elected officials and government officials*"

The mainstream media such as newspaper (both print and electronic), radio[96] and television are absent from rural communities. For instance, in the two areas visited, this is what obtains. Elections time tend to witness high levels of participation due to political activity, then, by both political parties and citizens, and post-elections, citizens tend to relax. Citizens who tend to leave the governance of the country to the elected leaders and government officials and expect the leaders to do everything for them. There is a complete withdrawal on following up on issues during this period until the period of the next elections.

5.4   *Lack of knowledge to exercise the right to participate in the development and governance process/decision making*

Most respondents in the focus groups indicated that the majority of people in the districts don't know that they have the right to participate in the development and governance processes both at national and local levels. Amongst the many reasons cited for this trend is that the delivery of services plus suggestions for development projects has been top-down. This has shaped their attitudes and created a sense of expectation than to take leadership around these issues. Other respondents expressed frustration with the lack of citizen input into local government decisions. They attributed their frustration to the lack of a clear channel to government, officials' failure to

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[96] There is no radio or television signal for ZNBC in both Sesheke and Milenge, and in the case of Sesheke citizens access community radio from nearby Katima Mulilo, including the placement of advertisements. The newsprint which gets to them around 22.00 hours is the Post Newspaper, and it is limited in its access and distribution within the district. The situation in Milenge is even more precarious.

consult their constituents, and a fear among citizens of the repercussions for speaking truthfully. Duty bearers, especially government officials in the districts are not easily accessible and do not share information with citizens. The absence of clear channels of communication between citizens and duty bearers has also not assisted and in many instances disadvantages local citizens to provide effective accountability actions on public servants. Respondents also believe that it is absolutely critical for the duty bearers to visit citizens where they live on a regular basis or develop clear channels of communication between the elected and the electorate. Parliamentary practices and schedules – and in instances where an MP is appointed to a ministerial position means they are absent from their constituencies for longer periods.

5.5 Citizens' participation through Government, Civil Society, Media and Political Parties platforms.

The responses under this subhead were considered at three levels. Firstly, the extent to which citizens interact with government structures including but not limited to opportunities created by administrative structures for coordinating development. Secondly, how citizens interact through platforms provided by civil society (including organized civil society organizations and the media), and lastly, the findings focus on the participation through political parties.

Majority of the respondents observed that there is lack of platforms to facilitate citizens' participation especially in the rural areas[97] although levels of participation in urban areas are high because of the many platforms that exist, primarily provided by civil society organizations and the media. Radio talk show, writing to the print media especially through letters to the editors has provided an opportunity for citizens to exercise their right to be heard and participate in the development processes.

In contrast, there is minimal participation through government structures because of the centralised nature of government structures at different levels, which makes it difficult to access governance structures. The challenge is even higher when one moves away from Lusaka as most of the structures at the district are located in one place(PDDCCs, DDCC, Resident Development Committees (ADCs and Councils). In addition, access for local citizens is also limited as they take on an elitist character, to the disadvantage of many ordinary citizens.

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[97] During the needs assessment conducted by the Project, it was revealed that members of civil society organisations in rural districts participate actively in DDCCs. The needs assessment also revealed that other platforms where people participate, including, the Village Development Committees (VDCs),Ward Development Committees and Area Development Committees (ADCs) to discuss issues that affect their communities. While these findings are baseline, current studies indicate low participation levels but the structures present optimal points of intervention to strengthen citizen engagement. In addition, since the ADCs are by the current decentralization policy recognized as an administrative structure of local government, these are the platforms through which citizens can link with government at the local levels.

Views from respondents in the two districts visited also contend that women and youth in both Milenge and Sesheke remain underrepresented in community development and decision-making roles, mostly because they are denied opportunities to participate in the decision making process. They cited cases where they are usually blocked or rejected from standing by the males. They expressed concern that men tell them that women cannot stand for these positions. According to them, even the few women who sit on the structures such as the Area Development Committee (ADC) do not take part in the decisions that the Committees make. In most cases, they are only informed of the decisions taken by the men without their involvement.

One area that attracted considerable interest was around the participation of both women and youth in political parties. There was a great deal of responses around the factors that prevent the participation of women and youths in political parties and politics. Firstly, political parties in Zambia are the weakest of institutions in the governance architecture. They rank low in public perception as institutions of governance despite playing a pivotal role in sponsoring candidates to elective offices at presidential, parliamentary and local government levels. This leaves few women and youth to be interested in engaging in political work. Secondly, the parties themselves are structured in a way that automatically marginalises youth, as well as women, by having 'the mother party', constituting the main body, and then youth and women's wings/desks at the side. This also shapes the position and prioritization of youth and women's issues, which all too often are not prioritised, or at all included, in the party policies. Thirdly, the 'mother party' often controls the youth politics structures within the parties. E.g. the current experience is that most of the leaders on youth affairs are not driven by the youths in the parties as the leaders for the youth leagues are beyond the ages of 35. In Zambia the youth chairpersons of the three major parties, namely: PF, UPND and MMD, are over 40 years (which is beyond the defined age of the youth, as defined by the Youth Policy), and expectedly sides with the party or those they interact with the most, and not the youth.

Even when youths and women are included in the high-level decision-making positions the status quo remains. When it comes to choice of candidature for decision making positions, there is also always an argument advanced that the youths do not have years of experience and ability to raise their own funds to contest elections. Similarly, women are said not to have the acumen to attract and manage party affairs. When it comes to leadership youths are often considered by the older party colleagues to lack sufficient competence and that their leadership is poorly developed, undisciplined and disorganised. This cyclic scenario, where the youth never get the

opportunity to gain experience or being financially supported, thus makes the parties to use the youths mostly to fill purely practical functions, like handing out flyers or mobilizing new members, or in worst case as militants around elections. This leaves them vulnerable from stronger economic and powerful forces in the party.

The majority of the youth and women politicians do lack political education. This applies mainly to ideology, social studies, and understanding of political processes and organisation. This affects their opportunities to get a position within the party and their ability to act as democratic leaders by e.g. pursuing policies that represent the members' and constituents' interests and priorities. Another problem that deserves attention is that youth wings tend to be dominated by men and young women are left out. Generally there are power structures based on gender within political organisations in which men as a group are superior to women as a group. These structures prevent women from taking part in political work and from having their needs met in policies, as the agendas are based on a male norm. Apart from hindering women to join youth political organisations these power structures also affect the way young female politicians are countered and treated by their male colleagues. The absence of a visible gender perspective in political system and organisations not only reduces women's possibilities to political engagement but also the possibilities to promote gender equality. To this end young women are further discriminated when it comes to political participation.

Specifically on women and youth participation, views from many respondents were that it is not only a question of quantity but also about quality and what actual influence they have. In cases where women and youth manage to get positions in decision-making bodies the question is not only about what percentage they represent but also what space and actual opportunity that is given to them, to make their voices heard and get their suggestions, ideas and priorities ratified. Numeric representation, from past and current experiences, does not automatically guarantee influence and penetrating power.

5.6   Awareness around policies and laws promoting good governance
Most of the respondents interviewed exhibited very low levels of being aware of the existing laws and policies that are aimed at promoting democracy and political governance in the country. The most common laws and policies identified, which may have a bearing on political governance include the following:

    i.   The Zambian Constitution (1996)

ii. The Electoral Act (and Electoral Code of Conduct)
iii. The Public Order Act which gives freedoms of assembly, association
iv. Anti-Corruption Act
v. Drug Enforcement Act
vi. Societies Act allows organisations to be legal
vii. Companies Act (Under PACRA, there is a legislation that allows business entities to register and become legal)
viii. The Decentralisation Policy (developed in 2002/2003)
ix. The Anti-Gender Based Violence Act
x. Abuse of office clause
xi. Zambia National Broadcasting Act

Apart from making references to policies related to governance and development in general terms, the respondents could not mention any specific law or policy that they were aware of.

In addition, most stakeholders such as the youth and women are not involved in the design, adoption and implementation of national governance policies. The problem is that when new projects or programs are introduced in the community, the people are not informed of the projects for them to fully participate. Consultative meetings with the citizens only take place during campaign period when potential parliamentary candidates show up in the area.

Furthermore, participants had little knowledge about planned development projects in their areas but expressed a clear desire to obtain this knowledge so that they could participate in the development of their communities, which they believe would be greatly improved by their input. Participants said they often find out about a local development initiative only when it is underway and are almost never told the amount of funding available for development in their areas.

When asked to describe the role that their MP plays in local governance, most participants said that they cannot describe the role of their MP because they have no relationship with him or her. As a result, they expressed little faith that MPs can help address their needs as they are not easily accessible and subsequently ineffective.

Traditional leaders received mixed marks from participants. Some participants praised traditional leaders for working hard on development, but some participants found the traditional leaders greedy and influenced by government. In the case of Sesheke, the traditional structure and leadership was indicatively considered as the major stumbling block to any efforts for development. Some respondents cited stalled projects, especially around education and also challenges for locals to be involved in the wood ferrying and processing industry, which is largely

concessioned by the traditional leadership in the district to foreign business investors through middlemen.

They also cited minimal presence of investment into the tourism sector in the district despite the abundant opportunities. Comparatively, they draw attention on how a more proactive traditional leadership in Livingstone and Kazungula districts has wooed tourism investment because the chiefs in those districts are facilitative of development.

Respondents said there was no transparency in the governance processes and cited the use of the Constituency Development Fund (CDF) as one of the area that lacks transparency. Most respondents noted that the utilization of the CDF, have in the past been used for political expediency, and access to the finances has been considered on the basis of the links one has to the party and more importantly the relationship that exists with the incumbent MP. Others who have seemingly accessed such resources are those that have association to the local government authorities in the respective districts – it being the institution in which such funds are channelled through by central government. They observed that more often the funds accessed by a few privileged persons have also not been used in the manner in which the CDF is intended to be used. Most of the accessed funds are said to be used for personal rather than community projects[98], leaving the citizens in the area without development.

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[98] The only community projects perceived from the CDF are 3 speed road humps on the main street of the Sesheke district.

Section VI - Conclusions & Recommendations

This study has primarily been to interrogate factors that have a bearing on the quality of political governance in Zambia. Beyond discussing the concept of governance and how it relates to democratic practice and improving people's welfare, the study focused on highlighting factors that hinder government in facilitating effective opportunities to its citizens. In addition, based on field research the study benefited from the views and perspectives of local communities, especially those who on one part are the end-users of products from good governance or otherwise, and also that these are persons who would not ordinarily find platforms to express themselves on issues of national importance such as those that are covered under this study.

The study further provided for elaboration and building on the body of knowledge by particularly focusing on the current state of political governance in the country and how this has had a bearing on the lives of people. The timeliness of the study, though not an outcome of its design or scheduling, is also a barometer on examining the performance of the new PF government ushered into office in September 2011.

In this Section, we concurrently provide the conclusions and recommendations from the study. The recommendations are meant to assist on possible practical ways in which CSO partners under this study may consider in engaging with government and the rights-bearers to improve the quality of political governance in Zambia. The recommendations are not considered in any way of priority but we do hope they may provide a broader menu of options that can be considered in the design and implementation of future interventions.

The breadth and depth of this report has highlighted a number of issues around political governance in Zambia. The major challenges that affect people's participation in the political life of the country in many ways are around the following issues:

1. The country's legal and administrative provisions do not have effective laws that compel and reprimand duty bearers to effectively and efficiently respond to the development needs of the communities. The strengthening of Zambia's democratic development process are closely linked to the weak legal and administrative framework currently obtaining in the country, especially around absence of constitutional provisions to protect both functions, powers and deliverables to citizens as rights and entitlements. A strong perspective from the study is that there is need to bring in new forms of legislation that will respond to current and future circumstances. Many citizens see the

constitutional making process as the only viable opportunity to address and consolidate the identified weaknesses by bringing in serious legal and administrative reforms.

a) There is a great opportunity to engage with the on-going constitutional making process, and in particular, advocating for the inclusion of progressive, pro-poor[99] provisions that would be included or indeed kept within the new draft constitution. This engagement should be in the form of creating platforms for local communities to also talk to their issues, aspirations and needs. Such platforms could use the mass media, especially radio and television programmes/recordings which can further be highlighted at the national level and link to policy makers.

b) CSO partners should work in collaboration with various stakeholders especially with district-based NGOs and CBOs to ensure that the process content of the constitution are effectively explained with their implications especially in the likely event that the country goes to a referendum to enact a new constitution. This is critical especially around the broadened bill of rights.

2. Democracy is not delivering development and improving people's lives leading to a perceived and practical disempowerment and social exclusion for the majority of the citizens in both rural and urban communities. This scenario is a political risk especially that it questions the relevance of the existing political dispensation. This is very visible amongst rural communities whose options are limited and opt to disengage with the both the political and development process.

a) There is need to compel government to seriously start addressing the development and empowerment of its citizens. Increasing government investment to sectors such as agriculture (especially addressing the plight of small scale farmers and rural development needs) will directly and positively impact on uplifting people's livelihoods especially women and youths)

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[99] Some of these would include social, economic and cultural rights and provisions that would provide for more balance of power and participation of citizens in the daily affairs, especially development. Providing for devolved system of governance was identified as critical and urgent.

b) There is need to advocate for government to come up with a more robust youth-focused skills and employment creation national programme as a deliberate policy to address issues of high unemployment which is impacting negatively on the majority of the youths. Such a programme may also include investment in or initiating projects with high labour absorption capacities to address short to medium employment demands. Further, if these projects take place mostly in rural areas this provide a source of income to both women and youths

c) There is need to continuously remind the current government to proactively respond and stick to its election promises so that people can see a different way of interaction by way of fulfilling promises and build citizens confidence in the political process. Delivery on the part of government will inspire confidence in the electorate.

d) Civil servants represent government, and even in the absence of elected representation, the presence of such duty bearers is very critical to citizens. Civil and public servants who are functional and accessible will ensure that service delivery is attainable. The key to increasing citizen satisfaction with duty bearers is to have greater interaction with them. Efforts must be made to reduce bureaucratic processes citizens feel are preventing them from presenting their views to senior duty bearers. It is absolutely critical for senior duty bearers to get out of their offices and visit citizens where they live, particularly in rural areas.

3. Development is skewed in favour of urban areas. Rural development still lags very behind. In the case of Zambia, provinces away from the rail line remain more disadvantaged in terms of development. Development is also perceived as going to areas where incumbent political party strongholds exist and this becomes a source of apprehension. To address the existing and emerging challenges of this nature, especially as it relates to equitable access to development resources, the full implementation of the decentralization policy is seen as one of the practical options, if effectively implemented. To this effect the following is recommended:

a) CSOs and other stakeholders should increase their interest and advocacy around the manner and targets around the decentralization policy implementation. It should take a two-pronged approach of, firstly, raising and encouraging awareness on the importance of decentralization and also working with government structures and agencies, including the decentralization secretariat and at district level, the local government authorities, to ensure that government effectively, efficiently and timely implements the decentralization agenda.

b) Decentralization is seen by many as a vehicle to deliver development, and is a priority of government. It has been identified as one of the sure ways to achieve a number of benefits, including providing an opportunity for local people to define their own development. It will also contribute to addressing issues around people controlling their own resources. Decentralisation can help the people to be directly involved in setting the development and governance agenda for themselves.

4. Citizens lack adequate and useful information that would assist them in engaging with government representatives, particularly senior public service officials at provincial and district levels. Similarly, this information would be useful in interactions with elected political leaders especially the members of parliament and councillors. In most districts, the issue of effective representation and contact between the electorate and elected leaders (MPs and Councillors) continues to pose challenges. MPs are more absent and perceived to pursue their narrow and more partisan political agendas than addressing the needs of their constituents. The right for recall of an elected leader would assist in circumstances of the 'absentee' political leadership which is a phenomena commonly cited around the country. The current Zambian constitution, which is a subject of review, does not have such a provision or practice.

a) There is need to design and implement district-specific projects that respond to the information needs of the communities. On one part, projects may involve collecting and packaging information from government departments, especially through the local government authority and communicating it

through the ADCs and other existing sub-district structures through which communities access information.

b) Encourage and advocate for the establishment of community radio stations in at least each district. Finances for community radio stations should increasingly come from CDF. Where more than one constituency exists both constituencies should make contributions. The strategic nature of community radio stations is their ability to be a vehicle to generate and disseminate information to a wider audience in a timely and consistent manner. There is a strong correlation between accelerated developments experienced in districts where community radio exists. Also the interaction between and among various stakeholders is enhanced, including more citizens holding their local leaders and public service officials accountable.

c) To increase on constituency contact especially between elected leaders and the voters, there is need for the office of the councillor to be established and supported with administrative facilities, perhaps, modelled around the constituency offices. Councillors are closer to citizens and their involvement in development decisions is critical. The establishment of the office of councillor will enable these elected officials to positively respond to the needs of the people in their respective wards. Similarly, existing constituency offices established under the national assembly should have a link with the offices of the councillors to assist with the relaying of issues from the ward to the constituency level.

d) There will be need to advocate for the establishment of a clear and accessible channel of communication between citizens and duty bearers, especially senior departmental officials at district level. Many note that they either are blocked from access to senior officers or do not feel comfortable to approach them in the current structure. There is also need for duty bearers to hold regular meetings where citizens can be updated on the status of basic services and where citizens can share their needs and concerns.

e) There is also need to create stronger links between duty bearers and sub-district structures, especially through the area development committees

(ADCs), forming robust community committees, bringing back councillors to explicitly serve as a link between citizens and duty bearers, and undertaking civic education campaigns that educate the populace on the responsibilities of duty bearers and how best to communicate with them.

f) Coming up with a monitoring mechanism that would ensure that issues and priorities that communities identify at ADC level are taken up to the established Ward Office and become an integral part of the district plans. The mechanism should also ensure that it has a feedback mechanism through duty bearers and elected leaders to inform citizens on what is being done about their concerns and issues. Citizens at this level should also be a part of the implementation of such projects when the local government structures or any other government agencies respond to them.

5. In many ways government can holistically address these structural and systematic issues that would enhance participation by fully implementing the devolved system of governance as espoused by government through the decentralization agenda it is currently pursuing. There will be need for government to upscale its support to the full realization of a devolved system of governance to address the stated challenge as much as contribute to poverty reduction.

Section VI I- Annotated Bibliography on Studies on Zambia's Political Governance

In this Section, the study provides an annotated bibliography of some studies on democracy and political governance that may be relevant to political governance in Zambia. The bibliography is not conclusive, and could incrementally be updated. Some of the studies that are relevant to political governance, which may be timely and relevant to Civil Society Organizations under this project, are analytical reports from commissioned studies and political updates from development partners.

One observation we made, however, is that there is a lot of limitations in accessing such studies. Knowledge sharing and management is critical in this area, and it may be helpful that the Project designs a mechanism of accessing and circulating some of the more recent studies.

Some of the relevant studies that the study captured, include the following:

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6. EISA & IDEA (2005) *Dialogue on political parties and governance in the SADC region conference proceedings, 14-15 April. Johannesburg:* EISA & IDEA

7. Good governance in Zambia's public administration: challenges and administration. Tangier. 2002

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9. IDEA (2011), *Zambia's state of democracy assessment: lessons for others. Available at: www. idea.int/sod/Zambia's state of democracy. Accessed on:*

10. John, D.J (2008). *Zambia: State resilience against the odds: an analytical narrative framework on the construction and maintenance of political order.* (Unpublished paper)

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16. Lolojih, P. (2010) *Zambian citizens, democracy and political participation.* Johannesburg: Afro barometer

17. Non Governmental Commonwealth Human Rights Initiative (CHRI) (1996). *Zambia's democracy on trial: report of a mission by the   governmental Commonwealth Human Rights Initiative: . New Deli*

18. Phiri, J.B (2000) *Democratisation and security sector reform in Zambia:* London: Department for International Development. From a study by the Centre for defence studies in the United Kingdom and commissioned by the Department for International Development (DFID) and cited in Eric Bonnemaison, 'Security sector planning in Africa, p.6

19. Pedwell,C&Perums, D. (2007) *The politics of democratic governance: organisation for social inclusion and gender equity: One World Action Report of seminar held in London on March 2007, 1-2.* London: Gender, London School of Economics

20. Rakner,L. (2011) *Institutionalising the pro-democracy movements: the case of Zambia's Movement for Multiparty Democracy.* In: Democratisation. Vol.(18) No.5 pp.1106-1124

21. Rakner,L. (2012) *Foreign AID and democratic consolidation in Zambia.* Bergen: United Nations University Press

22. Saasa, O. (2005) *State administration in Zambia: the case of decentralisation.* Uppsala: Nordic Africa Institute

23. Soko, E (2012) *How civil society promotes good governance.* Available at:Edmondsoko.blogspot.com/2012/02/how civil society promotes good governance. Accessed on:18/09/12

24. Soko, M. & Shimizu, M.(2011) *UNDP; deepening democracy in Zambia citizen's participation.* Lusaka: UNDP

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29. Venter, D.(2003) *Democracy and multiparty politics in Africa: recent elections in Zambia, Zimbabwe and Lesotho.* In: Eastern Africa Social Science Research Review. Vol. 19 (1). pp1-39

30. Zambia Episcopal Conference (2013) "*Act Justly and Walk Humbly With Your God*", Pastoral Letter from the Catholic Bishops of Zambia, January 2013

31. Zambia National Women's Lobby (2012) *Gender Analysis of the 2011 Zambian Tripartite Elections*, Lusaka, Zambia

Appendices

7.1   Interview Guide

POLITICAL GOVERNACE STUDY IN ZAMBIA

INDIVIDUAL INTERVIEWS/FOCUS GROUP DISCUSSIONS QUESTIONS

1. What in your view is the state of democracy & political governance in Zambia?

2. In your assessment, what has led to the current state of democracy & political governance in Zambia?

3. What is the involvement and participation of citizens in decision-making?

4. Do you know of any laws and policies that are aimed at promoting good governance in the country? (Identified policies and laws should be listed)?

5. Are stakeholders involved in the design, adoption and implementation of national governance policies?

6. From your point of view, what would you consider as the weaknesses in the democracy and political governance system in Zambia?

7. From your point of view, what would you consider as the strengths in the democracy and political governance system in Zambia?

8. What in your view are the key barriers to citizens' participation in political governance of the country?

9. What in your view are key barriers to citizen participation in local and national development?

10. What needs to be done to facilitate the improvement of democracy & political governance in Zambia?

11. Are you able to outline/highlight some of the Best Practices from Zambia's democracy and political governance?

12. Do you have any other views or issues that you feel need to be reflected in this area of study?

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