

A HISTORY OF THE LEGISLATURE IN ZAMBIA, 1948 – 1991

BY

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**A dissertation submitted to the University of Zambia in partial fulfilment of the
requirements for the Degree in Master of Arts in History**

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ABSTRACT

This study examines the history of the legislature in Zambia from 1948 to 1991. The study traces the origin of the Legislature to 1924 when a Legislative Council (Legco) was instituted in order to protect the interests of white settlers. A qualitative method of study was used. However, the study notes that in 1948 concerns of Africans began to attract the attention of the Council when enlightened Africans began to demand for direct representation as opposed to indirect representation by nominated white officials. It examines how in 1948 two Africans were admitted to the Legco through the African Representative Council. Africans only began to participate in elections in 1959 through a racial Benson constitution. The study analyses how discriminatory franchise kept majority Africans out of the Legco until 1962 when they were allowed to participate in elections through universal adult suffrage. The 1962 elections which resulted into a coalition government between United National Independence Party (UNIP) and African National Congress (ANC) produced a Legco renamed National Assembly with the majority members being Africans. Further changes were made to the National Assembly after the 1964 multi-party independence elections which were won by UNIP while ANC and National Progressive Party (NPP) emerged as opposition parties. The 1964 National Assembly was dominated by Africans with a few Europeans under the NPP. The study further assesses how the National Assembly operated when a One-Party System of government was introduced in 1973. During the One-Party System era, only UNIP members qualified to contest as Members of Parliament. Against this background, the study analyses the role played by UNIP backbenchers during the One-Party State period in Parliament. Finally, it discusses the factors which led to the re-introduction of Multi-Party System of government in the country and the eventual defeat of UNIP by the Movement for Multi-Party Democracy (MMD) in 1991.

Key words: *Constitution, Elections, Parliament, Democracy, One-Party and Multi-Party*

DEDICATION

To my parents, Mr. Pearson H. Cheembo and Mrs. Laila M. Cheembo who enabled me attend school at a time I hardly knew the importance of education. To my wife Tryphena C. Cheembo and our children, Milandu, Mukomi, Luwo and Maimbo for encouraging me to soldier on in my academic work despite my involvement in other engagements. All my mothers and other family members for their total support.

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ABBREVIATIONS

| | |
|-------|---|
| ANC | African National Congress |
| ARC | African Representative Council |
| BSAC | British South Africa Company |
| CAP | Central African Party |
| DP | Democratic Party |
| LEGCO | Legislative Council |
| MLC | Member of the Legislative Council |
| MMD | Movement for Multi-Party Democracy |
| MP | Member of Parliament |
| NDC | National Democratic Congress |
| NDP | National Democratic Party |
| NPP | National Progressive Party |
| NRANC | Northern Rhodesia African National Congress |
| PDC | People's Democratic Congress |
| UFP | United Federal Party |
| UNIP | United National Independence Party |
| ZANC | Zambia African National Congress |

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CHAPTER ONE

INTRODUCTION AND HISTORICAL BACKGROUND

The legislature in Zambia has a long history dating back to 1924. It traces its origin to 1918 when an Advisory Council composed of five nominated members was established during the British South Africa Company (BSAC) rule.¹ These members were White settlers who had been demanding for a responsible government during the BSAC era from 1890 to 1924. Following the British government takeover of the Northern Rhodesia territory from the BSAC in April, 1924, the Advisory Council was transformed into a Legislative Council (Legco). The instruments by which the Legco was set up in British colonies were as a rule either Letters of Patent or Orders in Council. The Legco which became a standard feature under the British colonial rule was instituted by the Northern Rhodesia Order in Council of 1924.² This constitutional phase marked a new system of governance and administration in Northern Rhodesia.

The first Legco consisted of nine Official members plus five nominated Unofficial members.³ The five nominated European members were referred to as Unofficial members in order to distinguish them from the European Officials whose major role was to advise the Governor. Suffice to state that together with their Governor, Official members were British civil servants. Out of the five members who were nominated by the Governor, one represented Europeans of former North - Eastern Rhodesia while the remainder represented Europeans of former Northern - Western Rhodesia. The Second and Third Legcos, were more concerned with the interests of the White

¹ Bizeck Phiri, Parliaments of the South: Zambia Country Report- Strengthening Parliamentary Democracy in SADC Countries (Pretoria: South African Institute of International Affairs, 2005), p.199.

² John Gropeter, Brian V Sugel and James R Pletcher, Historical Dictionary of Zambia 2nd Edition African Historical Dictionaries no 19 (London: The Scare Crow Press Inc., 1998), p.199.

³ John J. Gropeter, Historical Dictionary of Zambia (London: The Scare Crow Press Inc, 1980), p.140.

settlers as Africans had no representation. The first Legco meeting was held in Livingstone, the capital of Northern Rhodesia on 23 May 1924.⁴ This new governance system based on the Legco enabled White settlers to have a bigger say in the running of the country than had been during the Company rule.⁵ Admittedly, the major reason that led to the creation of the Legco was to assist the European settlers have a say in the manner the territory was being governed.

J.W. Davidson argues that the Legco was established in order to represent local Settler and imperial interests in London.⁶ Settlers and the colonialists had interests to protect in the territory hence their quest to protect the Legco against infiltration by Africans. L.W. White and W.D. Hussey state that the Legco had powers to pass those ordinances and to constitute those courts and offices for the administration of justice necessary for the peace, order and good governance.⁷ In order to operationalise and legalise the existence of the Legco, Constitutional amendments were effected. The amendments empowered the House to discuss and authorize revenue, maintain peace, order and good governance in the territory.⁸ It must however be stated that the Legco was not completely independent from the Colonial Office in London. L.H. Gann argues that the powers of this embryonic legislature were restricted as the British Parliament remained the ultimate source of all law, major Constitutional or policy changes being effected through the instrument of Order in Council promulgated by the Crown.⁹ All local Ordinances were bound to respect African law and

⁴ The Parliament of Zambia, Public Parliamentary Handbook (Lusaka: New Horizon Printing Press Ltd, 2007), p.5.

⁵ Ng'ona Mwelwa Chibesakunda, The Parliament of Zambia (Lusaka: National Assembly of Zambia, 2001), p.21.

⁶ J.W.Davidson, Northern Rhodesia Legislative Council (London: Faber and Faber, 1946), p.18.

⁷L. W. White and W.D.Hussey, Government in Great Britain the Empire and the Commonwealth, (London: Cambridge University Press, 1966), p.236.

⁸ Chibesakunda, The Parliament of Zambia, p.21.

⁹ L.H. Gann, A History of Northern Rhodesia Early Days to 1953 (London: Chatto and Windus, 1964), p.237.

custom in as long as these were compatible with public safety, natural law and morality.¹⁰ The Legco attempted to address the interests of Africans indirectly as its European members believed that Africans needed to be legislated for.

The most important feature of the new Legco as it developed was that it had both Official and Unofficial members sitting together in the House. It lent to constitutional progress because the proportions of Official and Unofficial members could be altered depending on the prevailing situation.¹¹ Official members were civil servants and were consequently bound to support the policy of the Governor representing the Crown. The Governor who was the leader of the executive in the Colonial territory could thus control the Legco with the support of Official members. The nine Official members who represented the government were the Chief Secretary, the Attorney General, the Financial Secretary, the Secretary for Native Affairs, the Administrative Secretary, the Economic Secretary and three more Official members nominated by the Governor, namely the Director of Development, the Director of Medical Services and the Director of Agriculture. There were also five nominated members (Ex-officio members). In terms of leadership, up to 1948 the Legco was presided over by the Governor of the territory who was referred to as the President of the Legco.

Although the Legco was mainly established to protect the interests of Whites settlers, issues pertaining to the welfare of Africans began to attract the attention of the Legco in the later years. This was because of the Passfield Memorandum of 1930; a Memorandum on Native Policy in East Africa in which the Secretary of State for Colonies Lord Passfield affirmed the British

¹⁰ Gann, A History of Northern Rhodesia Early Days to 1953, p.237.

¹¹ White and Hussey, Government in Great Britain the Empire and the Commonwealth, p.236.

Government's opinion that advocated for the paramountcy of Africans when in conflict with the Settlers. The Memorandum was circulated to all Colonial Governors in the British Empire. The 'African paramountcy' factor greatly influenced the later constitutional changes which in turn affected the later composition of the Northern Rhodesia Legco.¹² In order to cater for African Affairs, in 1935 one Unofficial member, Colonel Stewart Gore-Browne, later Knighted Sir Stewart Gore-Browne was appointed by the Governor to represent African interests.¹³ Gore-Browne probably had a closer understanding of the new pressures on African society than any other member of the Legislature having first come to Northern Rhodesia in 1911 and later settled in Shiwa Ngandu in 1921.¹⁴ It must be noted that his nomination created an indirect platform through which African concerns and grievances would be heard in the European dominated Council.

Direct African representation in various British Colonies' Legislative Councils of Northern Rhodesia was slow and came through struggle by enlightened Africans. Before the Second World War, no Africans sat in the Legco in East Africa. Kwame Nkrumah states that in 1944, one African member was nominated to the Kenyan Legco; the following year three were appointed in Uganda and in 1946, two in Tanganyika.¹⁵ In Northern Rhodesia, the Legco did not admit Africans for more than two decades since its establishment in 1924 as Whites believed that Africans belonged to an inferior race and needed to be legislated for. Direct African members' representation in the Legco only began in 1948 partly due to demands for direct representation by elite Africans in the

¹² Chibesakunda, The Parliament of Zambia, p.24.

¹³ David C Mulford, Zambia-The Politics of Independence 1957-1963 (New York: Oxford University Press, 1967), p.12.

¹⁴ Richard Hall, Zambia 1890-1964 The Colonial Period (Longman Group Limited), 1976, p.56.

¹⁵ Kwame Nkrumah, Africa Must Unite (London: Heinemann, 1963), p.17.

African Representative Council (ARC) and pressure from African nationalists. In 1948, a number of changes were effected in the House in terms of African representation. The number of nominated Unofficial members was reduced from five to four, all representing African interests and for the first time two of the Unofficial members were Africans nominated by the territory's ARC and appointed by the Governor.¹⁶

See **Appendix 1** for the changes in the composition of various Councils.

Participation in the Legco through elections began in 1959 as prior to that, Africans could only be admitted to the Legco through nomination from the ARC as has been stated. Eligible Africans participated in the 1959 elections through the 1959 Constitution although it was clearly against producing a Legco with majority Africans. The franchise was based on a candidate and voter's property and literacy. Since the majority of Africans were illiterate and did not own sufficient property, they were disqualified. Indeed, African representation in the Legco was still negligible as franchise qualifications were deliberately kept high.¹⁷ Demands for representation in the Legco by Africans intensified after the 1959 elections leading to the 1962 elections. Membership and participation of Africans in the Legco increased steadily after the 1962 elections when a new Constitution was granted. The 1962 Constitution marked a significant advance for the African people as it formed a bridge in the transfer of power from Europeans to the indigenous African people.¹⁸

¹⁶ W. E. F. Ward, A History of Africa-Central Africa (London: George Allen and University Ltd, 1968), p.12.

¹⁷ National Assembly of Zambia, Document on the Ceremonial Opening of the New Parliament Buildings, (Lusaka: 2nd May, 1967), P.15.

¹⁸ National Assembly of Zambia, Document on the Ceremonial Opening of the New Parliament Buildings, p.16.

Two years later, eligible Africans participated in elections which were held on 20 January, 1964. These elections saw the formation of the last Legco and were contested by three parties namely the United National Independence Party (UNIP) which won 55 out of the 65 African roll seats, the African National Congress (ANC) which won the remaining 10, while the National Progressive Party (NPP) the former United Federal Party (UFP) won all the 10 reserved seats. In May, 1964 the British government called for the Northern Rhodesia Independence Conference at the Marlborough House in London.¹⁹ At this Conference, the Independence Constitution which provided for a Legco made up of 80 members was agreed upon, out of whom 75 were elected while five were nominated. Upon obtaining independence on 24 October, 1964, the Zambian Legco was renamed the National Assembly of Zambia. Its first business was held on 14 December, 1964 when its first Speaker, Wesley Pillsbury Nyirenda was elected to replace Sir Thomas Williams.

The Independence Constitution provided for a Multi-Party National Assembly. The House worked well in the early years after independence with the main political parties in the country being the ruling party UNIP and the two 1964 elections losing opposition political parties; the ANC led by Harry Nkumbula and the NPP led by John Roberts. The first post-independence election was held in 1968 and produced a National Assembly with 105 elected Members of Parliament (MPs). In that election, the ANC won 23 seats, UNIP 81 seats and one independent MP. The presence of opposition parties in the National Assembly consolidated the young Zambian democracy as they added value to parliamentary business and democracy.²⁰ Parliaments are primarily responsible for

¹⁹ B. J. Phiri, C. J. Banda, and G. H. N. Haantobolo, Protecting the Reputation and Standing of the Institution of Parliament and Parliamentarians (nt: Commonwealth Parliamentary Association CPA, 2004), p.3.

²⁰ William Tordoff and Robert Molteno, 'Parliament' in William Tordoff (ed) Politics in Zambia (California: University of California Press, 1974), p.199.

legislation, (law making) oversight public participation and representation.²¹ On many occasions, the ANC was able to put pressure on the ruling Party in the National Assembly. This scenario did not go well with UNIP as it caused discomfort to President Kenneth Kaunda's government. On several occasions Cabinet Ministers publicly advocated for the creation of a One-Party State in order to control parliamentary business.

The demand for the introduction of the One-Party System can be attributed to several factors that centred on internal and external factors. Internally, the rise of a breakaway Party, the United Progressive Party (UPP) in 1972 led by Simon Mwansa Kapwepwe acted as a catalyst while externally security concerns arising from the UNIP government's involvement in liberation struggles in the region compelled Kaunda to yield to his Cabinet's demands. Consequently, on 25 February, 1972, President Kaunda announced to the nation that government had decided that Zambia was going to become a One-Party Participatory Democracy and that the choice of a One-Party System was by means of a legislative fiat.²² Under the One-Party Participatory Democracy there was going to be only One Party, UNIP through which all Members of Parliament (MPs) were going to use to get elected to the National Assembly.

Ludwig Sondashi observes that following the announcement, a Constitutional Amendment Bill no. 5 was introduced in 1972 to the National Assembly to which Harry Nkumbula and his MPs objected by walking out of the House.²³ The ANC protest did not deter the UNIP dominated

²¹ S. Duma, et al, Parliamentary Institutes as Centres of Excellence for Capacity Development, Research, Training, Knowledge and Information Management' Journal of South African Legislative Sector, 1/1 (2014) 4-16.

²² John. M. Mwanakatwe, The End Kaunda Era (Lusaka: Multimedia Zambia, 1994), p.95.

²³ Ludwig. S. Sondashi, Zambia's Single Party System: The Emergency of Presidentialism and Democratic Responses, PhD Thesis, (Warwick: Warwick School of Law, 1990), p.235.

Parliament from voting in favour of the Bill with 80 votes to nil. The One-Party State Constitution which ushered the Second Republic came into effect on 13 December, 1973 when President Kaunda was sworn in as President.²⁴ The One-Party System created a One-Party Parliament which lasted 17 years during which time elections were held in 1973, 1978, 1983 and 1988. These elections created the Third, Fourth, Fifth and Sixth National Assemblies. Suffice to mention that during the whole period of the One-Party State President Kaunda was always floated as a sole candidate during Presidential and General elections as other candidates could not be supported by UNIP party functionaries and sometimes got disqualified through constitutional provisions that favoured Kaunda.

See **Appendix 2** for the Presidential and Parliamentary elections which created various. National Assemblies between 1964 and 1991.

It must be noted that during the One-Party State, the Party and the 1973 Republican Constitutions were harmonised in order to produce a One-Party Parliament. Due to intense debates that characterised the One-Party Parliament, the UNIP government made serious attempts to curtail freedom of speech and subordinate Parliament to the Party's National Council. Despite this, Parliament still remained strong due to the Speaker Dr Robinson Nabulyato,' valuable guidance and integrity. Dr Nabulyato took over from the first indigenous Speaker Nyirenda in 1967.

In order to curtail Parliamentary freedom and assert party supremacy over Parliament, President Kaunda began rebuking MPs publicly. Such public warnings among several others was issued in 1985 when the President warned MPs against abusing their freedom of speech.²⁵ These warnings

²⁴ Mwanakatwe, End of Kaunda Era, p.94.

²⁵ Sondashi, Zambia's Single Party System: The Emergence of Presidentialism and Democratic Responses, p.244.

and interferences were directed at independent minded MPs despite their enjoying Parliamentary immunity. Other independent minded Parliamentarians were appointed to such government positions as District Governors and Ministers to make them toe the party line. Attempts to dilute parliamentary democracy continued until 1991 when the country reverted the multi-party system which saw the eventual defeat of UNIP by the Movement for Multi-Party Democracy (MMD)

Statement of the Problem

Although the Legislature has played a key role in constitutional development in Zambia since inception in 1924, scholars such as M. Chibesakunda and D.C Mulford have not exhaustively written about the forces that led to its transformation in terms of its composition and roles from 1948 to 1991. This study examines how political, economic and constitutional forces led to changes in the legislature from 1948 to 1991.

Objectives

The main aim of this study was to investigate the history of the Legislature in Zambia from 1948 to 1991. The study sought to:

1. analyse political and economic factors that influenced the composition and role of the legislature from 1948 to 1991,
2. examine the relationship that existed between the ARC and the Legco before independence, and
3. assess how various constitutional amendments and reviews affected the franchise and the operations of the legislature.

Rationale

The Legislature underwent serious constitutional changes in terms of its operations and composition during the period 1948 to 1991. This study is important as it will attempt to reconstruct the history of the Legislature in terms of its transformations and the roles it played from 1948 to 1991. It is hoped that this study will contribute to the historiography on the Legislature in Zambia and that more scholars will take interest in investigating this important topic.

Literature Review

Scholars have written and alluded to the existence and operations of the Legco and the National Assembly in Zambia during the colonial and post-independence periods respectively. Their works have however not fully discussed the forces that contributed to the changes and transformations experienced by the Legco in relation to the political development of Zambia. In attempting to review the available literature on the study, various books and materials were consulted in order to assess the available information.

J.W.Davidson's book Northern Rhodesia Legislative Council is a source of valuable data as it is one of the earliest books on the colony's Legco. The book analyses the beginnings of the Legco and how its prominent members such as Leopold Moore, Sir Roy Welensky, and Sir Stewart Gore-Browne debated crucial issues in the House. It also discusses the objectives of the Legco from inception and its operations dating back to the BSAC rule. It describes how the Legco, for a long time, was controlled and dominated by the white representatives. It also discusses how Europeans attempted to use the Legco to form their own responsible government. The House did not admit Africans as they regarded them as people who did not have the right to rule but merely as Protected persons. It was argued that Africans were not supposed to get into contact with the Legco as they

were legislated for by the Whites who governed them.²⁶ This work is vital to this study as it demonstrates that from inception in 1924, White settlers believed that Africans were too illiterate and inferior to be admitted the Legco.

G.H. Rusebridger's *Civics of Northern Rhodesia* book describes the duties, composition and operations of the Northern Rhodesia Legco. The writer asserts that the Legco used to meet at least four times depending on the amount of work it had to do. Duties of the Legco included discussing laws and advising the Central Government what to do and making decisions on the territory's income and expenditure. Membership in the Legco was not static but kept on changing depending on the prevailing situation in the territory. For instance, in 1952 in addition to Official members, there were 10 Unofficial elected members and four Unofficial members nominated by the Governor to represent African interests. Out of the four, two were Africans while two were Europeans. As regards African eligibility to the Legco, the Colonial government devised discriminatory regulations meant to disenfranchise them. However, due to intensified African nationalism by 1953 the Council was made up of Speaker, Nine Official members, 10 elected Unofficial members and four nominated Unofficial members making a total of Twenty-four members.²⁷ This work is vital as it brings to light the fact that membership in the Legco was not static but kept on changing depending on the prevailing in the territory.

The Northern Rhodesia Handbook stipulates the crucial changes that were effected after 1940. It states that both the Executive Council and the Legco underwent transformations in the 1940s. For the first time, in the history of Northern Rhodesia, Unofficial members of the Legco were

²⁶ Davidson, Northern Rhodesia Legislative Council, p.68.

²⁷ G. H. Rusebridger, Civics of Northern Rhodesia (London Oxford University Press, 1950), p.28

appointed to the Executive Council.²⁸ From that time, Unofficial membership was regarded as an essential feature of Northern Rhodesia political system. The book states that in October, 1944, the number of Official members stood at nine, elected Unofficial members rose to 14 after adding those appointed to represent African interests. The Official members' majority status was discarded in 1945 when the new Constitution came into operation. This work is valuable to this study as it helps to understand different roles performed by Official and Unofficial members in the Legco.

L.H. Gann in his book *A History of Northern Rhodesia: Early Days to 1953* describes the beginnings of the Legco and its responsibilities such as voting for supplies and making local laws known as Ordinances for the good of the territory. The book further discusses the relationship between the Colonial Legco and the British Parliament which remained superior and an ultimate source of all Laws and effected major Constitutional or policy changes through the instrument of Orders in Council. The evolution of the Legco from a House where admission was based on the race to elections based on property and education is discussed. Other voting qualifications stipulated that one had be a British subject and not a Protected person to participate in elections.²⁹ Other qualifications highlighted in the book had to do with property where voters had to prove an annual income of at least \$200 or occupancy of a dwelling worthy \$250 or ownership of a mining claim of equivalent value. This study is vital as it brings out the duties of the Legco. It further outlines disqualifications which included illiteracy, undischarged bankruptcy and a recent criminal record to aspiring members of the Legco.

²⁸ Northern Rhodesia Government, The Northern Rhodesia Handbook (Lusaka: Northern Rhodesia Information Department, 1953), p.38.

²⁹ Gann, A History of Northern Rhodesia Early Days to 1953, p.237.

The Northern Rhodesia General Election of 1962, book by D.C. Mulford provides information on the constitutional development of the Legco up to 1958. The book highlights changes in the composition of the Legco from the time it was established in 1924. It states that in 1954 the Council's elected Unofficial members were increased from 10 to 12 while the number of Officials was reduced from ten to eight. In terms of franchise, most Africans could not qualify as other qualifications were not attainable. These included occupations of a house or building in the territory valued at \$250, possession of a mining claim and having an income of \$200. Since majority Africans could not meet all the conditions, the result was that in 1957 there were only eleven Africans who qualified on a Common roll of approximately Twenty thousand voters.³⁰ The study shows how franchise based on the race and property prior to 1962 was moderated by the 1962 Constitution which created a bridge to African majority rule.

Mulford's *Zambia: The Politics of Independence 1957-1964* discusses the origin of the Colonial legislature and its origin. The book alludes to the fact that the House which started as an Advisory Council made up five members kept on changing both in composition and number due to various Constitutional amendments and the impact of African nationalism. The book discusses how the Constitutional changes of 1948 led to a number of changes such as the life of the Legco which changed from three to five years.³¹ It also explains the change of the leadership in the House where the Governor who had been President of the Legco was replaced by a nominated Speaker in this case Thomas S. Page. In terms of representation, Africans were now represented by four members with two African representatives who were nominated by the ARC and later appointed by the

³⁰ David. C. Mulford, The Northern Rhodesia General Election 1962 (London: Oxford University Press, 1964), p.4.

³¹ Mulford, Zambia-The Politics of Independence, p.12

Governor. This study is important as it demonstrates the constitutional changes that were affected in the Legco as a result of nationalist activities in the country towards independence.

Kenneth Kaunda in his book *Zambia Shall be Free* argues that the representation of Africans by Europeans in the Legco was unacceptable to Africans as the Europeans nominated to represent African interests did not identify themselves with the people they represented. He argues that if African interests were to be represented by Europeans, they should have been Europeans chosen by Africans themselves. He acknowledges the presence of Africans though at an insignificant level in the Legco in 1948 when he states that it was only in 1948 when Africans had some kind of direct representation.³² This study is vital as the author shows how Africans detested indirect representation by Whites in the Legco.

D. Keet' MA Thesis *The African Representative Council 1946-1958* is helpful to the study as it provides information on the operations of the ARC a political body of African intellectuals in Northern Rhodesia. In her dissertation the writer discusses how the ARC which was used as a forum for assessing African nationalists' political mood and became their training ground before they were admitted to the Legco.³³ It was from the ARC where the first African Legco members Reverend Henry Kasokolo and Nelson Nalumango were nominated from in 1948. The study is critical to this study as it discusses the relationship between the ARC and the Legco. It also shows how the ARC and ANC expected African Legco members to follow the Party directives in the Council as it carpented those who did not toe the Party line.

³² Kenneth Kaunda, *Zambia Shall be Free* (London: Heinemann Educational Books, 1966), p.177.

³³ D.L. Keet, 'The African Representative Council 1946 – 1958 A Focus on Political Leadership and Politics in Northern Rhodesia', MA Dissertation UNZA, 1975, P.35

Tordoff and Molteno in their article entitled 'Parliament' in the book *Politics in Zambia* provides information on the post-independence roles of the National Assembly. Their article investigates the nature and the contribution of the National Assembly to the political life of the country during the first Republic through an analysis of its formal functions, emergency powers, its representative nature and its critical function.³⁴ The study is important as the article highlights the composition of the 1964 National Assembly which was made up of UNIP, ANC and NPP. It further shows how members debated various motions in Parliament.

Cook and Killingray's book entitled *African Political Facts Since 1945* provides a brief account of the operations of the Legco from 1945 to 1973. They argue that from 1948 onwards there were a number of changes that took place in the Northern Rhodesia. They state that 1955 was a year when the Legco was enlarged to Twenty-six members in its quest to accommodate and balance power between majority Africans and small White minority.³⁵ The book discusses the relationship between the Federal legco of Rhodesia and Nyasaland with the Northern Rhodesia Legco. The study is helpful to the study as it also highlights the Constitutional amendments and the composition of members of the National Assembly from 1964 and 1973.

C. Baylies and M. Szeftel in their article 'Elections in the One-Party State' in the *Dynamics of the One-Party State in Zambia* asserts that the 1973 Constitution increased the number of constituencies from 105 to 125. On franchise, election candidates had to be Zambians over 21 years of age, be able to speak and write English, and be members of UNIP and not having been

³⁴ Tordoff and Molteno, 'Parliament' in William Tordoff (ed) *Politics in Zambia*, pp.197-241.

³⁵ Chris Cook and David Killingray, *African Political Facts Since 1945* (London: The Macmillan Press Ltd, 1983), p.128.

convicted of a criminal offence. All Zambians over the age of 18 were eligible to vote. As for Parliamentary elections, there were two stages a candidate had to satisfy before adoption. This was the Primary level and later the Central Committee which had power to veto or accept the recommendation. The conduct of both Primary and the General election were the responsibility of the ruling Party.³⁶ This study is important as it demonstrates how UNIP became instrumental in determining who qualified to stand as a Parliamentary or Presidential candidate during the One-Party State era.

Mushota' article on 'Constitutionalism and Democracy' in *Management of Political Transition* provides valuable data on the operations of the legislature in Zambia after the 1972 amendment of the Zambian Constitution which ushered a Single Party System. He asserts that the amendment affected the rule of law and the legislative supremacy which had continued since Zambia's independence. This was because an MP who dared question any Party policy was either publicly lambasted by the Head of State in order to deter him and any others who might have been harbouring similar democratic feelings. Others were usually vetoed from ever standing for re-election. Valentine Kayope, former MP for Bahati Constituency in Luapula and Lt Colonel Chanda Sosala former MP for Kafue Constituency in Lusaka were two former members who met such fate.³⁷ The study assists in understanding the strategy used UNIP to silence dissenting voices in the National Assembly.

³⁶ Carolyn Baylies and Morris Szefitel, 'Elections in the One Party State' in Cherry Gertzel ed The Dynamics of the One Party State (Manchester: Manchester University Press, 1984), pp.29-57.

³⁷ R Mushota, 'Constitutionalism and Democracy' in Peter Machungwa and Tresford K Mwaba eds Management of Political Transition (Lusaka: Fredrich Ebert Stiftung Round Tables no 1, 21st to 22nd March 1991), p.51.

Ng'ona Mwelwa Chibesakunda's book The Parliament of Zambia provides a good but brief historical narrative of the Parliament of Zambia from its inception in 1918 up to the third Republic.

³⁸ This study is important as the book also provides information on the legislative processes, practices and procedures of the National Assembly. Furthermore, Chibesakunda discusses Parliamentary privileges, immunities and powers of Parliament, offices and departments of the National Assembly are equally given prominence. However, the author does not bring out the debates that characterised the National Assembly.

B.J. Phiri, C.J. Banda and G.H.N. Haantobolo' book entitled Protecting the Reputation and Standing of Institution of the Parliament and Parliamentarians is a valuable source of information. In this book, the authors have briefly highlighted the composition of the earlier Legco and how it used to operate. They have also discussed the composition of the National Assembly in the first Republic.³⁹ The role of the ANC as an Opposition Party in providing checks and balances to the ruling party UNIP is also discussed. This work vital to this study as it provides data which shows that decisions by the Executive and constitutional amendments were not imposed arbitrarily but were debated by the members of the legislature after independence.

Phiri's work 'Zambia' in South African Journal of International Affairs is quality work as it provides valuable information for the study.⁴⁰ It narrates a brief background on the Legco and its initial objective of taking care of the local Settler interests and imperial interests in London. The

³⁸ Chibesakunda, The Parliament of Zambia, p.20.

³⁹ Phiri, Banda and Haantobolo, Protecting the Reputation and Standing of the Institution of Parliament and Parliamentarians.

⁴⁰ Bizeck Jube Phiri, 'Zambia: Strengthening Parliamentary Democracy in Southern Africa' South African Journal of International Affairs Volume 12 Issue 1 (2005) pp.205-218.

article also discusses among other things elections and operations of parliament. It further highlights the erosion of parliamentary democracy from 1975 up to 1991 as a strategy by President Kaunda to dislocate backbenchers who were effectively providing checks and balances to the front bench. This study is important in studying the Legislature as the article provides the composition of the MPs in both the Second and Third Republic.

Phiri's publication *Parliaments of the South Zambia Country Report* is a valuable piece of work that discusses the subject of strengthening Parliamentary democracy in Southern African Development Community (SADC) countries. Although the book is mainly concerned with Parliamentary reforms, it discusses a number of themes which include the main features of Parliamentary democracy in Zambia, how Parliamentary information is disseminated and the engagement of civil society with Parliament. The book also analyses the role of the Opposition in Parliament as regards its task of providing checks and balances.⁴¹ This study is vital to this work as it provides information on how parliamentary democracy was exercised in the House.

Methodology

This study was based on qualitative research methodology. The University of Zambia library Special Collections and Serials sections provided valuable data. From there, published and unpublished data were consulted. These were in form of books, journal articles, PhD theses, MA dissertations, government reports, UNIP and ANC documents relating to the legislature were consulted. The National Assembly library provided data from Hansards of the Legco, Parliamentary Debates, Parliamentary Reports and books on the House. The National Archives of Zambia (NAZ) and the United National Independence Party (UNIP) Archives were consulted for

⁴¹ Phiri, *Parliaments of the South: Zambia Country Report- Strengthening Parliamentary Democracy in SADC Countries*.

primary data. Oral interviews with some surviving former MPs, UNIP Members of the Central Committee and governors were conducted.

Organisation of the Dissertation

The study consists of five chapters. Chapter One is the introduction. Chapter Two examines the Northern Rhodesia Legco in terms of its composition, transition and franchise from 1948 to 1959. Chapter Three analyses how nationalism and constitutionalism affected and influenced the development of the legislature from 1959 to 1968. Chapter Four analyses the history of the National Assembly during the One-Party State and its reversal to Multi-Party System. The Fifth Chapter concludes the study.

CHAPTER TWO

THE NORTHERN RHODESIA LEGCO – ITS OFFICERS, TRANSITION AND FRANCHISE, 1948 – 1959

This chapter discusses the principal officers who constituted the colonial Legislature. It argues that the Legco had well defined officers whose duties and roles were different but complemented each other so as to enhance co-ordination and order in the House. According to the Supplement to the Northern Rhodesia Government Gazette of March, 1948 the composition of the Legco consisted of a Speaker, six ex-official Members, three Nominated Official Members, two Nominated Unofficial Members to represent the interests of the African community, ten elected Members and two African Members.¹ These officers performed different roles as their functions and interests in the House were diverse. Whereas Official members were civil servants who represented the British Colonial Office and African welfare to some extent, Unofficial members mainly spoke on behalf of the White settlers. The number of Official and Unofficial members in the Legco was not static but kept on changing due to various political, economic and social factors.

The chapter further discusses the transition of the Presidency of the Legco which was initially performed by the territorial Governor. As a President of the Legco, the Governor was in charge of the proceedings in the House but that portfolio was later transferred to an appointed Speaker. In discussing this matter, the reasons that led to the replacement of the Governor as President of the Legco by an appointed Speaker are analysed.

The chapter shows that until 1948 the Legco only admitted White representatives while matters affecting Africans were brought to the attention of the Colonial government through nominated

¹ Northern Rhodesia Government, Northern Rhodesia Government Gazette, (Lusaka: Government Printer, 1949), p.48.

Whites representing African interests. Direct representation for Africans only took place in 1948 through the ARC which nominated two Africans who were later appointed by the Governor to sit in the Legco. The chapter further discusses how Africans who were politically enlightened used the ARC and ANC to demand for increased membership and franchise based on universal adult suffrage as the means of being admitted to the Legco. The chapter later discusses the extension of franchise to Africans through the Benson Constitution of 1958 though its high franchise qualifications disenfranchised majority Africans. It analyses how Africans participated in the 1959 election with six of them joining the Legco.

Legco Presidency and Speakership

One of the key officers in the Legco was the Northern Rhodesia Governor whose duty was to chair proceedings of the Legco as the President of the Council. This portfolio was in line with the British colonial government's adoption of the Governor's Presidency in colonial legislatures when it took over the administration of Northern Rhodesia. As the President of the Legco, the Governor chaired debates, and sometimes decided the votes of the Legco.² Sir Herbert Stanley who was the first Governor was appointed as the President of the Northern Rhodesia Legco at its establishment in 1924.

It must be understood that the Governor of Northern Rhodesia, in his legislative as well as executive capacity, was bound to obey the directives of the Secretary of State, whether or not they were in conformity with his personal views.³ This relationship with the Colonial authorities did not accord the Governor an opportunity to guide the House in an impartial manner. As an appointee

² Martin Wright 'The Development of the Legislative Council 1606 – 1945' in Margerly Perham (Ed) Studies in Colonial Legislatures (London: Faber and Faber, 1945), pp.102-135.

³ Wright 'The Development of the Legislative Council 1606 – 1945' pp.102 – 135.

of the colonial office, it became difficult for the President of the Legco to exercise neutrality during deliberations in the House. Consequently, he became a target of criticism and denunciation by Unofficial members who felt their views were not properly handled by the Governor. The tradition of the Governor presiding over the Legco ran for more than two decades from 1924. Coincidentally, the demand to replace the Governor from the Presidency of the Legco during the colonial period did not only occur in Northern Rhodesia but took place in other British Colonies as well. For instance, in New Wales, a recommendation to the Colonial Office Conference in 1927 for an agreed scheme of transition from the Presidency of the Governor to the election of the Speaker was proposed but the conference decided that it was essential at that time for the Governor to retain his position as President and continue to preside over the proceedings of the Legco.⁴

In order to protect the Office of the territorial Governor from criticism, there arose a compelling desire in the mid-1940s to separate the Presidency of the Legco from that of the territorial Governor. Northern Rhodesia, Legco members Sir Stewart Gore-Browne and Mr Roy Welensky through the General Notice No. 595 of 1946 Northern Rhodesia Gazette, 6th September 1946 argued that it was inappropriate for the Governor to continue as President of the Legco. They proposed that the Governor was supposed to be replaced as President of the Legco by a Speaker nominated by himself, whilst retaining his other functions under the Constitution in connection with the Legco.⁵ The reaction of both the Secretary of State and the Governor showed sympathy with the suggestion. The proposal for an appointed Speaker was accepted in principle but the change was only effected after two years.

⁴ Wright, 'The Development of the Legislative Council 1602 – 1945,' pp. 102- 135.

⁵ J.W. Davidson, Northern Rhodesia Legislative Council (London: Faber and Faber, 1946), p.138.

Speakership of the Northern Rhodesia Legco

When demands to have a Speaker in the Legco heightened, Government put in place legal provisions to create the Office of the Speaker. Consequently, the Office of the Speaker was created under the Northern Rhodesia Gazette supplement which stipulated that:

The Speaker shall be a person not holding any office of emolument under the Crown in the Territory, and shall be appointed by Instructions or Warrant under His Majesty's Sign Manual and Signet or by the Governor by Instrument under Public Seal in pursuance of His Majesty's instructions through a Secretary of State....⁶

Furthermore, the Gazette provided that:

The Speaker shall hold office during His Majesty's pleasure and, subject thereto, for such period as may be specified in the instrument by which he is appointed, and shall not vacate his office by reason only of a dissolution of the Council:

Provided that the Speaker may at any time resign his office by writing under his hand addressed to the Governor.⁷

Based on the provisions contained in the Gazette, the Governor of the Northern Rhodesia Legco was replaced by an appointed Speaker in 1948. A Speaker who presided over the Legco

⁶ Northern Rhodesia Government, Northern Rhodesia Government Gazette, p. 48.

⁷ Northern Rhodesia Government, Northern Rhodesia Government Gazette, p. 48.

deliberations was appointed by the Governor upon advice from the Crown.⁸ Following this landmark decision, the Governor's membership and Presidency of the Legco ceased in 1948 when a Speaker was appointed.⁹ When the Office of the Speaker was created the then Governor, Sir Gilbert Rennie ceased to be President of the Legco.¹⁰ Consequently, on 10th November, 1948, Thomas Spurgeon Page a farmer and former Legco member for the North-Eastern Electoral Area, was appointed as the first Speaker to preside over the Legco by the Governor of Northern Rhodesia. The Speaker performed several functions such as representing the Legco at various ceremonies and functions but the most important was that of presiding over the House to ensure fair and orderly deliberations of the House.

T. S. Page was succeeded by Sir Thomas Williams, who was also an appointed Speaker prior to Zambia's attainment of independence in 1964.¹¹ It can be argued that the Zambian constitutional development on the evolution of Speakership in the Legco just like the colonial Kenyan Legco, can be traced to 1948.¹² This new development satisfied Unofficial members who had been demanding for an of the office Speaker which was separate from that of the territorial Governor. It must be noted that apart from the evolution of the Legco Speakership, the year 1948 marked a turning point in the Northern Rhodesia territory's Legco. Unofficial members led by Welensky

⁸ Northern Rhodesia Government, The Northern Rhodesia Handbook, (Lusaka: Northern Rhodesia Information Department, 1953), p.36.

⁹ Northern Rhodesia Government, Proposals for Constitutional Change in Northern Rhodesia Presented to the Northern Rhodesia Legislative Council 28th March, 1958, (Lusaka: Government Printers, 1958), p.15.

¹⁰ National Assembly of Zambia, Document on the Ceremonial Opening of the New Parliament Building, (Lusaka: 2nd May, 1967), p.7.

¹¹ A Commemorative Souvenir 37th Commonwealth Parliamentary Conference, Paper Prepared by the Research Department of the National Assembly of Zambia, Lusaka, p.140.

¹² Phillip Laundry, The Office of the Speaker in the Parliaments of the Commonwealth (London: Quiller Press Ltd, 1984), P.201.

not Gore- Browne won several important concessions in a new Constitution. One such concession involved the extension of the life of the Legco. The constitution extended the life of the Legco from three to five years.¹³ Prior to 1948, the life of a Legco used to be three years, consequently elections used to be held after three years.

Official Members of the Legco

The Northern Rhodesia Legco had Official members who were Colonial Office representatives.¹⁴ The five members of the Executive Council included (the Governor, Chief Secretary, Attorney General, Financial Secretary, and Secretary for Native Affairs) and four official members nominated by the Governor, comprised the Official majority.¹⁵ All the nine Official members held ministerial offices and were responsible to the Governor and to the Legislature for the administration of Government departments within their portfolios. All the members of the Government, both Official and Unofficial sat on the same side of the Legco and constituted a Government front bench. One of the Unofficial members was a nominated member of the Legco representing African interests while the other three Unofficial members were elected members of the Legco.¹⁶ As government representatives in the Legco Official members collaborated their duties with those of Unofficial members. Their working relationship provided them with an opportunity to learn each other's views in order to work out policies that would be acceptable by both the government and those represented.

¹³ David C. Mulford, Zambia: The Politics of Independence 1957 – 1964 (New York: Oxford University Press, 1967), p. 12.

¹⁴ Phillip Brownrigg, Kenneth Kaunda (Lusaka: Kenneth Kaunda Foundation, 1989), p.15.

¹⁵ Northern Rhodesia Government, The Northern Rhodesia Handbook, p.38.

¹⁶ Northern Rhodesia Government, Proposals for Constitutional Change in Northern Rhodesia, p.17.

Before 1948, the Governor, (the senior most official in the territory), presided over an Executive Council composed of civil servants and a Legco, dominated by Officials but including in its membership from the beginning at least five elected settlers.¹⁷ Official members made up the Executive Council of the territory and their chief work was to advise the Governor on nearly everything to do with the governance of the country. It received important messages from the Secretary of State for the Colonies, and discussed matters which were later taken to the Legco.¹⁸ The Council had an obligation of tabling issues it received from the Colonial Office in the Legco in order build consensus with Unofficial members over the administration of the territory.

The Northern Rhodesia Executive Council which was established in 1924, was composed exclusively of Officials until 1939 when as a temporary measure during the war years, Unofficial members were included for the purpose of forming a Government of national unity.¹⁹ The inclusion of Unofficial members in the Executive Council was also recommended through the Rhodesia–Nyasaland Report. The report recommended the reconstitution of the Executive Councils so as to include a proportion of Unofficial members one of whom was to represent African interests.²⁰

Between 1948 and 1958, Northern Rhodesia evolved towards a system of ministerial government. In 1948, four Unofficial members, including one member nominated to represent African interests, were appointed to the Council. The following year, two elected members were provided with

¹⁷ Joseph. P. Smaldone 'Historical Setting' in Irvin Kaplan (ed) Zambia a Country Study pp1-46 (Washington D.C: The American University, 1979), pp.1-46.

¹⁸ G.H. Rusebridger, Civics of Northern Rhodesia (London: Northern Rhodesia Information Department, 1953), p.37.

¹⁹ David C. Mulford, The Northern Rhodesia General Election 1962 (London: Oxford University Press, 1964), p. 2.

²⁰ Northern Rhodesia Government, Rhodesia – Nyasaland Royal Commission Report March 1939 (London: Majesty's Stationery Office, 1939), p.198.

portfolios, and after 1954 all four Unofficial members assumed full ministerial responsibility.²¹ In the Legco the Official members were equivalent to a cabinet consisted of seven Official members and four Unofficial members. One of the Unofficial members was the one representing African interests.²² In 1953, Official members included His Excellency the Governor as Chairman, the Chief Secretary, the Attorney - General, the Financial Secretary, the Secretary for Native Affairs, the Administrative Secretary, and the Economic Secretary. In addition to this, there was the Development Secretary and four Unofficial members of Legco, one of whom was a representative of African interests.

The most senior member among the Official members was the Chief Secretary. In addition to being a principal government spokesman, he took the leading part in organising the business of the Council and generally performed the functions which fell upon the leader of government business under a Parliamentary regime.²³ Unofficial members who were representatives of Whites directed the criticisms which were targeted at the Governor in the initial stages of the Legco at the Chief Secretary. The next in the hierarchy was the Attorney General who took the most active part in the work of the Council, since he was responsible for the drafting of legislation and was to some extent familiar with most aspects of policy.²⁴ The other Official members defended their departments although they could also intervene in debates on subjects which did not relate or touch on their own departmental spheres.

²¹ Mulford, The Northern Rhodesia General Election 1962, p.2.

²² Mulford, The Northern Rhodesia General Election 1962, p.36.

²³ Davidson, Northern Rhodesia Legislative Council, p. 36.

²⁴ Davidson, Northern Rhodesia Legislative Council, p. 36.

The composition of the Legco was altered six times between 1924 and 1954. In each change, the balance was not between African and European representatives but between Official and Unofficial members. It is vital to note that from the operations of the Legco the Official side was pro-African affairs while the Unofficial elected members stood for European interests. The proposals under the 1948 Constitution was a Council of 11, out of whom seven were Official and four were Unofficial including one member nominated to represent African interests.²⁵ Further changes were made to the Constitution in 1958. According to the Proposals for Constitutional Changes in Northern Rhodesia the Executive Council was to comprise the Governor who would preside over nine Ministers who included four Ex officio Ministers, five other Ministers (of whom four must have been ‘[ordinarily qualified]’ candidates successful in the elections).²⁶

Unofficial Members of the Legco

Another important group of people in the Legco were called Unofficial members. They also trace their presence in the Legco to 1924 when the British colonial office took over the administration of the territory from the BSAC. There were five nominated Unofficial members who sat with nine Official members in the territory’s first Legco. The second Legco of 1926 remained the same as that of the first. The only difference lay in the fact that for the first time, the Unofficial members had to be elected.²⁷ Until 1935 Unofficial members of the Legco were drawn, with only one or two exceptions, from the classes of farmers (representing the predominantly rural constituencies) and small businessmen (representing those dominated by one or other of the larger settlements). The

²⁵ Mason, Year of Decision Rhodesia and Nyasaland, p. 101.

²⁶ Northern Rhodesia Government, Proposals for Constitutional change in Northern Rhodesia, p.8.

²⁷ Chibesakunda, The Parliament of Zambia, p. 24.

farming members were on the whole, capable and moderate men, upon whom government relied for advice on farming matters.²⁸

Worth noting in the historical development of the Legco regarding the composition and status of Unofficial members was that their numbers kept on changing between 1924 and 1948. In 1945, there were eight elected Unofficial members and five nominated ones who gained majority over the Official members of the Council. Yet, in 1948; elected Unofficials and Officials were equalised with ten seats apiece; nominated Unofficial members were reduced from five to two (both Europeans to represent African interests) and two African members were appointed to represent African interests.²⁹ It must further be noted that by 1948 due to increase in White settler population and increased education and political awareness among Africans, further changes affecting the Legco were made. It came to comprise a bigger number of Unofficial members who wielded considerable power compared to the previous years.³⁰ With Welensky as a leader of the Unofficial members, official recognition was given to a Constitutional convention which lent considerable strength to the position of Unofficial members.

The convention stipulated that:

‘If all Unofficial members advised the Governor unanimously in one sense, he was bound to regard that advice as advice of the Executive Council, even though all the Officials advised otherwise. The Governor had then either to accept the advice or to exercise his right to reject the advice of Council and to

²⁸ Davidson, Northern Rhodesia Legislative Council, p.39.

²⁹ Mulford, The Northern Rhodesia General Election 1962, P.1

³⁰ Chibesakunda, The Parliament of Zambia, p. 26.

refer his decision to the Secretary of State in accordance with the Royal instructions.³¹

In 1954 the Council's elected Unofficial members was increased from ten to 12, while the number of Officials was reduced from ten to eight. The number of Africans appointed was increased to four, in addition to the two nominated European members.³² By 1955 the Legco had been enlarged to 26 members. It consisted of eight Official and 12 elected members, plus two nominated by the Governor to represent African interests, and four Africans nominated by the ARC which was established in 1946.³³ The Eleventh Legco of 1959 was made up of majority Unofficial elected members who were 22 in number against six Officials and two nominated Unofficial members.

It must be noted that there was also a Federal Assembly which was born following the establishment of the federation of Rhodesia and Nyasaland in 1953. As a member of the federation, Northern Rhodesia was also constitutionally required to have representation in the Federal Assembly. Addressing the African Representative Council (ARC), on the nomination Federal Assembly representatives, the Governor of Northern Rhodesia stated the following:

It is important that the two Africans elected by you to sit in the Federal Assembly should be men of character and ability, who will be able to play their part well in this early and important stage of the Federation.³⁴

³¹ Mulford, Zambia – The Politics of Independence 1957 – 1964, p.12.

³²Mulford, The Northern Rhodesia General Election 1962, P.2.

³³ Chris Cook and David Killingray, African Political Facts Since 1945 (London: The Macmillan Press Ltd, 1983), p.128.

³⁴ Northern Rhodesia Government, African Representative Council, First Session of the Third Council, (Lusaka: December, 1953), p.2.

The first Federal Assembly, which was constituted in December, 1953, consisted of 35 members. The membership was however increased to 59 members following the Constitution Amendment Act, of 1957.³⁵

See **Appendix 3** for the Federal Assembly composition.

African Representation in the Legco

From inception African participation and representation in the Legco was quite minimal. African representation in the Legco can only be linked to the appointment of the Secretary for Native Affairs who was one of the Officials who represented government in 1924.³⁶ On the other hand, the White settlers who were in the minority, were privileged to elect their representatives in the Legco. They relied on their elected representatives in the Legco to assert their rights and to gain dominance over the Africans.³⁷ During the early years of the Northern Rhodesia Legco, matters to do with the welfare of Africans were rarely discussed. European representatives contended that Africans did not come into contact with the House, as they were governed in the sense that they were legislated for by the people and governed by the people who employed them.³⁸

The Legco did not to admit Africans directly although in 1938 the first European to represent African interests was nominated.³⁹ The first African Representative was a Sir Stewart Gore-Browne who had arrived in Northern Rhodesia before the First World War and later settled at

³⁵ Northern Rhodesia Government, Report of the Advisory Commission on the Review of the Constitution of Rhodesia and Nyasaland, (London: Her Majesty Stationery Office), p.35.

³⁶ Chibesakunda, The Parliament of Zambia, p.23.

³⁷ John Mwanakatwe, End of Kaunda Era (Lusaka: Multimedia Zambia, 1964), p.12.

³⁸ Davidson, Northern Rhodesia Legislative Council, p.68.

³⁹ Richard Hall, Zambia 1890 – 1964 The Colonial Period (London: Longman Group Limited, 1976), p.59.

Shiwa Ngandu in Chinsali district in Northern Province. He was nominated to represent African interests in 1938.⁴⁰ By 1945, the Secretary for Native Affairs R.S. Hudson and Gore Browne were joined by A.C.Fisher and Right Reverend R. Selby Taylor in representing African interests.⁴¹ This indirect representation of Africans did not continue beyond 1948 due to demands by Africans to have their own representatives in the Legco. Africans believed that European representatives did not fully understand their society hence could not speak on their behalf.

Demands for direct representation in the Legco took centre stage during debates in the ARC. To enable Africans contribute more effectively to the development of the territory, Regional Councils were formed between 1943 and 1944.⁴² Later on, the ARC which drew membership from various Regional Councils was formed. It had 29 members who were elected from among and by delegates of African Provincial Councils in exception of those from Barotse Province who were nominated by the Paramount Chief in consultation with the Provincial Commissioner.⁴³ The ARC was presided over by the Secretary for Native Affairs and became an appropriate platform where numerous African grievances which included African representation in the Legco were tabled.⁴⁴ The Secretary of State agreed that the ARC was going to be given the right to elect two Africans to the Legco at the General election in 1948.⁴⁵

⁴⁰ Andrew Sardanis, Africa Another Side of the Coin, (New York: I B Tauris and Co Limited, 2003), p.40.

⁴¹ Northern Rhodesia Government, Northern Rhodesia Legislative Council Debates of the First Session Resumed of the Eighth Legislative Council (Lusaka: Government Printers, 28th November, 1945), p.1.

⁴² Davidson, Northern Rhodesia Legislative Council, p.31.

⁴³ Northern Rhodesia Government, Northern African Representative Council Proceedings of the Special Session of the Second Council, (Lusaka: Government Printers, 12 September, 1951), P.4.

⁴⁴ Northern Rhodesia Government, Northern Rhodesia African Representative Council Proceedings of the First Session of the Second Council, (Lusaka: Government Printers, 13 July – 16 July, 1949), P.40.

⁴⁵ Davidson, Northern Rhodesia Legislative Council, p.32.

African demands for direct African representation in the Legco came to fruition in 1948 when two African members were nominated by the ARC members and later appointed by the Governor to take their places in the Legco. One of these was Nelson Nalumango who eighteen years earlier had helped to found the Livingstone Native Welfare Association.⁴⁶ Nalumango was a fluent speaker of English, a talent admired by many of his counterparts. He debated skilfully to earn him a lot of respect from Legco members of the Settler stock as he articulated issues with clarity. He was a very good ally of Godwin Mbikusita Lewanika throughout his school days and political career.⁴⁷ The other nominated African was Reverend E. H. Kasokolo.⁴⁸ Reverend Kasokolo was an ordained church leader who worked in mission stations and government and it was during his time in the civil service that he distinguished himself as a fluent speaker, whose oratory catapulted him through district councils, the ARC and later to the Legco in 1948.⁴⁹ The appointment of the two Africans, created a change in the composition of the Council but there was no change in the balance of political power.⁵⁰ This was because the number of African representatives in the Legco was too small to seriously influence policy matters in the Legco.

⁴⁶ Hall, Zambia 1890 – 1964, p.58.

⁴⁷ Goodwin Yoram Mumba, The 1980 Coup Tribulations of the One-Party State in Zambia (Lusaka: UNZA Press 2012), p.12.

⁴⁸ Goodwin B. Mwangilwa, Harry Mwaanga Nkumbula A Biography of the Old Lion of Zambia (Lusaka: Multimedia Publications 1982), p.29.

⁴⁹ Mumba, The 1980 Coup Tribulations of the One Party State, p.11.

⁵⁰ Mudenda, Zambia: A Generation of Struggle, p.12.

Kasokolo and Nalumango were replaced by two ARC nominated members P. Sokota and D. Yamba. These joined J.S.Moffat, Reverend E.G. Nightingale and W. J. Scrivener who were nominated European Unofficial members representing African interests.⁵¹ Yamba was a former school Headteacher at Luanshya Central School as well as former President of Federation of African Societies (FAS), which later became Northern Rhodesia African National Congress (NRANC) under Godwin Mbikusita Lewanika.⁵² Having won the battle on direct representation in the Legco, Africans began to demand for more representation in the Legco arguing that the two representatives in the Council did not correlate with the African population.

Several ARC members made strong demands for parity in the Legco. While contributing on the motion on the Federation of Central Africa, G. Musumbulwa the ARC representative for Western Province argued that:

... we have two Africans representing our interests, two nominated Members representing African interests. We are, I think something like two million Africans in the country and then we find that our brothers or partners, who are less in number have more representation in central politics... we had increased representation in the Legco we will be secure and safe because we have more people talking for us.⁵³

⁵¹ Northern Rhodesia Government, Northern Rhodesia Legislative Council Debates of the Third Session of the Ninth Legislative Council Debates Resumed (Lusaka: Government Printers, 9 June, 1951), p.1.

⁵² Mumba, The 1980 Coup Tribulations of the One-Party State, p.13.

⁵³ Northern Rhodesia Government, Northern Rhodesia African Representative Council Special Session of the Second Council, 12 September, 1951, P.37.

Other ARC members who spoke on the need to increase African representation in the Legco was D.Siwale the ARC representative for Northern Province who argued that:

We all of us remember that we demanded an increase of African representation in the Legco recently and our request was denied by the Government of Northern Rhodesia. They say that we are not fit to sit in the Legco and that we cannot express ourselves fully in English. We can speak in our own languages and an interpreter could stand there as they do in other countries.⁵⁴

By 1956, due to tense debates and agitation for increased representation in the Legco, the ARC nominated four more African representatives namely Robinson M. Nabulyato, Safeli H. Chileshe, Pascale Sokota and Lakement H. Ngandu to sit in the Legco in order to join the nominated Unofficial members representing African interests H. Franklin and F.B.Macrae.⁵⁵

Qualification to be a member of the Legco for Africans was through nomination by the ARC while their European counterparts were elected through the ballot. This arrangement displeased Africans who started agitating for the franchise in the territory for all the citizens who were eligible regardless of the race. Debating during the proceedings, Dauti .L.Yamba, Western Province ARC representative demanded for universal adult suffrage as a means of election to the Legco and not an individual's race.

⁵⁴ Northern Rhodesia Government, African Representative Council, Proceedings of the Special Session of the Second Council, (Lusaka: September, 1951), p.6.

⁵⁵ Northern Rhodesia Government, Northern Rhodesia Legislative Council Debates (Lusaka: Government Printers, 1956), p.1.

He consequently argued as follows during heated and tense proceedings of the ARC:

Our request today in this motion is our demand for the extension of the franchise to the British protected persons in Northern Rhodesia without asking them to be naturalised as a British subject.⁵⁶

A.Kazunga, the ARC representative for Western Province also spoke on the need for Africans to enjoy universal adult suffrage and argued as follows:

.. I know we Africans because of our blackness you deny us the right things for our life ... we want a full measure of protection and that is why we cry for universal suffrage.⁵⁷

It is abundantly clear that African representation in the Legco was not granted freely by colonialists but came through pressure from Africans in the ARC.

African demands for franchise became topical during the motion on the Federation of Rhodesia and Nyasaland. They believed that the approach on the Federation by the Europeans was going to be more tactful if all Legco members were elected. They argued that Europeans were going to be more careful with Africans if all people in the territory were allowed to vote for their members.

Northern Rhodesia Franchise Law, 1948 - 1958

Apart from the 1924 members of the Legco who were nominated, all the Councils were born out of elections. As a result, Northern Rhodesia came up with a number of constitutions which stipulated qualifications for voters and candidates. It is however important to note that the franchise

⁵⁶ Northern Rhodesia Government, Northern Rhodesia African Representative Council Session, (Lusaka: 15 December, 1953), p.145.

⁵⁷ Northern Rhodesia Government, Proceedings of the African Representative Council, Special Session of the Second Council, (Lusaka: September, 1951), p.38.

law in Northern Rhodesia before 1958 was based on race and thus disadvantaging Africans at the expense of the settler community.

One major requirement was that for anyone to qualify as a voter and be elected as a member of the Legco, he or she was supposed to be a British subject of above 21 years of age. Other qualifications included occupation of a house or building valued at a minimum £250, possession of a mining claim and an income of at least £200.⁵⁸ Additionally, applicants were required to have resided for a continuous period of at least two years in the territory and for three months in the electoral district in which one applied for registration.⁵⁹

The Northern Rhodesia Ordinance No. 36 of 1958 further states that:

Every person shall be deemed to have the requisite qualification for registration as an Ordinary voter who has undergone a period of not less than two years' full time Secondary education followed by a period of not less than four years' full-time service as a member of a prescribed Religious body...⁶⁰

Furthermore, the Legislative Council Amendment No 2 Ordinance 1953 states that:

... no person shall be entitled to be registered as a voter in any electoral area who has been sentenced by a Court in any part of Her Majesty's dominions to death or to imprisonment by whatever name called for a term of or exceeding six months and has not either suffered the punishment to which he was

⁵⁸ Mulford, The Northern Rhodesia General Election 1962, p.4.

⁵⁹ Mulford, The Northern Rhodesia General Election 1962, p.4.

⁶⁰ Northern Rhodesia Government, Northern Rhodesia Government Ordinances (Lusaka: Government Printer, 1959), p.1190.

sentenced or such other punishment as may by competent authority have been substituted therefore or received a free pardon...⁶¹

As has been observed, it is clear that the franchise law prevented Africans from qualifying to be elected as Legco members. The very first requirement discriminated Africans since they were not Subjects but British Protected persons as colonised people. Secondary education was equally far-fetched as most Africans could only access elementary education at that time. In order to fight against these discriminatory provisions, Africans seized the opportunity in the ARC to campaign for universal adult suffrage as a means of qualifying to be elected to the Legco.

In demanding for the franchise during Legco elections, Yamba argued that Europeans were supposed to extend it to British Protected persons in Northern Rhodesia and not suppress them.⁶² During the motion on enactment and introduction of the Federation, Yamba demanded that Africans were supposed to be accorded franchise as Protected persons without asking them to be naturalised. He argued that the fee for naturalisation was very high and that it was supposed to be reduced from £5 to 2s. 6d.⁶³ As regards parity, another ARC member Ngandu argued that if parity was to be granted, African representatives were supposed to be 12 just like the European representatives.⁶⁴

⁶¹ Northern Rhodesia Government, Northern Rhodesia Government Bills, (Lusaka: Government Printer, 1953), p.3.

⁶²Northern Rhodesia Government, Northern Rhodesia African Representative Council Session, 15 December, 1953, P.139.

⁶³Northern Rhodesia Government, Northern Rhodesia African Representative Council Session, 15 December, 1953, P.141.

⁶⁴ Northern Rhodesia Government, Northern Rhodesia African Representative Council Session, 15 December, 1953, p.149.

On the need for naturalisation by Africans to qualify as voters, Sokota argued that it would be unfair for Europeans to expect Africans to naturalise when they had settled in Northern Rhodesia earlier and would not go anywhere even if there was trouble.⁶⁵ The demands by African nationalist leaders, ARC representatives and African Legco members for universal adult suffrage in elections ultimately led to constitutional changes in the territory. These changes resulted into the 1958 Constitution which paved way for the 1959 Northern Rhodesia General election.

The Formation of the 1959 Legislative Council

The 1959 Legco was a product of political pressure exerted on the Colonial masters by Africans on the one hand while on the other it was the desire by the Settlers and their representatives to maintain political dominance of the Africans. The process on the proposals for a new constitution for Northern Rhodesia began at a time when Governor, Arthur Benson, opened the First Session of the 10th Legco for the territory on 10 April, 1954.⁶⁶ It must be noted that prior to 1959, the Common Voters' Roll was 'common' only in name. Representation in the Legco was by racial division; and the tendency was therefore naturally for European members to feel primarily responsible to their race only and for the African to feel that they had no responsibility for interests other than theirs.⁶⁷ The 1958 Constitution was therefore meant to broaden the franchise and to devise a different method of electing the members of the Legco.⁶⁸ The constitution was meant to subordinate the race to universal voting rights based on the nationality.

⁶⁵ Northern Rhodesia Government, Northern Rhodesia African Representative Council Session, 15 December, 1953, p.153.

⁶⁶ Alexander Grey Zulu, The Memoirs of Alexander Zulu (Ndola: Times Printpak Zambia Limited, 2007), p.78.

⁶⁷ Northern Rhodesia Government, Proposals for Constitutional change in Northern Rhodesia, p.24.

⁶⁸ Northern Rhodesia Government, Proposals for Constitutional change in Northern Rhodesia, p.24.

The Constitutional changes which were effected in 1959 followed recommendations of the Moffat Resolutions of 1954, which stressed the replacement of racial representation by a system under which all members of the Legco would be elected by means of a common machinery providing for the first time representation of all qualified voters in a geographical constituency.⁶⁹ At the end of July 1954 John Moffat, who since 1951 had been working to achieve an acceptable definition of partnership, succeeded in getting the Legco to approve the so called Moffat Resolutions with only John Gaunt an extreme right wing Dominion Party member voting against it.⁷⁰ The most significant clause was that ‘Every lawful inhabitant of Northern Rhodesia has the right to progress according to his character, qualifications, training, ability and industry without distinction of race, colour or creed.’⁷¹

For the purpose of holding the 1959 elections, Northern Rhodesia produced the Benson Constitution of 1958. This Constitution intended to establish two voters’ rolls; one ‘Ordinary’ mainly for Europeans and a ‘Special’ roll for Africans. The following qualifications were supposed to be met by voters:

Ordinary Voters

- a) £720 per annum (or ownership, including leasehold, of property valued at £1,500);or
- b) £480 per annum or ownership, including leasehold, of property valued at £1,000), plus four years’ primary education: or
- c) £300 per annum (or ownership, including leasehold, of property valued at £500), plus four years’ secondary education; or

⁶⁹ Chibesakunda, The Parliament of Zambia, p.26.

⁷⁰ Phillip Brownrigg, Kenneth Kaunda (Lusaka: Kenneth Kaunda Foundation, 1989), p.30.

⁷¹ Brownrigg, Kenneth Kaunda, p.30.

- d) Ministers of religion who have undergone certain stipulated courses of training and periods of service in the ministry and who follow no other profession or gainful occupation; or
- e) Paramount Chiefs and other chiefs recognised by the Governor; or those certified by the Resident Commissioner in the Barotseland Protectorate to be of equivalent status.⁷²

Special Voters

- a) £150 per annum (or ownership, including leasehold, of property valued at £500):or
- b) £120 per annum plus two years' secondary education;
- c) Certain headmen or hereditary councillors, who are recognised as such by their Chiefs, and are performing unpaid service in each office to the community:
- d) Persons who are in receipt of a monthly or annual pension earned after twenty years' service with one employer.

The wife (only the first wife of a polygamous marriage) of any person in one of the above categories may qualify if she fulfils the following qualifications, which will be required of every voter:

- i. Simple Literacy: Applicants must be able to complete in English without assistance the application to be registered as a voter.
- ii. Age: Minimum age 21
- iii. Nationality: British Subject, Citizen of Rhodesia and Nyasaland, or British Protected Person by virtue of connection with Northern Rhodesia.
- iv. Residence: Two years in the Territory and three months in the constituency.⁷³

⁷² Northern Rhodesia Government, Proposals for Constitutional Change in Northern Rhodesia, p.25.

⁷³ Northern Rhodesia Government, Proposals for Constitutional Change in Northern Rhodesia, p.25.

The 1958 Constitution offered Africans a prospect of being directly elected in the Legco and the prospect of participating in the Executive Council.⁷⁴ In March, 1958, the Northern Rhodesia government presented to the Legco Proposals for Constitutional Changes for Northern Rhodesia which were presented as a White Paper for general discussion.⁷⁵ The proposals were accepted by the British Government in mid-December with some modifications. The Constitution provided for a Legco composed of a Speaker and thirty members; twenty-two elected members, six Official Members (four of whom were ex-officio and Ministers, and two nominated Officials) and two nominated Unofficial Members.⁷⁶ Of the 22 elected members:

12 were from 'Ordinary constituencies' each returning one member, which would together include all the Crown land areas which are generally adjacent to the railway line plus certain areas of Native Trust land and Native Reserves which are adjacent to crown land areas.

Six were from 'Special constituencies' each returning one member, which would cover the rest of Northern Rhodesia (including those smaller areas of Crown land which are not generally adjacent to the railway line).

Two were from two regrouped constituencies covering the total area of the special constituencies' but specifically reserved for European members.

⁷⁴ Zulu, Memoirs of Alexander Grey Zulu, p.80.

⁷⁵ Northern Rhodesia Government, Northern Rhodesia Inquiry Report into all the circumstances which gave rise to the making of the Safeguard of Elections and Public Safety Regulations, 1959, (Lusaka: Government Printers, 1959), p.4.

⁷⁶ Northern Rhodesia Government, Inquiry on the making of the Safeguard of Elections and Public Safety Regulations, 1959, P.5.

Two were from two regrouped constituencies covering the total area of the 'ordinary constituencies' but specifically reserved for African members.⁷⁷

The 1959 Northern Rhodesia Election

The Benson Constitution did not please some nationalists in the territory. Nkumbula's grudging decision to contest elections under the infamous 1958 Benson Constitution, which denied universal suffrage to Africans, resulted in radical elements in the ANC breaking away to form Zambia African National Congress (ZANC) in October, 1958.⁷⁸ ZANC held its first National Council in Lusaka on the 24 to 27 December, 1958 and condemned the new Constitution. As a protest against the 1958 Constitution, the party discouraged Africans to register as voters for the 1959 General elections or to stand as candidates.⁷⁹ ZANC considered the 1958 Constitution as an undemocratic document which was tailored to delay and block Northern Rhodesia's attainment of self-government. It first campaigned against the African registration on the 'Special' roll and later for a boycott of the election.⁸⁰

ZANC's position during the campaigns was based on the fact it had a moral obligation to dissuade the African population from taking part in polls whose Constitution was designed to frustrate the advancement of the Africans towards majority rule by perpetuating settler and colonial rule through electoral devices that were in favour of the minority in the territory.⁸¹ On the other hand,

⁷⁷ Northern Rhodesia Government, Proposals for Constitutional change in Northern Rhodesia, p.8.

⁷⁸ William T. Kalusa, 'The Killing of Lillian Margaret Burton and Black and White Nationalists in Northern Rhodesia (Zambia)' in W.T.Kalusa and M Vaughan (eds) Death, Belief and Politics in Central Africa, (Lusaka: Lembani Trust, 2013), p.208.

⁷⁹ Northern Rhodesia Government, Inquiry on the making of the Safeguard of Elections and Public Safety Regulations, 1959, p.7.

⁸⁰ Sardarnis, Africa Another Side of the Coin, p.59.

⁸¹ Zulu, Memoirs of Alexander Grey Zulu, p.85.

in December, 1958 Nkumbula and his followers decided to take part in the elections on his own a move which became a severe blow to ZANC.⁸² ZANC deemed it unfair that out of 72, 000 Europeans, 22,617 were registered as voters and allocated 12 seats, while only 7,617 African voters out of a population of 2,220,000 were allocated with only 6 seats.⁸³ The ZANC campaigned against this imbalance. Its campaign was very successful as only 6,846 Africans actually registered as ‘Special’ voters, against a government projection of 24,648.⁸⁴ Despite ZANC’ protest and boycott, the 1959 general elections still went ahead and took place on 20 March, 1959.

Results and Composition of the 1959 Legco

There were 54 candidates who successfully participated in the election of 20 March, 1959 for 20 seats.⁸⁵ Eligible Europeans and Africans participated in the elections as voters and candidates. The United Federal Party (UFP) led by John Roberts in Northern Rhodesia won 13 seats of the 22 elected seats, 11 ‘Ordinary’ and both African reserved seats. The Central African Party (CAP) secured the two European reserved seats as well as one of the ‘Special’ seats. ANC, through Nkumbula, won the only the South Western seat. In all, Africans secured six seats two for UFP, two independents (Pascale Sokota and Robinson Puta), one CAP and one ANC.⁸⁶ The 1959 Elections resulted into the birth of the Eleventh Legco.⁸⁷ This Legco comprised 30 members who

⁸² Northern Rhodesia Government, Inquiry on the making of the Safeguard of Elections and Public Safety Regulations, 1959, p.11.

⁸³ Zulu, Memoirs of Alexander Grey Zulu, p.115.

⁸⁴ Sardanis, Africa Another Side of the Coin, p.59.

⁸⁵ Zulu, Memoirs of Alexander Grey Zulu, p.135.

⁸⁶ Mwangilwa, Harry Mwaanga Nkumbula A Biography of the Old Lion of Zambia, p.51.

⁸⁷ National Assembly of Zambia, Time Chart on the Zambia Legislature, Abstract Series No 3 (Lusaka: National Assembly Research Department), 1995, p.3.

included four Officials (the Chief Secretary, the Minister of Finance, the Minister of Legal Affairs and the Minister of Native Affairs), 22 elected members from constituencies, two nominated Officials and two nominated Unofficials.⁸⁸

On 9 April two by-elections were held in the Northern and Luapula special constituencies in which two independent candidates namely, Lakement Ng'andu and S.M. Mununga were returned, respectively. This means, therefore, that the final state of parties was as follows: UFP 12; CAP three; DP and ANC, one seat each; and independents four.

See **Appendix 4** for the state of parties' membership in terms of Legco representation after the 1959 election.

Conclusion

This chapter concludes that the Northern Rhodesia Legco was composed of Official members, Unofficial members and the Governor who was initially the President of the Legco but later an appointed Speaker. The composition of Official and Unofficial members kept on changing in terms of numbers between 1948 and 1959. Unofficial members who were initially in the minority gained majority over Official members. The numerical advantage of Unofficial members over the Official members resulted into the Unofficial members having a stronger say in influencing policy matters in the territory.

This conservative House which was initially meant for European representatives experienced several radical changes between 1948 and 1959. The changes included the transfer of the Presidency of the Legco from the Governor to an appointed Speaker. This transition was meant to

⁸⁸ Zulu, Memoirs of Alexander Grey Zulu, p.153.

protect the Governor from unwarranted criticism by Unofficial members. On the other hand, the replacement of the Governor by the Speaker assisted the House to have a neutral chairperson as opposed to the Governor who was more linked to the Colonial Office in London. The other change was on the extension life of the Legco from three to five years.

African representation which was non-existent up to 1948 was also realised during the period. This feat was achieved through the use of organisations such as the ARC and the ANC where enlightened African nationalists agitated for direct representation. It was also during this period when direct participation in elections by Africans was allowed through the 1958 Constitution defective though it was. Though at an insignificant level, the 1959 Legco had a multi-racial outlook as both the Whites and Africans were elected to the House following the 20 March, 1959 general elections.

It must however be noted that the 1959 Legco faced serious political upheavals. This was mainly due to the failure by the Benson Constitution to produce a significantly racially balanced Legco anchored on universal adult suffrage as agitated by Africans and the dramatic rise of ZANC led by Kaunda. As a consequence, to the political tension in the territory, the colonial government was compelled to introduce Constitutional changes which facilitated the creation of the 1962 Legco. Suffice to state that the only notable national political figure who was elected to the Legco was Nkumbula of the ANC. The majority African nationalists fought for direct representation in the Legco outside the House as will be demonstrated in the next chapter.

CHAPTER THREE

NATIONALISM AND CONSTITUTIONALISM IN THE DEVELOPMENT OF THE LEGISLATURE, 1959 TO 1968

This chapter examines how nationalist activities and various constitutions which were enacted between 1959 and 1968 affected the legislature as has been highlighted in the previous chapter. It demonstrates that African nationalism, though mainly carried outside the House, affected the Zambian legislature. It examines how the 1962 Constitution though tailored to produce a Legislative Council (Legco) with a European majority led to the birth of the first African government in a form of a coalition government. It discusses the challenges of the fragile and shaky coalition government which ended after the independence election on 20 January, 1964. During this election, eligible voters were provided with an opportunity to vote on the basis of universal adult suffrage. This election produced a National Assembly which for the first time was dominated by Africans.

The United National Independence Party (UNIP) which was more organised than the African National Congress (ANC) and the National Progressive Party (NPP) as evidenced by the Party's managing to stand unopposed in 24 constituencies after the closure of nominations scooped a total of 65 seats. The ANC and the NPP could only manage ten seats each in a House of 75 constituencies. This chapter also discusses the 1968 elections and examines how the National Assembly, born out of this election, contributed towards the birth of the Second Republic and the One-Party Parliament after other Parties were outlawed.

Steps Leading the Creation of the 1962 Legislative Assembly

The 1962 Northern Rhodesia Legco was a product of the elections which were held under the 1962 Constitution. The man who spearheaded this constitution was Ian Macleod, the Secretary of State

for Colonies.¹ Macleod was quite instrumental in introducing the 1962 Constitution which favoured the minority settler community's hold to power at the expense of the majority Africans.² He began the process on 21 February, 1961 when he presented to Parliament his famous 15/15/15 Proposal designed to protect minority Europeans and disenfranchise majority Africans with devalued votes. He had rejected at that stage the Monkton Commission's recommendation of a Constitution giving a straight forward African majority.³ Macleod proposed a new Legco that was going to have 45 elected members which was double the number in the 1959 Legco. Consequently, the territory was divided into 15 Higher franchise constituencies, 15 Lower franchise constituencies and Seven National constituencies. Legco members were to be elected in three ways; namely the Lower roll voters which was mainly meant for Africans to elect 15 members, the Upper roll designated mainly for non-Africans to elect 15 members and voters on both rolls were required to elect 15 National members.

The 15 National members were to be elected in seven constituencies each returning two members, and one other constituency which would return a single member.⁴ African and European voters would vote in the seven two-member constituencies. Each voter, whether registered on the Upper roll or on the Lower roll, would have two national votes. A voter's national ballot would not be valid unless one used both votes.⁵ The single-member National Constituency was for an Asian or

¹ David C. Mulford, The Northern Rhodesia General Election 1962 (Oxford: Oxford University Press, 1964), p.20.

² Kapasa Makasa, Zambia's March to Political Freedom (Nairobi: Heinemann Educational Books, 1985), p.146.

³ Phillip Brownrigg, Kenneth Kaunda (Lusaka: Kenneth Kaunda Foundation, 1989), p.73.

⁴ Northern Rhodesia Government, Northern Rhodesia Constitutional Changes 'The Scheme Explained' (Lusaka: Government Printer, 1961), p.3.

⁵ Northern Rhodesia Government, Northern Rhodesia Constitutional Changes 'The Scheme Explained,' p.8.

Coloured member. The Asian or coloured voters throughout the whole territory were required to vote in this constituency for the return of one candidate who may either be Asian or coloured.⁶

In four of the Seven two-member constituencies, the elections were meant to return in each constituency one African member and one European member to the Legco. The European with the highest percentage poll and the African with the highest percentage poll would be elected.⁷ In the remaining three two - member constituencies, elections were for the return of two members of any race, and the two candidates with the highest average polls would be returned.⁸ In all seven, two - member constituencies African and European voters would vote together. However, the votes cast on each roll would be expressed as separate percentages and each candidate's score at the poll would be the average percentage of votes one would win from each roll.⁹

It must be realised that the national seats were the crux of the whole constitution as important adjustments were made to the rules for national seats. Macleod's purpose was that the balance of power should be held by those fifteen seats and to win, a candidate was supposed to obtain a minimum measure of both European and African votes.¹⁰ In October, 1961, Macleod was replaced by Reginald Maudling at the Colonial Office.¹¹ Consequently, the February, 1961 Constitution which was drawn up when Macleod was Secretary for Colonies was modified on 1 March, 1962.¹²

⁶ Northern Rhodesia Government, Northern Rhodesia Constitutional Changes 'The Scheme Explained,' p.4.

⁷ Northern Rhodesia Government, Northern Rhodesia Constitutional Changes 'The Scheme Explained,' p.4.

⁸ Northern Rhodesia Government, Northern Rhodesia Constitutional Changes 'The Scheme Explained,' p.3.

⁹ Northern Rhodesia Government, Northern Rhodesia Constitutional Changes 'The Scheme Explained,' P.4.

¹⁰ Brownrigg, Kenneth Kaunda p. 73.

¹¹ John Mwanakatwe, End of Kaunda Era (Lusaka: Multimedia Publications, 1994), p.33.

¹² John Mwanakatwe, Teacher Politician Lawyer: My Autobiography (Lusaka: Bookworld Publishers, 2003), p.121.

The rules for National seats were once again changed. Maudling's new constitutional proposal included a requirement for National seats that a candidate must obtain a minimum of ten percent of each race's votes to qualify for election. The numerical alternative of 400 votes which previously was eliminated.¹³

As a way of preparing for the 1962 election which led to the formation of the 1962 Legislative Assembly as it came to be known, a delimitation exercise was undertaken by the government. A delimitation exercise was carried out by an independent Commission under the chairmanship of a serving or retired judge and two other members.¹⁴ A specially appointed Commission to delimit constituencies for the 1962 Northern Rhodesia General elections was named through a government gazette. It was composed of Sir Alastair Forbes Vice President of East African Court of Appeal and a former Northern Rhodesian Solicitor General as Chairman. Other commissioners were H.F.Makulu of the World Council of Churches and W.M. Younger who had previously held the post of Northern Rhodesia Commissioner of Lands.¹⁵ The Commission divided constituencies into 15 Upper roll, 15 Lower and Seven Double member National Constituencies.¹⁶ In carrying out that exercise, the Commission toured the whole territory. It began its tour in Lusaka on 25 July, 1962 and ended the programme on 6 August, 1962 in Lusaka.¹⁷ It can be seen from the composition of the commission that African voices in demanding for genuine representation in the House were being addressed by the inclusion of an African in the commission.

¹³ Mwanakatwe, End of Kaunda Era, p.34.

¹⁴ Northern Rhodesia Government, Northern Rhodesia Constitutional Changes 'The Scheme Explained,' p. 8.

¹⁵ Northern News, 3 July, 1962, p.1.

¹⁶ Northern News, 3 July, 1962, p.1.

¹⁷ Central African Post, 18 July, 1962, p.1.

A new franchise system was devised for the 1962 elections. The qualification for voters set out in the Northern Rhodesia (Electoral Provisions) Order in Council of 1962 constituted a complicated qualified franchise system. It provided for two separate classes of voters. There were those who qualified and registered under the Higher franchise and those qualified and registered under the Lower franchise.

Four general qualifications applied to all voters regardless of their franchise class:

- a. Citizenship of the Federation or of the United Kingdom and Colonies or the status of a British Protected Person by virtue of his connection with Northern Rhodesia;
- b. 21 years of age;
- c. Two years' continuous residence in the Federation;
- d. Literacy in English.

Persons who satisfied these requirements qualified under one of the many 'Additional Qualifications' for Upper or Lower roll voters contained in the Schedule to the Order.

1. Additional qualifications for Upper roll voters.

Either

- a. Income of £720. Or
- b. Immovable property worth £1500. Or
- c. Full primary education, and either –
 - i. Income of £480; or
 - ii. Immovable property worth £1000. Or

- d. Four years' secondary education, and either –
 - i. Income of £300; or
 - ii. Immovable property worth £1000. Or
- e. Be a member of one of the following categories:
 - i. Chiefs;
 - ii. Hereditary Councillors;
 - iii. Native Authorities or Native Courts;
 - iv. Members of Municipal Councils, Township Management Boards or Area Housing Boards;
 - v. Ministers of Religion;
 - vi. Members of prescribed religious bodies who have two years' secondary education.
 - vii. University graduates;
 - viii. Holders of a letter of exemption issued under the African Exemption Ordinance before 1 July 1961;
 - ix. Holders of a Certificate of Honour or a decoration for gallantry or other ward from her majesty;
 - x. Pensioners;
 - xi. Persons in receipt of an income of £300 who have been in the service of one employer for a continuous period of ten years. Or
- f. Be the wife of a person qualified in any of the foregoing ways, provided that in the case of polygamous marriages only the senior wife could rely on her husband's qualifications.

2. Additional qualifications for Lower roll voters.
 - a. Income of £120. Or
 - b. Immovable property worth £250. Or.
 - c. Be the wife of a person qualified under either (a) or (b) above, provided that only the senior wife of a polygamous marriages could rely on her husband's qualifications. Or
 - d. Be literate in the vernacular and a member of one of the following categories:
 - i. Tribal Councillors;
 - ii. Members of Native Authorities or Native Courts;
 - iii. Members of Municipal Councils, Township Management Boards or Area Housing Boards;
 - iv. Headmen
 - v. Pensioners;
 - vi. Persons registered as individual or Peasant or Improved farmers for the two years immediately preceding application;
 - vii. Members of prescribed religious bodies;
 - viii. Holders of Certificate of Honour or a decoration for gallantry or other award from her Majesty;
 - ix. Be the wife of a person qualified in any of the foregoing ways provided that only the senior wife of a polygamous marriages could rely on her husband's qualifications.

Source: Mulford, Northern Rhodesia General Election 1962, pp.50 – 52.

The existence of an Executive Council was maintained in the 1962 Constitution. The Constitution provided that the Executive Council (Cabinet) was to comprise four Officials, six Unofficials and a Governor as Chairman.¹⁸ Not less than two of these would have to be Europeans and not less than two Africans. The plan also made provisions for the appointment of Parliamentary Secretaries who would assist Ministers but not themselves be members of the Executive Council.¹⁹ Parliamentary Secretaries were equivalent to Deputy Ministers.

The 1962 Elections and the Formation of the Legislative Assembly

As a first step towards the formation of the 1962 Legco, elections were held in 1962. According to the Election Proclamation signed by the Governor on 21 September, 1962 and published in the issue of the Gazette on that day filling of nominations for the 1962 Northern Rhodesia Elections was held on Tuesday 9 October, 1962. Polling day was scheduled for Tuesday 30 October, 1962.²⁰ The nomination programme was conducted successfully on the scheduled date. The final figures released by the Northern Rhodesia government indicated that 144 candidates were nominated for the General elections in the territory. UNIP put up 39 candidates and backed four other candidates, ANC had 30 candidates and supported J.D.Naik for the Special Asian seat, the UFP sponsored 28 candidates mainly on the Upper roll seats, Liberal Party, 27 candidates, while the Rhodesian Republican Party managed five candidates including its leader Dr. G.A. Smith. Another Asian I.M. Bagas contested the Asian seat and there were nine other candidates not linked to any Party.²¹

¹⁸ Alexander Grey Zulu, The Memoirs of Alexander Grey Zulu, (Ndola: Times Printpak Zambia Limited, 2007), p.207.

¹⁹ Northern Rhodesia Government, Northern Rhodesia Constitutional Changes, 'The Scheme Explained', p.8.

²⁰ Central African Post, 17 September, 1962, p.1.

²¹ Northern News, 10 October, 1962, p.1

As an election based on universal adult suffrage and not race, candidates stood on various political parties regardless of the party leader or contestant's race. The notable ones included Sir Stewart Gore Browne who contested the Chambeshi National Seat on the UNIP ticket.²² Gabriel Musumbulwa, formerly Minister of Native Education was nominated by the United Federal Party (UFP) as its candidate for Lusaka East Upper roll constituency.²³ ANC adopted European candidates; F.N. Stubbs and Lucia Terry for Luapula National seat and Lusaka East Upper roll seat, respectively.²⁴ The Supplement to the *Northern News* stated that there were going to be more people voting in the 1962 elections with more than 97,000 Africans, 29,000 Europeans, 1,950 Asians and 150 coloureds to vote in the Upper roll, Lower roll and jointly in the National roll which included one Asian seat.²⁵ It is important to note that for the first time in the history of the Northern Rhodesia Legislature there was a good number of Africans who had registered for the election. It was therefore assumed that the dawn of African majority in the Legco was going to be realised.

The first ever serious election campaign was hectic and difficult. Most of the parliamentary constituencies were abnormally large, particularly the National seats.²⁶ Illiteracy rates were very high, in spite of this challenge among the electorate, there was no provision for the use of symbols. Hence the voters who could not read and write had to be taught to recognise the name of the candidate. In some cases the voters sang the name of the candidate in order to help them to

²² *Northern News*, 1 October, 1962, p.1.

²³ *Northern News*, 5 October, 1962, p.1.

²⁴ *Northern News*, 27 October, 1962, p.1.

²⁵ *Northern News*, 23 October, 1962, p.1.

²⁶ Elijah Mudenda, *Zambia: A Generation of Struggle*, (Harare: Sapes Books, 1999), p.7.

remember it.²⁷ UNIP and ANC were the main parties representing African interests while the UFP stood for the defence of European interests and was the midwife of the Central African Federation.²⁸ Despite the UNIP and the ANC parties representing African interests, there were bitter struggles between the two parties resulting into members of the same family differing over Party affiliation.

On the last day of October, 1962 there was excitement throughout the country as the first ever General election conducted on the basis of one man one vote, was held. On 30 October, 1962 the Upper roll electorate mainly but not exclusively European was being asked to return 14 Members of the Legco (MLCS), the Lower roll voters 15 and the 14 National roll (MLCS) would be elected by combined rolls. The 1,950 Asian voters were to elect the 15th National roll candidate.²⁹ A By election was fixed for 10th December, 1962 for the Livingstone Upper roll constituency caused by the death of the UNIP candidate Christopher Hunt. On this day, it was planned that any other National seat which would remain vacant due the complicated voting system would also be filled.³⁰

On the Election Day; 30 October, 1962 Northern Rhodesia's voters turned out in record numbers. Polling commenced at 6:30 am and ended at 7:30pm. Presiding officers in all parts of the country reported long queues of Africans long before polling stations opened. By early afternoon approximately 80 per cent of the territory's electorate had cast their votes.³¹ The average percentage polls among Upper and Lower roll voters were 90.2 per cent and 85.5, per cent

²⁷ Mudenda, Zambia: A Generation of Struggle, p.9.

²⁸ Mudenda, Zambia: A Generation of Struggle, p.9.

²⁹ Northern News, 29 October, 1962, p.1.

³⁰ Northern News, 29 October, 1962, p.1.

³¹ Mulford, The Northern Rhodesia General Election 1962, p.145.

respectively.³² The complicated polling procedure in National constituencies proved somewhat more difficult for Africans, most of whom were voting for the first time. The average proportion of rejected National ballots was 3.6 per cent among Upper roll voters against 10.6 per cent among Lower roll voters.³³ These rejected ballots were as a result of the procedures involved in National seats.

Counting in Upper and Lower roll seats began immediately after the poll. Evaluation of the votes for National seats was by means of an extremely complicated procedure involving a system of cross voting which required a candidate to obtain at least ten percent from other major races. Results in some urban constituencies were announced the same evening and the rest the following day. In the National constituencies counting began the day after polling, partly due to the great distances involved and because of the complicated counting procedure. Results were announced on 31 October and 1 November, 1962. The result in the Special National seat (Asian) was proclaimed on 2 November. As at Friday 2 November 1962, the UFP had won 15 seats; 13 from the Upper roll and two National seats, UNIP had 14 seats; one from the Upper roll, 12 from the Lower roll and one Special National Asian seat.³⁴ These results gave an indication of what the 1962 Legco was going to look like in terms of numbers.

There were 10 National seats which were not filled during the General election. Each National Constituency was supposed to return two members. But to be elected, a candidate had to get ten per cent of the racial vote, whether that candidate was African or European, and the necessary fifth

³² Mulford, The Northern Rhodesia General Election 1962, p.145.

³³ Mulford, The Northern Rhodesia General Election 1962, p.145

³⁴ Northern News, 2 November, 1962, p.1.

of one or other of the Voter's roll. As a result, in five of the seven double National constituencies no candidate got elected. A By election slated for 10 December, 1962 to fill the Livingstone Upper roll seat was also used to fill the ten National seats. The By- election for National Seats attracted 34 candidates.³⁵ The results of the by elections changed the number of elected candidates. UFP scooped the Livingstone seat while F.N. Stubbs of ANC won the Luapula National seat and Job Michello of ANC won the Zambezi National seat after polling sufficient European votes.³⁶ No candidates qualified in the Kafubu, Chambeshi and Kabompo National Constituencies.³⁷ After the final count of the seats, UFP had 16 seats, UNIP had 14 seats while ANC had 7 seats in the Legislative Assembly.

The composition of the 1962 Legco had an age range between 30 and 50 years. The majority of the elected members however were below 44. On education, the elected members' qualifications ranged from primary education to tertiary level. However, the majority did not have tertiary education. Furthermore, members also came from diverse occupational backgrounds. Most of them were career politicians.

The 1962 Coalition Government

The 1962 election was not decisively in favour of any political Party since none had acquired sufficient votes to form government on its own. Harry Nkumbula the President of ANC held the balance of power hence both UNIP and UFP needed the support of his party to form a Government. Nkumbula was in a strategic position, a much sought-after figure who was now recognised as a

³⁵ Northern News, 10 December, 1962, p.1.

³⁶ Central African Post, 12 December, 1962, p.1.

³⁷ Central African Post, 12 December, 1962, p.1.

grand old man.³⁸ Of the six seats to be filled on the Executive Council by elected members both UFP and UNIP were prepared to give three to ANC in return for a coalition. In the end, as was probably inevitable from start, Nkumbula accepted Kenneth Kaunda's hand in forming the first African dominated government in Northern Rhodesia.³⁹ By 15 December, 1962 Northern Rhodesia had its first African government. The six ministerial portfolios were shared equally between ANC and UNIP. There were seven Parliamentary Secretaries, four from UNIP and three from ANC. Four government officials held the positions of Chief Secretary, Finance, Native Affairs and Justice.⁴⁰

See **Appendix 5** for the composition of the 1962 coalition government.

The Birth of the First National Assembly- 1964

The country was disillusioned and restless because of the indecisive nature of the 1962 election results.⁴¹ The coalition Government which was born out of this election was strained and did not last long as it only existed up to January 1964. Throughout the period of the Coalition there were bitter battles between ANC and UNIP supporters. The coalition was held together largely by Kaunda's efforts and determination until further constitutional changes and elections were held on 20 January, 1964.⁴² Preparations for the 1964 elections which resulted into the formation of the 1964 National Assembly started in 1963. These culminated into the signing of an Order in Council

³⁸ Mudenda, Zambia: A Generation of Struggle, p.10.

³⁹ Brownrigg, Kenneth Kaunda, p.93.

⁴⁰ Andrew Sardanis, Africa Another Side of the Coin (London: I B Tauris, 2003), p.135.

⁴¹ D.W.Phillipson, 'Historical Notes on Political Development in Zambia', (Lusaka: 1972), p.10.

⁴² Mwanakatwe, End of Kaunda Era, p.39.

by Queen Elizabeth on 3 January, 1964 in London, to formally, grant self-rule to Northern Rhodesia just over two weeks before new elections were to take place.⁴³

These General elections were held under a new Constitution which provided for a one man one vote franchise and a new enlarged Parliament with a limited number of reserved seats for Europeans.⁴⁴ These crucial elections were held on the basis of universal adult suffrage and simple single member constituency arrangements.⁴⁵ The election date was set for 20 January 1964.⁴⁶ For the first time, racial qualifications and representations were minimised and significantly reduced during this election. Under the new Constitution, there was an elected Prime Minister and a Cabinet of up to 13 members with portfolios, but the Defence and Foreign Affairs remained in the hands of the Governor.⁴⁷ The new Legislative Assembly had 75 seats of which 65 were elected by Africans on the Main roll Constituencies. The remaining ten were elected by Europeans in Special Reserved Constituencies. Asians and Coloureds could choose on which roll they wished to be registered.⁴⁸ These elections were unique when compared to other elections; as they were held outside the Federation and further accorded the electorate an opportunity to exercise a one man one vote universal adult suffrage voting system.

⁴³ Fergus Macpherson, Kwacha Ngwee How the Zambian Nation Was Made (London: Oxford University Press, 1977), p.60.

⁴⁴ The Livingstone Mail, 13 September, 1963, p.1.

⁴⁵ Mwanakatwe, End of Kaunda Era, p. 39.

⁴⁶ Sardanis, Africa Another of the Coin, p. 146.

⁴⁷ Brownrigg, Kenneth Kaunda, p. 104.

⁴⁸ The Livingstone Mail, 13 September, 1963, p.1.

Since the 1964 constitution had provided for more constituencies for the First National Assembly, government embarked on a delimitation exercise. In November, 1963 the Delimitation Commission divided Northern Rhodesia into 65 Main roll and ten Reserved roll constituencies.⁴⁹ Following the successful delimitation exercise, the Governor and Chief Secretary conducted a two-week registration period to capture all eligible voters.⁵⁰ Northern Rhodesia was divided into 1,500 areas for registering voters who were able to prove their identity.⁵¹ In order to support the exercise, government launched a massive publicity campaign. In a two-week registration period, 1,379,804 on the Main roll and 23,981 on the Reserved roll claimed their votes. Majority of the Asian community members and Euro Africans followed UNIP's instructions and registered with Europeans on the Reserved roll.⁵²

Before the 1964 elections were held, the UFP renamed itself as the National Progressive Party (NPP).⁵³ This was meant to rebrand it from a colonial party which was associated with limiting African participation in running their affairs to a new pro African party. There were three main parties which participated in the 1964 election namely the ANC, the European only NPP and the UNIP.⁵⁴ Nomination day was set for 20th December, 1963.⁵⁵ It was evident that UNIP was going to dominate the 65 Main roll seats after nominations. Out of a total number of 137 candidates in

⁴⁹ Mulford, Zambia: The Politics of Independence 1957-1964, (London Oxford University Press, 1967), p.318.

⁵⁰ Mulford, Zambia: The Politics of Independence 1957-1964, p.318.

⁵¹ The Livingstone Mail 13 September, 1963, p.1.

⁵² Mulford, Zambia The Politics of Independence 1957-1964, p.318.

⁵³ D.W.Phillipson, 'Historical Notes on the Political Development in Zambia,' (Lusaka, 1972), p.10.

⁵⁴ Chibesakunda, The Parliament of Zambia, p.30.

⁵⁵ Mulford, Zambia: The Politics of Independence 1957-1964, p.322.

the 1964 General elections, UNIP managed to field 75 candidates, ANC put up 44 candidates and NPP ten. There were eight other independent candidates on the Reserved and Main roll.⁵⁶ From the successful nominations, it was clear that the majority of the members of the National Assembly were going to be Africans.

The result of the poll was likely to be in favour of the UNIP since the ANC was short of money and disorganised yet UNIP went into the election with 24 uncontested seats on the Main roll.⁵⁷ Indeed at the time of the election, the UNIP had been accepted nationally hence the confidence that it was poised to win the election and have majority members in the National Assembly. Among the UNIP candidates, there was James Skinner, an Irish lawyer and a strong Party faithful, who had devoted a great deal of his professional life defending UNIP officials before courts.⁵⁸ It must however be noted that the nomination process was marred with violence and intimidation from the UNIP. Consequently, ANC which had settled its differences with its breakaway party the People's Democratic Congress (PDC) petitioned the nominations. The Party argued that ANC candidates had been prevented from submitting their nominations by UNIP. The petition unfortunately, did not yield positive results as UNIP still remained unopposed in 24 seats after nominations were closed for the second time.⁵⁹

The January 1964 election attracted mass rallies characterised by colourful campaigns. In some cases, ant hills became platforms on which leaders addressed rallies.⁶⁰ Apart from the Main roll

⁵⁶ Zulu, Memoirs of Alexander Grey Zulu, p.273.

⁵⁷ Brownrigg, Kenneth Kaunda, p.107.

⁵⁸ Sardanis, Africa Another Side of the Coin, p.147.

⁵⁹ Mulford, Zambia: The Politics of Independence 1957-1964, p.323.

⁶⁰ Mudenda, Zambia: A Generation of Struggle, p. 29.

seats, UNIP contested all the ten Reserved roll seats. Its most outstanding European candidates though well-known were all relatively new to UNIP. These included Cousins (Luangwa), Richard Sampson (Midlands), former Mayor of Lusaka and the former leader of the Liberal Party, Sir John Moffat, stood in the Ndola seat.⁶¹ In the months before the election and in the campaign itself, some UNIP organisers and candidates made promises of a glowing future under a UNIP Government.⁶² UNIP Ministers and Parliamentary Secretaries campaigned vigorously for non-African support promising ‘representation in government’ in return.

As for the ANC, its campaigns were not properly co-ordinated. Several ANC candidates resigned and began campaigning for the UNIP. Nkumbula in his last press interview before the poll seemed to have resigned himself to ANC’s imminent defeat.⁶³ The rebranded NPP campaigning under the slogan ‘experience counts’ nominated ten Reserved roll candidates – nine of them former members of the Legco. The crux of the NPP’s claim for support lay in the argument that Europeans who identified themselves with an African nationalist governing Party could never hope to represent their community adequately or to influence the course of government policy.⁶⁴ The NPP anchored its campaign on its experience as a former governing party. Its members argued that Africans were not ready to lead themselves.

The January 1964 Election results were as predicted with the UNIP winning an overwhelming victory on the Main roll, with 55 seats against ANC’s ten. The NPP secured all the ten Reserved

⁶¹ Mulford, Zambia: The Politics of Independence 1957-1964, p. 326.

⁶² Brownrigg, Kenneth Kaunda, p. 104.

⁶³ Zambia News, 12 to 19 January 1964, p.1.

⁶⁴ Mulford, Zambia: The Politics of Independence 1957-1964, p.325.

roll seats.⁶⁵ The ANC was now a regional party covering Nkumbula's tribal area of Southern Province where eight of its seats came from. There were two exceptions, one in Chisamba in Central Province and the second in Mwinilunga in the North Western.⁶⁶ The electoral victory of the UNIP meant that the role and impact of the Opposition was going to be affected as the numerical advantage which the UNIP had over the opposition was quite wide.

Consequent to the 1964 General elections held in January, the strength of the parties in the House accorded UNIP 60 seats which included five nominated members, ANC ten seats and NPP ten seats.⁶⁷ Notwithstanding the fact that the General election was held in January, 1964, the new Legislative Assembly which met up to 1 October, 1964 was technically still the Northern Rhodesia Legislative Assembly as it only ceased to exist after midnight on 23 October, 1964. Following her attainment of independence on 24 October, 1964, Northern Rhodesia became an independent state of Zambia and a Republic within the Commonwealth. The Legislative Assembly was renamed the National Assembly of Zambia consisting of 75 elected and five nominated members.⁶⁸

In addition to the elected MPs, there was also an elected Speaker and the Republican President who were also MPs. The Office of the Speaker was provided for under Article 63 (1) of the 1964 Constitution which stated that:

⁶⁵ Chibesakunda, The Parliament of Zambia, p.30.

⁶⁶ Sadarnis, Africa Another Side of the Coin, p. 146.

⁶⁷ Robinson Nabulyato, The Zambia Parliament 24th October 1964 to 31st December, 1974, (Lusaka: no pub, 1978), p. 62.

⁶⁸ Chibesakunda, The Parliament of Zambia, p. 30.

There shall be a Speaker of the National Assembly who shall be elected by the members of the National Assembly from among persons who are members of the Assembly or who are qualified to be elected as Speaker.⁶⁹

The Office of the Speaker was very important in the House it shaped the proceedings in the National Assembly, maintained its dignity and gave it proper direction. As the guardian of the dignity of the House, the Speaker was vested with authority to ensure order and that the privileges were not abused or misused.⁷⁰ Thomas Williams who was an appointed Speaker of the Legislative Council (Legco) tendered his resignation letter as Speaker to the Secretary to the Cabinet in the letter dated 4 November, 1964.⁷¹ No business would be transacted in the House without a Speaker, consequently, when the first Legislative Assembly in independent Zambia met on 14 December, 1964, its first business was that of electing the Speaker. The election of the Speaker was a very significant change in the procedure of the House because during the Colonial period, the Speaker was an appointee of the Governor of Northern Rhodesia. It elected the Hon Wesley Pilsbury Nyirenda as Speaker and Humphrey Mulemba as the Deputy Speaker. Nyirenda was the third Speaker of the Legislature but the first indigenous Zambian to hold that position. In the spirit of national unity in the early stages of Zambia's independence, the Speaker accorded the ANC the

⁶⁹ Government of Zambia, Constitution of Zambia, Zambia Independence Act and Order 1964 Part 1 (Lusaka: Government Printer, 1964), p.68.

⁷⁰ Government of the Republic of Zambia, Structure of the Zambian State, (Lusaka: National Assembly of Zambia, 2014), p.10.

⁷¹ National Archives of Zambia (hereafter NAZ) CO 11/1/1, Thomas Williams letter to the Secretary to the Cabinet, 4 November, 1964.

status of Official Opposition Party in Parliament even though it did not have the required numbers.⁷²

At ministerial level, the Executive Council was replaced by a Cabinet as per 1964 Constitution. On 22 January, 1964, Sir Evelyn Hone named Kaunda as the Prime Minister when the election results pointed to the fact that he was going to win the election. Kaunda became the first Prime Minister of Northern Rhodesia and at 39, he became the youngest Prime Minister in the Commonwealth. Sir Evelyn Hone in consultation with Kaunda formed a Cabinet of 13.⁷³ The transitional government composed of 13 Ministers was announced on 23 January, 1964. The cabinet was mainly formed from experienced and militant UNIP politicians. All except three were 'prison graduates' and all except four had been at Munali Secondary School. The oldest was 42 and the average age was 36.⁷⁴

See **Appendix 6** for the composition of the 1964 Zambian Cabinet.

Furthermore, Kaunda appointed 16 Parliamentary Secretaries, mainly party Officials from the party's Headquarters and the regions who included John Chisata and Jonathan Chivunga who assisted it during the election campaigns and James Skinner, the party's only White Member of Parliament.⁷⁵ After the successful appointment of cabinet, independence preparations were put in motion. Independence Day was set for 24 October to coincide with the United Nations

⁷² B.J.Phiri, C.J.Banda and G.H.N.Hantobolo, Protecting the Reputation and Standing of the Institution of Parliament and Parliamentarians, (nt: Commonwealth Parliamentary Association), p.47.

⁷³ NAZ CO 11/1/12 His Excellency Sir Evelyn Hone Address to the Legislative Assembly 11 March, 1964.

⁷⁴ Brownrigg, Kenneth Kaunda, p.108.

⁷⁵ Sardanis, Africa Another Side of the Coin, p. 147.

Anniversary. The Independence Constitution provided that Northern Rhodesia would become a Republic under the new name 'Zambia' with a President as its head of state. The Constitution also contained a classic Parliamentary system with a Vice President responsible before Parliament.⁷⁶ The Country's Legislative Assembly elected at the beginning of 1964 continued to the end of its term as the Parliament of Zambia. The members representing reserved seats for the whites of John Roberts' NPP remained in Parliament until then. After that reserved seats fell away. The constitution further provided that it could only be changed through a national referendum provided two thirds of the votes were cast by eligible voters and 51 per cent of the total electorate voted in favour.⁷⁷

Parliamentary Democracy during the First National Assembly

The independence constitution of Zambia conferred wide powers on the republican President. The President was not responsible to any other authority except in certain circumstances the courts could question his actions with power to declare them either lawful or unlawful. The President was assisted by a cabinet comprising the Vice President and ministers appointed specifically to take charge of portfolios assigned to them. The independence constitution provided for a Westminster type of Parliamentary democracy whose hallmark was that it accommodated opposition parties as a 'government in waiting'.⁷⁸ Under this system, Parliament is an institution in its own right and is not servant. In addition to its special role as a law making body, Parliament acted as a watchdog

⁷⁶ Carlson Anyangwe, 'The Zambian Constitution and the Principles of Constitutional Autochthony and Supremacy' Zambia Law Journal, Volume 29 (1997) 1-32.

⁷⁷ Sardanis, Africa Another Side of the Coin, p.149.

⁷⁸ Mwanakatwe, End of Kaunda Era, p.85.

to the executive wing of government. Parliament debated several motions which included among them the Motion to extend the Lenshina Emergency.⁷⁹

Kaunda in his capacity as a Member of Parliament utilised occasions during the ceremonial state of opening Parliament to address the National Assembly on various national and international issues. He used his Presidential speeches to inform parliamentarians about his government's principal achievements of the year and main plans for the following years.⁸⁰ The Multi-party system in the National Assembly worked satisfactorily well in the early years after independence. Two main contenders for political office were the ruling Party UNIP and the opposition ANC. With the ten NPP members led by Roberts, the ANC assumed a prominent position on the opposition bench in the National Assembly in 1964. The presence of at least one opposition party during this period consolidated democracy in Zambia and enhanced the prestige and reputation in the Zambian Parliament.⁸¹ There were many occasions when ANC members exerted pressure in the National Assembly causing discomfort to UNIP frontbenchers and backbenchers alike. They debated freely on a wide range of national issues as opposition members. The ANC members enjoyed parliamentary immunity which enabled them to speak more than they could do outside the House.⁸²

⁷⁹ NAZ CO/11/1/17, Law and Order: Motion to Extend the Lenshina Emergency 22 September, 1966.

⁸⁰ NAZ CO 11/1/13, New National Assembly Building 3 May, 1967.

⁸¹ Mwanakatwe, End of Kaunda Era, p.85.

⁸² Mwanakatwe, End of Kaunda Era, p. 85.

Debating the motion to extend powers to detain Alice Lenshina of Lumpa Church who was accused of creating insecurity in the nation by murdering people and engaging in destructive activities for a period of six months, the ANC MP for Namwala, Hon Mungoni Liso said the following:

It may be that this Government wants a six-month period.... The Hon Member gave a long list of reasons which I am not able to enter upon; it has been recorded already, but I think if these are good reasons to detain the Lumpa Church members, they are also good reasons to detain UNIP members because they have done far greater atrocities than have been enumerated by the Hon member who spoke the second time.⁸³

Sentiments such as the ones above and the critical role performed by the ANC and NPP MPs, put UNIP on a defensive line to protect its image. UNIP used its numerical advantage in Parliament and sometimes threats and intimidation both in the House and outside in order to weaken and paralyse the Opposition.

Intimidation was extensively used to scare opposition parliamentarians from performing their roles. Nkumbula who was leader of the Opposition received threats of withdrawal of his allowances by government because of his critical stance on the executive during debates. The Vice President then Reuben Kamanga who described Nkumbula as being disloyal to the government stated the following over his allowances:

...I would like to alert the House that as Leader of the House, I will find it difficult to persuade my hon Cabinet colleagues to authorise the

⁸³ Government of Zambia, Debates of the Second Session of the National Assembly, (Lusaka: Government Printers, 21 April to May 1965), p.18.

provision of funds, in the form of the present allowances which the Leader of the Opposition enjoys.⁸⁴

The President equally seized opportunities during political rallies to threaten opposition MPs. While addressing a rally in Lusaka in 1965, Kaunda made the following remarks:

Today from midnight I change colours. If anyone misbehaves I will either restrict him to a certain area or arrest him and get him convicted. I am going to take stern measures against anyone Member of Parliament or not who misleads the people of Zambia.⁸⁵

True to President Kaunda's threats, the Honourable Member of Parliament for Namwala Edward Mungoni Liso was suspended from Parliament in 1965. This followed a motion moved by Sikota Wina the Minister of Local Government and Housing as well as UNIP Chief in Parliament to suspend the MP from the House for false and unsubstantiated allegations concerning the conduct of His Excellency the President, Hansard no 4, 1965.⁸⁶ Liso intimated that President Kaunda, at a rally in Chipata had allegedly deplored the Police for favouring the ANC.

Debating a motion on Single Legislature in the National Assembly the then Foreign Affairs Minister Simon Kapwepwe argued that:

Sir, we the people would not like this opposition, which is not constructive, this opposition, which will not be good for the people, this

⁸⁴ Government of Zambia, Debates of the Fourth Session of the First National Assembly, (Lusaka: Government Printers, 12 July, 1967), p.1031.

⁸⁵ Northern News, 12 April, 1965, p.1.

⁸⁶ Bizeck J. Phiri, 'Colonial Legacy and the Role of Society in the Creation and Demise of Autocracy in Zambia, 1964 – 1991' Nordic Journal of African Studies, Volume 10 Issue 2 (2001), 224-244.

opposition which is out of African tradition completely, it is new, it is foreign, it does not come with us, because this is what indeed happens in England... wherever a two-party system is.⁸⁷

In response to opposition MPs' ability to offer checks and balances, Kaunda said this:

We believe in Parliamentary opposition since we believe in Parliamentary government, but the opposition must be responsible and ought to offer what is normally called constructive criticism.⁸⁸

UNIP Ministers could not hide their dislike for the opposition as they openly discredited the opposition. The Minister of Local Government and Housing Sikota Wina argued that Zambia could not afford the luxury of parliamentary opposition as the country did not have enough trained able men. He also stated that it was alien for Africans to have somebody in opposition.⁸⁹ It was generally argued among UNIP members, that ANC MPs offered irresponsible and destructive criticism in Parliament. Furthermore, while addressing a rally, the Minister of Labour and Social Development Nalumino Mundia told the gathering that ANC members including party MPs who made provocative statements meant to mislead people would be punished and be thrown out of Parliament.⁹⁰ Despite these strong sentiments from the ruling party, parliament still remained a strong house of representatives as ANC MPs provided checks and balances to the executive. Both

⁸⁷ Government of Zambia, Debate of the Fourth Session of the First National Assembly, p, 1061.

⁸⁸ NAZ CO/11/1/13, Government of Zambia, New National Assembly Building, His Excellency Address to Parliament 3 May, 1967.

⁸⁹ Northern News, 5 June, 1965, p.1.

⁹⁰ Northern News, 18 May 1965, p. 1.

the Opposition and the ruling party continued performing their roles in Parliament until the dissolution of the First National Assembly.

The Formation of the Second National Assembly - 1968

The Second National Assembly was born in 1968. Its birth was preceded by Kaunda's dissolution of the First National Assembly. Addressing the First National Assembly he announced that nominations for Presidential elections and Parliamentary elections were going to be held on 16 November, 1968 and 26 November, 1968 respectively.⁹¹ This first post-independence General election for both the National Assembly and the President was held some four years after independence on 19 December, 1968.⁹² In order to organise elections, a Director of Elections Office with direct access to the President headed a Parliamentary Elections Office (PEO), which was staffed mainly by expatriates from the former provincial administration.⁹³ The PEO in turn was responsible only to a three man Electoral Commission which existed by virtue of the Constitution and was appointed in December 1967, one year before the General election took place. The Commission consisted of Mr Justice Pickett, a High Court Judge; Sir John Moffatt, former leader of the defunct Central African and Liberal Parties; and Edward Shamwana, a Lusaka lawyer.⁹⁴

There was also a Delimitation Commission in 1968 whose membership was the same as that of the Electoral Commission. This Commission came into existence because the Constitution

⁹¹ Government of Zambia, The President's Address to Parliament on the Dissolution of the First National Assembly and Achievements over the Past Five Years, (Lusaka: Government Printers, 2 November, 1968), p.5.

⁹² Robert Molteno and Ian Scott, 'The 1968 General Election and the Political System' in William Tordoff (ed) Politics in Zambia (California: University of California Press, 1974), pp.155 – 196.

⁹³ Molteno and Scott 'The 1968 General Election and the Political System,' pp.155 – 196.

⁹⁴ Molteno and Scott, 'The 1968 General election and the political system,' pp. 155 – 196.

Amendment Act No. 3 of 1967 had increased the number of elected MPs from 75 to 105, thereby making a new delimitation necessary.⁹⁵ Furthermore, in January 1968, a Constitutional Amendment Act No 2 of 1968 raised the membership in the National Assembly from 80 to 110.⁹⁶ This was because apart from the 105 elected MPs, the President was empowered to nominate five members. Voters were Zambian citizens who were at least 18 years of age and registered in the polling district in which they resided.⁹⁷

No parliamentary candidate could be validly nominated unless he or she supported a presidential candidate. Each voter received only one ballot on which a vote for a parliamentary candidate automatically counted towards the total vote of that presidential candidate who was supported by the parliamentary candidate.⁹⁸ Nomination day for Presidential candidates was 16 November, 1968. The Chief Justice, Mr Justice Blagden as Returning Officer for the Presidential candidates determined the validity of the nomination papers for both President Kaunda of UNIP and Nkumbula of the ANC. He announced the validity of the nominations after scrutinising their documents.⁹⁹ There were two presidential candidates in 1968. These were President Kaunda of UNIP and Harry Nkumbula of ANC but unlike Kaunda, Nkumbula was also nominated as a parliamentary candidate.

⁹⁵ Molteno and Scott, 'The 1968 General election and the political system,' pp. 155 – 196.

⁹⁶ Chibesakunda, The Parliament of Zambia, p.31.

⁹⁷ Zambia Mail, 2 January, 1968, p.2

⁹⁸ Molteno and Scott, 'The General election and the political system,' pp. 155 – 196.

⁹⁹ Times of Zambia, 18 November, 1968, p. 1.

Nomination day for Parliamentary candidates was held ten days later. These nominations were marred by violence from UNIP members who prevented some ANC candidates from filling nominations. As a way of protesting against UNIP instigated violence on his Officials, the ANC leader Nkumbula called a Press Conference where he complained about the harassment of 15 ANC candidates who had been detained in Mansa, Luapula Province.¹⁰⁰ Indeed, UNIP local activists successfully prevented some opposition candidates from reaching Returning Officers in the Northern, Luapula, Eastern and North-western provinces.¹⁰¹ As a result of the UNIP harassment and intimidation the ANC was unable to field candidates in the constituencies. UNIP went to the polls with immense advantage of 30 uncontested seats since it successfully nominated candidates in all 105 constituencies, while ANC was able to contest only 73 seats with three independents contesting two more seats.¹⁰² Of the three candidates, two were pro - ANC Europeans while the third was a pro - UNIP African.¹⁰³

After elections, ANC filed petitions in the Lusaka High Court claiming that they were physically prevented from lodging their papers by UNIP election workers in Luapula Province after they crossed the Chembe Ferry.¹⁰⁴ High Court Judge Mr Justice Evans agreed that ANC members had been prevented from filing nominations papers by deliberate misconduct and mismanagement on the part of the Police Commissioner, Michael Mataka.¹⁰⁵ Fifteen seats were subsequently

¹⁰⁰ Zambia Mail, 26 November, 1968, p.1.

¹⁰¹ Molteno and Scott, 'The 1968 General election and the political system,' pp. 155 – 196.

¹⁰² Molteno and Scott, 'The General election and the political system,' pp. 155 – 196.

¹⁰³ Zambia Mail 29 November, 1968, p.20.

¹⁰⁴ Times of Zambia, 24 December, 1968, p.1.

¹⁰⁵ Godwin B Mwangilwa, Harry Mwaanga Nkumbula A Biography of the Old Lion Zambia (Lusaka: Multimedia Publications, 1983), p.133.

invalidated by the High Court after the petitions.¹⁰⁶ In the event, the ANC only fought in three of the subsequent by-elections (all in the Chipata area of Eastern Province) and won only 7 per cent of the votes cast.¹⁰⁷

The quest to dominate the Second National Assembly by the ruling UNIP and the opposition ANC was very intense although the disparity in resources available to UNIP and ANC for their respective campaigns was enormous. UNIP had massive organisational and material advantages.¹⁰⁸ Its local structures were well organised and enthusiastic. It had access to considerable sums of money, and it received maximum publicity from the government controlled mass media. By contrast, the scale of the ANC campaign was minuscule.¹⁰⁹ It was badly organised, almost without funds, lacked adequate transport and received no favourable publicity from the mass media. Kaunda campaigned heavily against Nkumbula stating that had it not been for UNIP's deep rooted belief in democratic processes Nkumbula would have been put behind bars.¹¹⁰ He argued that the ANC leader had been insulting UNIP leaders since the campaigns started.

Both Parties held mass rallies and indoor meetings, although ANC's were very modest. In addition to this, UNIP, conducted door to door campaign in the towns. Its rallies were attended by large crowds, and every UNIP candidate was almost always accompanied by government ministers and leading party officials. President Kaunda made appealing addresses to his audiences with

¹⁰⁶ Molteno and Scott, 'The 1968 General election and the political system,' pp.155 – 196.

¹⁰⁷ Molteno and Scott, 'The 1968 General election and the political system,' pp. 155 – 196.

¹⁰⁸ Molteno and Scott, 'The 1968 General election and the political system,' pp.155 – 196.

¹⁰⁹ Molteno and Scott, 'The 1968 General election and the political system,' pp.155 – 196.

¹¹⁰ Zambia Mail, 19 December, 1968, p. 1.

assurances that ANC was going to be completely defeated in the election. Addressing a campaign rally in on 18 December, 1968, Kaunda stated:

Immediately we form the administration Mr Nkumbula is going to disappear from the political scene in a democratic way as he connived with colonial oppressors during the liberation struggle.¹¹¹

The campaign embodied several remarkable features. Until nomination day ANC genuinely thought that it had some chance of a slim overall victory. For its part, UNIP, until the election results were announced, expected to crush ANC completely even in the Southern Province its stronghold.

1968 Election Results and the Birth of the Second National Assembly

The 1968 presidential and general elections led to the birth of the Second National Assembly of Zambia. At presidential level, Kaunda of UNIP obtained 1,079,970 votes representing 81.8 percent while Nkumbula of ANC got 240,017 votes translating into 18.2 per cent.¹¹² Consequently, President Kaunda was re-elected as the nation's leader and was sworn in as the President at 09:00 hours on 21 December 1968 by the Chief Justice.¹¹³

At parliamentary level, UNIP had an absolute majority in the National Assembly as it won 81 seats while the ANC had 24 out of 105 seats in parliament.¹¹⁴ It must however be noted that neither Party was satisfied with the results of the election. UNIP had expected to realise its goal of a One-

¹¹¹ Zambia Mail, 19 December, 1968, p. 1.

¹¹² Mick Bond, From Northern Rhodesia to Zambia Reflections of a DO/DC 1962 – 1973 (Lusaka: Gadsden Publishers, 2014), p.181.

¹¹³ Zambia Mail, 21 December, 1968, p. 1.

¹¹⁴ Zulu, Memoirs of Alexander Grey Zulu, p. 427.

PartyState through the election of a National Assembly almost entirely dominated by its members, a feat it never realised. As for ANC, despite losing its Mwinilunga seat in North-Western Province, it increased its number of seats from nine to 23 in parliament. In addition, it secured the election of one of the two white independents it was backing.¹¹⁵ The UNIP lost nearly all the Lozi seats it held in Western Province.¹¹⁶ The outcome of the election shocked UNIP which was confident of scooping all the seats but ended up losing eight of the 11 seats in the Province. The constitution had been amended in 1966 and 1969 to increase the number of cabinet ministers from 14 to 16 and from 16 to 19, respectively. In 1970 the constitution was again amended to delete any limitation on the number of ministers to be appointed.¹¹⁷

On 19 January, 1968, the Second National Assembly of Zambia was born following the presidential and general elections. The second elected Speaker of the National Assembly was Robinson Mwaakwe Nabulyato, MP, while the Deputy Speaker and Chairman of Committees was W. Nkanza.¹¹⁸ Nabulyato, an active UNIP member showed his desire to exercise neutrality in his execution of his role as Speaker in his letter to Hon A.B. Chikwanda where he argued that once a Party or Government have chosen one of their member to take up the Office of a Speaker, they

¹¹⁵ Molteno and Scott, 'The 1968 General Election and the Political System', pp. 155 – 196.

¹¹⁶ Cherry Gertzel, Carolyn Baylies and Morris Szeftel, 'The making of the One-Party State' in Cherry Gertzel (ed) The Dynamics of the One-Party State in Zambia (London: Manchester University Press), pp.1 – 28.

¹¹⁷ National Assembly of Zambia, Parliamentary Procedure Abstract Series 2 (Lusaka: Research Department, 1995), p.2.

¹¹⁸ Chibesakunda, The Parliament of Zambia, p.31.

have lost his active participation in Party affairs.¹¹⁹ Suffice to mention that throughout his tenure of office, Nabulyato tried his best to exercise neutrality in the decisions he made as Speaker.

Following his election as Speaker of the National Assembly, on 22 January, 1969, Nabulyato refused to recognise the ANC as an official opposition in the National Assembly arguing that it was too small and minute for such a status since it could neither form a quorum to execute the business of the House nor a government. Speaker Nabulyato contended that:

If Government resigned or was defeated on a motion of censure, 23 MPs, would not form quorum to run business of the House or in the absence of UNIP, be able to form Government. I have, therefore, reluctantly decided not to recognise ANC and its leader as Official Opposition.¹²⁰

The action of the Speaker was overturned by the High Court which restored Nkumbula's official position as Leader of the Opposition an action which the Speaker was unhappy with. The Speaker's unhappiness is contained in the letter he wrote to Kaunda.¹²¹ Despite the Speaker's displeasure, the ANC continued acting as a watchdog to the Executive in Parliament.

In the area of providing checks and balances to the frontbench, the ANC performed well during the Second National Assembly. This was partly because it had increased its membership from ten to 23. It must be noted that during the Second National Assembly UNIP and ANC MPs debated along party lines on most of the motions. UNIP backbenchers and Ministers were united in

¹¹⁹ United National Independence Party Archives (hereafter UNIPA) 7/18/6, R.M. Nabulyato letter to Hon A.B. Chikwanda M.P. 28 April, 1971.

¹²⁰ Mwangilwa, Harry Mwaanga Nkumbula, p.132.

¹²¹ UNIPA 7/18/6, R.M. Nabulyato to His Excellency Dr K.D. Kaunda, 11 August, 1971.

defending government motions and bills while ANC MPs provided checks and balances through debates and questions.

Mbabala Constituency MP Hon E. Nyanga debating the Motion of Thanks for the President's speech stated that:

... I think in order to bring unity in Zambia, let's forget about Party affiliations and bring development because when people elected us to come to this House, they had the feeling that we were going to develop Zambia, not to build UNIP.¹²²

The same member said the following on democracy:

... should I call it a threat, that sometime last year, instead of democracy in Zambia, people were threatening, they were saying that if people do not join UNIP by 31 December, 1970, they would regret it. That is a threat. Is that democracy? ... people are threatened that if they remain outside the ruling Party they will either be locked up or probably have no job.¹²³

In their quest to put up strong opposition, ANC MPs could at times violate Parliamentary regulations one such ANC MP, was Mungoni Liso who was expelled from the National Assembly for failing to substantiate his allegation that the government had paid young women K4.00 to

¹²² Government of Zambia, Parliamentary Debates of the Third Session of the Second National Assembly, (Lusaka: Government Printer, 21 January 1971), p.190

¹²³ Government of Zambia, Parliamentary Debates of the Third Session of the Second National Assembly, p.192.

entertain delegates to the third Summit Conference of the Non-aligned Nations in Lusaka. Liso was expelled from the services of the House until the expiry of the Second National Assembly.¹²⁴

On the Executive side, President Kaunda squeezed the work of the 15 previous ministries into eight new ones and created eight cabinet posts in each of the eight provinces. The newly appointed Vice President Simon Kapwepwe emerged in a stronger position than ever before having been given the important Ministry of Finance in addition to his other as the nation's second citizen.¹²⁵

See **Appendix 7** for the composition of the 1968 UNIP Cabinet

Conclusion

This chapter has examined the transition of the colonial legislature to the independence National Assembly. In the discussion it has been argued that although the architects of the 1962 constitution produced a complicated document, this particular law introduced a legislature which brought about African majority in the Legco. The 1962 constitution could be said to have been the first step towards the attainment of political independence in Zambia.

The chapter further analysed the first National Assembly of Zambia which was born after the 1964 elections. It argues that the 1964 National Assembly was a democratic House anchored on multi-party system composed of three parties namely UNIP, ANC and the NPP. The debates in the National Assembly under the multi-party system strengthened democratic tenets unfortunately this state of affairs came under threat from the ruling party as it began to curtail freedom of speech in Parliament through intimidating statements and threats. The UNIP government started agitating

¹²⁴ UNIPA 7/18/6, R.M. Nabulyato to His Excellency Dr K.D. Kaunda, 12 August, 1971.

¹²⁵ Times of Zambia, 24 December, 1968, p. 1.

for a One-Party State system of government arguing that the concept of opposition parties was alien to Africa.

The 1968 National Assembly has also been discussed in the chapter as being the product of the first post-independence election of 1968 election which was contested by two parties namely UNIP and ANC. The House which was born in 1968 was composed of ANC and UNIP MPs with only one pro ANC independent Member. Parliamentary debates were mainly tailored on Party lines. It was also during the Second National Assembly of 1968 when steps to change the Zambian Constitution from the multi-party to the One-Party System of government were initiated.

Admittedly, the critical debates between the ANC and UNIP that characterised the 1968 National Assembly did not go well with the ruling Party UNIP. The Party felt that its continued hold to political power was threatened by its rival Party. This scenario in the House coupled with the inter party violence and rivalry between the ANC and UNIP on one hand and the intra party rivalry within UNIP on the other compelled the ruling Party to devise ways of introducing a One-Party System of government in the constitution. The new system was ultimately effected during 1973 elections. The One-Party System affected the role and operations of the legislature as will be discussed in the next chapter.

CHAPTER FOUR

THE NATIONAL ASSEMBLY DURING THE ONE-PARTY STATE, 1973 TO 1991

This chapter discusses how the 1973 Constitution affected the composition and role of legislature during the One-Party State period which lasted for 17 years beginning in 1973 to 1991. It also assesses the impact of electoral regulations on the legislature during the period under review since Parliaments were born out of elections.

The chapter further evaluates the extent to which the Republican and the United National Independence Party (UNIP) constitutions were harmonised in order to guarantee party supremacy in the National Assembly. The UNIP constitution was drafted in such a way that its provisions affected the calibre of representatives in the National Assembly. The chapter examines how the UNIP Central Committee stamped its authority on the selection process of parliamentary aspiring candidates through the veto system. It also discusses the methods used by the party to guarantee President Kaunda's sole candidature throughout the period.

The last part of the chapter discusses the transition from the One-Party System to the Multi-Party System. It argues that citizens demanded for the return of the Multi-Party System as they believed that the One-Party System was responsible for their political and economic hardships. It also examines the 1991 elections which took place after the repeal of Article 4 of the 1973 Constitution which allowed the formation of other political Parties. The 1991 elections ended the reign of UNIP after the defeat of its presidential candidate Kenneth Kaunda by the Movement for Multi-party Democracy (MMD) presidential candidate Frederick Jacob Titus Chiluba.

The Introduction of the One-Party System

The introduction of the One-Party State in Zambia was propelled by both internal and external factors which were at play just after independence.¹ Internal factors were centred on inter-party rivalry between the two major political parties in the country namely the opposition party the African National Congress (ANC) and the ruling Party UNIP while intra party factors were centred on rivalries within UNIP.

After winning the 1964 independence elections, Kaunda had hoped that he could eliminate the opposition Party at another general election, as had happened in Tanzania, but Harry Nkumbula's ANC which had dominated the political terrain in the Southern province could not easily be defeated.² The ANC which was perceived as a weak party proved its resilience by increasing its membership in the National Assembly during the second polls after independence. It steadily increased its seats in the National Assembly from ten in 1964 to 23 in 1968.³ Though ANC MPs were not numerically many and their party could not form a shadow cabinet, the prospect of facing an organised, legal opposition evidently caused discomfort to Kaunda and other UNIP leaders. The ANC parliamentary gains in the elections and the formation of another opposition party the United Progressive Party (UPP) in 1971 heightened political insecurity in the UNIP.

With the tense political rivalry in the late 1960s, it became apparent that UNIP was not going to succeed in establishing a One-Party System through the ballot box.⁴ Within UNIP, there was also

¹ Alexander Grey Zulu, The Memoirs of Alexander Grey Zulu (Ndola: Times Printpak Zambia Limited, 2007), p.446.

² Phillip Brownrigg, Kenneth Kaunda (Lusaka: Kenneth Kaunda Foundation, 1989), p.131.

³ Augustine B.C. Katotobwe, 'The Impact of Plurality Voting System in Zambian Politics,' MA Dissertation (London: London School of Economics and Political Science, 1996), p.12.

⁴ Ng'ona Mwelwa Chibesakunda, The Parliament of Zambia (Lusaka: National Assembly of Zambia, 2001), p. 32.

serious intra party rivalry which was triggered by the formation of the UPP led by Kaunda 'childhood friend Simon Mwansa Kapwepwe who resigned from UNIP on 22 August, 1971.⁵ The UNIP government did not take the breakaway party of Kapwepwe lightly. Hence, after realising the viability of UPP as an opposition party, Kaunda banned it. Kapwepwe and 123 of his leading members were detained on 4 February 1972.⁶ This temporal move could not give comfort to UNIP as other external factors that negatively affected the party resurfaced.

On the external side, Kaunda argued that the country was faced with security challenges from neighbouring countries which were still under foreign domination. He cited enemies in the racist regimes in rebel Rhodesia, Namibia and South Africa.⁷ Zambia's geo political situation exposed her to hostilities from racist minority regimes in Zimbabwe, South Africa, Mozambique and Angola because of her support for the liberation struggle by providing sanctuary to freedom fighters and liberation movements fighting against their governments. A Deputy Headteacher at Simundivwi Primary school in Kalomo district was abducted and later thrown into Zambezi River by Whites who were pursuing Southern Rhodesia freedom fighters in Zambia in 1978.⁸ These regimes made attempts to use opposition structures to disorient certain sectors of the community and one example was the training of 100 Zambians by the South African regime in the early 1970s the Mushala gang which took many years to bring down.⁹

⁵ Andrew Sardanis, Africa Another Side of the Coin (London: I B Tauris, 2003), p. 261.

⁶ Cherry Gertzel, Carolyn Baylies and Morris Szeftel, 'The Making of the One Party State' in Cherry Gertzel (ed) The Dynamics of the One Party State (Manchester: Manchester University Press, 1984), p.17.

⁷ United National Independence Party Archives (hereafter UNIPA) 7/18/9, Government of Zambia, Presidential Address to Parliament, 12 January, 1978.

⁸ Interview with Lina Mutentwa, aged 60 years, Kalomo District on 19 August, 2017.

⁹ Zulu, Memoirs of Alexander Grey Zulu, p. 447.

Arising from those fears, Kaunda argued that the One-Party participatory democracy was necessary in order to unify people; to further the aims and objectives of independence; and to further the cause of justice for all without distinction.¹⁰ The President stated that enemies in the political order could only be defeated by adopting a political system that was going to prevent them from infiltrating the country.¹¹ As a country that had just gained political independence it was Kaunda's belief that time for economic development would be delayed if political squabbles took centre stage in the country. Kaunda argued that the country needed economic development not promoting squabbles which were being promoted by party rivalries.¹² Inter party squabbles were seen as derailing the UNIP's economic development in the country.

In order to establish a One-Party System, without subjecting itself to democratic means, the UNIP government called for a constitutional change through a referendum. This was because the 1964 constitution did not provide for amendments to Chapter III, Chapter VII and Sections 71, 72 and 73 of the constitution without first obtaining the approval of the majority of the electorate through a referendum.¹³ In order to garner support for the referendum which was widely discredited by the opposition, Kaunda, in a Press release argued that the propaganda against the referendum which was centred around the fear of a One-Party state was completely irrelevant and an illusion as the UNIP Government had enough powers under the Constitution then to declare Zambia a One-

¹⁰ Government of Zambia, Comrade President Dr Kenneth David Kaunda's 'State of the Nation Volumes I, II, III and IV' (Lusaka: Freedom House, 1988), p.120.

¹¹ Government of Zambia, Comrade President Dr. Kenneth David Kaunda's State of the Nation Volumes I, II, III, IV, p.120.

¹² Interview with Joseph Simuyandi on 17 August, 2017, former UNIP Member of Central Committee 1985 – 1988, born in 1933.

¹³ Chibesakunda, The Parliament of Zambia, p.32.

Partystate by legislation.¹⁴ Government held a national referendum as provided for in the 1964 constitution. The referendum was held on 17 June, 1969 and gave the government 88 per cent ‘yes’ vote and 12 per cent ‘no’ vote.¹⁵ This result gave power to parliament to effect constitutional amendments to any section of the constitution without calling for a referendum

Following the successful holding of the referendum, Kaunda made an historic statement on 25 February, 1972 at a press conference which was held at State House. He informed the nation that the government had decided that Zambia should become a One-Party Participatory Democracy and that practical steps were going to be taken to implement the decision.¹⁶ In order to implement the announcement, President Kaunda appointed a Commission of Inquiry under Statutory Instrument No. 46 of 1972 which fell under the Inquiries Act of 1967 to find out how the One-Party State system of government was going to be established, not whether the people wanted it.¹⁷ Interestingly though, in 1965, Kaunda had assured Parliament that a One-Party System could not come about in the country except through the ballot box. Yet he was now ready to introduce it.

On 15 March, 1972 Kaunda, appointed a commission to ascertain the wishes of the people not by a referendum, not through a general election, but by consultation through the Chona Commission. The Commission represented a broad spectrum of the Zambian society in the political, economic, religious and traditional fields.¹⁸ The Chairman of the Commission was Mainza Chona while

¹⁴ UNIPA 16/5/1, Government of Zambia, President Kaunda explanation on the Referendum broadcast to the Nation on both Radio and Television on 12 June, 1969.

¹⁵ Chibesakunda, The Parliament of Zambia, p.33.

¹⁶ Government of Zambia, Report of the National Commission on the Establishment of a One Party Participatory Democracy in Zambia (Lusaka: Government Printer, 1972), p.1.

¹⁷ Chibesakunda, The Parliament of Zambia, p.33.

¹⁸ Zulu, Memoirs of Alexander Grey Zulu, p.428.

Humphrey Mulemba was appointed as his deputy.¹⁹ The opposition ANC attempted to block the introduction of the One-PartyState through the High Court petition but lost the bid when Chief Justice Brian Doyle ruled against it.²⁰ The ANC debated against the introduction of the One-Partystate in Parliament but that could not change UNIP's determination and resolve to introduce it.

On 15 October, 1972, the Mainza Chona Commission of Inquiry report was submitted to the Republican President.²¹ Its recommendations were submitted to the National Assembly in the form of a Bill which was passed as Act No. 29 of 1972.²² The introduction of the One-Partystate in Parliament; the Constitution (Amendment) (No.5) was seriously debated in Parliament with UNIP supporting the motion while the ANC opposed it.

The frontbench led by the then Vice President Mainza Chona in supporting the motion stated the following:

Mr Speaker Sir, in a Multi-party system each group fears not only humiliation but sometimes even positive and planned victimisation in the event of defeat.... In a One-Partyparticipatory democracy it will be individuals contesting according to merit. Since they will belong to the same party, any defeated

¹⁹ Sardanis, Africa Another Side of the Coin, p.263.

²⁰ Times of Zambia, 7 April, 1972, p.1.

²¹ Mwanakatwe, End of Kaunda Era, p.89.

²² Chibesakunda, The Parliament of Zambia, p.34.

candidate or candidates will know that the services of a successful will be available to him.²³

The Minister of Education and Culture, Hon W. Nyirenda, in supporting the motion argued that the One-Party System would enable the country concentrate on building national unity and on promoting economic development.²⁴ This assumption and belief was that the existing political parties would compete to develop the country and not gain political power. On the other hand the ANC opposed the motion to introduce One-Partysystem.

Leading the anti-One-Party System MPs was the leader of the Opposition the ANC, Harry Nkumbula who argued as follows:

We are seated here as hon members elected by our own people in various constituencies and sharing opinions on matters affecting the people of this country. Is that not unity? So there is no basis upon which this measure is being introduced.²⁵

Debating the same motion, Nkumbula argued that:

Sir, those are terrible things. Sir, the Bill is wrong. The Bill cannot be supported by any decent person. You see Sir, how it is going to be? We must crawl on our knees, on our bowels to go to UNIP meetings and buy UNIP cards in order to become Members of Parliament, an institution that we have fought for. Quite a

²³ Government of Zambia, Parliamentary Debates of the Fourth Session of the Second National Assembly, (Lusaka: Government Printer, 5 December to 12 December, 1972), p.55.

²⁴ Government of Zambia, Parliamentary Debates of the Fourth Session of the Second National Assembly, p.59.

²⁵ Government of Zambia, Parliamentary Debates of the Fourth Session of the Second National Assembly, p.69.

number of people outside will hear something who have never taken part in the struggle for independence. I can look around. It is a most terrible thought to entertain, Mr Speaker that I have to be a member of UNIP in order to seek a seat in this House.²⁶

Despite the ANC debates against the Act, Parliament passed it. It was subsequently assented to by the President, in front of the High Court on 13 December, 1972. This gave legislative effect to the One-Party state. The consolidation of the One-Party state culminated into the June 1973 Choma Declaration when Nkumbula and his ANC followers joined UNIP, at a much publicised meeting in Choma attended by Kaunda and other UNIP leaders. At the meeting the ANC announced that all provincial, district and area branches would immediately identify themselves with UNIP.²⁷

On the basis of the 1969 Referendum results, the recommendations of the Chona Commission and the Choma Declaration of 1973; the Constitution of Zambia was also changed in order to bring it in line with the new political order.²⁸ The constitution making process and the transition from Multi-party into a One-Party participatory democracy in Zambia were concluded and endorsed at the seventh UNIP Extra Ordinary Conference held at Mulungushi Rock, Kabwe, from 25 to 26 August 1973.²⁹ In the new Constitution, UNIP was made the only legal party in Zambia. All other political Parties ceased to exist after the new constitution was passed through the National

²⁶ Government of Zambia, Parliamentary Debates of the Fourth Session of the Second National Assembly, p.72.

²⁷ Gertzel, Baylies, and Szeftel, 'The Making of the One Party State,' p.20.

²⁸ Chibesakunda, The Parliament of Zambia, p. 34.

²⁹ Zulu, Memoirs of Alexander Grey Zulu, p.434.

Assembly in August 1973. The Constitution Act was passed by Parliament as Act No. 27 of 1973 and was assented to by the President on 25 August, 1973.³⁰

The new provisions in the constitution affected the membership and operations of the National Assembly. Addressing the nation on the status of Parliament following the provisions of the 1973 Constitution, President Kaunda stated the following:

Today the ANC has by this law ceased to exist. Parliament is now a One – Party Parliament. The Party is supreme. Parliament can do nothing which is basically against the interests of the Party without risking its own life. Its life can be indeed abruptly ended by the decision of the people.³¹

The Parliamentary government of 1964 which was made up of the ruling and opposition parties was now made up of MPs from one Party, UNIP; the only legal party at that time.

The Effect of the 1973 Constitution on the National Assembly Electoral Regulations

The Second Republic which was ushered by the 1973 Constitution introduced a One-Party participatory democracy. This system exhibited a unique form of representative democracy which was practised by way of holding regular presidential and parliamentary elections. All aspiring candidates were subjected to open, democratic elections while being members of the only political party the UNIP.³² The constitution altered the composition and franchise for the National

³⁰ Chibesakunda, The Parliament of Zambia, p.34.

³¹ Government of Zambia, Comrade President Dr Kenneth David Kaunda's State of the Nation Volumes I, II, III and IV, p.93.

³² Bizeck Jube Phiri, 'Zambia' South African Journal of International Affairs Volume 12 Issue 1 (2005), pp. 205-218.

Assembly aspirants. The number of seats in the National Assembly increased as the number of constituencies were increased from 105 to 125.

Article 64 of the 1973 Constitution stated that the National Assembly was to consist of:

- a) one hundred and twenty-five elected members; and
- b) such nominated members as may be appointed under Article 66; and
- c) the Speaker of the National Assembly

Article 66 provided for the appointment of nominated members of the National Assembly not exceeding ten.³³

On qualifications for election or nomination to the National Assembly, Article 67 stated that subject to the provisions of Article 68, a person would be qualified to be elected or nominated as a member of the National Assembly if, and would not be qualified to be so elected or nominated unless

- a) he was a citizen of Zambia
- b) he had attained the age of twenty-one years
- c) he was a member of the Party; and
- d) he was literate and conversant with the official language of Zambia

Provided that

- i) a person would not be qualified to be a candidate for election to the National Assembly unless he was one of the successful candidates at the

³³ Government of the Republic of Zambia, The Constitution of Zambia Act No 27 of 1973, (Lusaka: Government Printers, 1973), p.245.

Primary elections held in accordance with the provisions of Article 75 and his candidature had not been disapproved by the Central Committee.³⁴

Aspiring Parliamentary candidates had to undergo Primary elections before adoption. Article 75 provided for the holding of Primary elections for the purpose of selecting persons to be candidates for election to the National Assembly whose names were to be approved by the Central Committee. Vetting aspiring candidates by the Central Committee was institutionalised by UNIP during the Second Republic as a sure way of having right leaders.³⁵ The veto system was meant to ensure that the candidates seeking to represent citizens in parliament were loyal to the party and of high calibre in terms of discipline and general character. As for the franchise, Article 72 stated that every Zambian who had attained the age of 18 years was entitled to be registered as a voter.³⁶

During the One-Partystate, Presidential and Parliamentary elections were governed by the Electoral Act of 1973 which strengthened the role of UNIP in the electoral process by assigning it the task of candidate selection in the Primaries, of formulating programmes, and of handling the conduct of the election at all levels.³⁷ The following UNIP functionaries were mandated to scrutinise parliamentary candidates at their levels so that those who would be elected to the National Assembly defended Party policies:

³⁴ Government of the Republic of Zambia, The Constitution of Zambia Act No 27 of 1973, p.245.

³⁵ United Nations Independence Party Archives (hereafter UNIPA) 16/5/11. Office of the UNIP Secretary General, Proposals for the Zambian Electoral System and Process, 14 September, 1981,

³⁶ Government of the Republic of Zambia, The Constitution of Zambia Act No 27 of 1973, p.248.

³⁷ Bornwell C. Chikulo, 'Elections in a One-Party Participatory Democracy' in Ben Turok (ed) Development in Zambia A Reader (London: Zed Press, 1979), p. 204.

In each Region: The Regional Secretary, the Regional Women's Secretary, the Regional Youth and Publicity Secretary and two Trustees.

In each Party Constituency: The Chairman, the Vice Chairman, the Secretary, the Vice Secretary, the Treasurer, the Vice Treasurer, the Publicity Secretary and the Vice Publicity Secretary.

In each Party Branch: The Chairman, the Vice Chairman, the Secretary, the Vice Secretary, the Treasurer, the Vice Treasurer, the Publicity Secretary, the Vice Publicity Secretary.³⁸

Any person who was qualified to stand as a candidate could seek nomination in the Primary elections. This poll was held if more than three candidates were nominated. On the other hand if there were less than three candidates nominated during Primary nominations, a Primary poll was not held.³⁹ Where only one candidate was nominated, such a candidate was not yet returned unopposed until he confirmed his nomination on the final nomination day. Fresh dates were prescribed if no candidate was validly nominated.⁴⁰ On filling of nomination, the Returning Officer had to check that nine supporters were present.⁴¹ It was during the Primary poll that the party at the grass root level played its part in determining their Member of Parliament (MP).

³⁸ UNIPA 16/5/11, UNIP Central Committee, A United National Independence Party Manual of Rules and Regulations Governing the 1973 General Elections, (Lusaka: The Central Committee Freedom House, 1973), p.2.

³⁹ Government of the Republic of Zambia, Electoral Officer Handbook, (Lusaka: Elections Office, 1978), p.12.

⁴⁰ Government of the Republic of Zambia, Electoral Officer Handbook, p. 12.

⁴¹ Government of the Republic of Zambia, Electoral Officer Handbook, p.13.

The 1973 Presidential and General Elections and the birth of Third National Assembly

The process leading to the birth of the Third National Assembly started with the dissolution of the Second National Assembly by President Kaunda on 2 October, 1973 at a mammoth rally held in Kitwe.⁴² The 1973 elections were the first elections to be held after the country replaced the Multi-Party system with the One-Party system. One of the new provisions which was introduced to the electoral regulations in 1973 was the holding of Primary elections.

As per new constitutional requirements, Primary elections were held in all constituencies throughout the country in order to shortlist parliamentary candidates. Aspiring parliamentary candidates filed nomination papers for Primary elections on 27 October, 1973.⁴³ The poll date for Primary elections was 1 November, 1973 where 523 candidates contested 124 Parliamentary seats under the new Constitution.⁴⁴ The 125th seat of Chitambo in Central Province could not be contested as no candidate came forward at the close of nominations on 26 October, 1973. Of the 124 seats, polls were only going to take place in 76 constituencies since the other 48 did not have more than three aspiring candidates.⁴⁵

Campaign meetings for the primaries were mostly held indoors before an audience of eligible local party functionaries. All candidates were given equal time to speak on a given topic, usually with the official ideology of Humanism and national development.⁴⁶ The final determination on who qualified to vie for parliamentary elections was the prerogative of the UNIP Central Committee

⁴² Zambia Daily Mail, 1 October, 1973, p.1.

⁴³ Zambia Daily Mail, 27 October, 1973, p.1.

⁴⁴ Zambia Daily Mail, 1 November, 1973, p.1.

⁴⁵ Zambia Daily Mail, 1 November, 1973, p.1.

⁴⁶ Chikulo, 'Elections in a One Party Participatory Democracy', p.205.

which received the names of candidates together with the list of votes they received. The committee was required by law to screen them before the final adoption by the Party. Among those candidates who went through Primary elections, 26 were disqualified by the UNIP Central Committee.⁴⁷

Adoption by the party' Central Committee was followed by nominations for elections. Nominations were an integral part of the electoral process and all aspiring candidates were required to participate in the programme. Consequently, following his adoption by the General Conference, on 12 November, 1973, Kaunda filed his nomination as a sole Presidential candidate, while 325 aspiring candidates filed nominations in various constituencies around the country.⁴⁸ At parliamentary level, there were 13 sole candidates who were ultimately declared unopposed throughout the country.⁴⁹

The conduct of elections in the One-Party System weighed more on the Presidency as it was precisely in the Presidential election where voters had an opportunity to make a general point about the performance of the government as a whole. As a result of this, a very real fear existed among Party leaders that, despite Kaunda's popularity among the citizenry, opponents of the new system were going to use the opportunity to show dissent by voting 'No'.⁵⁰ To prevent any possible defeat at presidential election level, the UNIP Central Committee formed an 'Action Group' of 18 Central

⁴⁷ Zambia Daily Mail, 9 November, 1973), p.1.

⁴⁸ Zambia Daily Mail, 12 November, 1973, p.1.

⁴⁹ Zambia Daily Mail, 14 November, 1973, p.1.

⁵⁰ Carolyn Baylies and Morris Szefitel, 'Elections in the One Party State' in Cherry Gertzel (ed), The Dynamics of the One Party State in Zambia, (Manchester: Manchester University Press, 1984) p.41.

Committee members which was tasked to visit all provinces to strengthen presidential campaigns.⁵¹

In Lusaka rural and urban areas, a 'Vote-for-Kaunda-Committee' was constituted in order to spearhead the 'Yes Vote' campaign for President Kaunda so as to enable him muster a 100 per cent vote.⁵² The government print media such as the Zambia Daily Mail was extensively used as a campaign tool for the presidential election. The paper produced a supplement newspaper 'Special Presidential Election Report' in which parastatal companies outlined the achievements of President Kaunda. Furthermore, companies were given space to place campaign and solidarity messages for President Kaunda such as 'Long Live KK' and 'Long Live Humanism.'

It must however be noted that despite the vigorous 'Yes Vote' campaign for President Kaunda, there were anti Kaunda campaigns among some UNIP candidates. For example on the Copperbelt, a UNIP candidate Frank Bupe Katoposha of Nchanga North Constituency and his election agent Aggrey Senkwe and party official J. Chabu were denied party support for de campaigning Kaunda.⁵³ Elsewhere, another 26 year old man Idon Chungu was sentenced to two weeks imprisonment after being found guilty for the offence of conduct likely to cause breach of peace when he agreed having told people to vote for a 'Hyena' instead of President Kaunda.⁵⁴

⁵¹ Zambia Daily Mail, 14 November, 1973, p.1.

⁵² Zambia Daily Mail, 22 November, 1973, p.1.

⁵³ Zambia Daily Mail, 22 November, 1973, p.1.

⁵⁴ Zambia Daily Mail, 30 November, 1973, p.1.

Parliamentary aspiring candidates were accorded opportunities to sell their programmes to the electorate through party-organised meetings. Officially, the party did not permit unsupervised campaigns and candidates were to canvass at public meetings arranged by the party.⁵⁵ The 1973 poll was a culmination of a campaign characterised by a welcome absence of violence but also by limited public involvement. In many areas there was little to indicate that a general election was in progress.⁵⁶ Election meetings were mostly poorly attended as competitive party politics was non-existent.

Voting took place on 5 December, 1973 with a high record of apathy.⁵⁷ The size of the poll in 1973 dropped dramatically to 39.4 per cent, as compared with 82.5 per cent in 1968.⁵⁸ The great majority of voters clearly chose not to vote. This applied not only to the general election but to the primaries as well which were characterised by a similarly low turnout. Of the 94,921 voters on the primary registers, only 27, 663 voted; roughly 30 per cent.⁵⁹ The Elections Chief Malcom Mitchell blamed the low turnout on the general feeling by the electorate that the election was a mere formality with the introduction of the One-party system.⁶⁰ That was the lowest voter turnout since UNIP came to power in 1964. The election was characterised less by mass participation among the electorate than by the elite participation among the candidates.⁶¹ One prominent feature of the election in 1973

⁵⁵ Chikulo, 'Elections in a One Party Participatory Democracy', p. 206.

⁵⁶ Baylies and Szeftel, 'Elections in the One Party State', p.44.

⁵⁷ Zambia Daily Mail, 8 December, 1973, p.1.

⁵⁸ Baylies and Szeftel, 'Elections in the One Party State', p.43.

⁵⁹ Baylies and Szeftel, 'Elections in the One Party State', p.43.

⁶⁰ Times of Zambia, 6 December, 1973, p.1.

⁶¹ Baylies and Szeftel, 'Elections in the One Party State', p.53.

was that the UNIP failed to mobilise the electorate to a more positive participation in the new system.

After the 1973 poll Kenneth Kaunda was re-elected as the republican President after amassing 88 per cent 'Yes Vote' and 12 per cent 'No Vote'.⁶² Following his re-election as President of Zambia, Kaunda named a 23 man cabinet.⁶³ The 1973 National Assembly consisted of Kenneth Kaunda who was retained as President of the Republic, 125 elected members and ten nominated members. Parliament was convened on 12 December, 1973 where Robinson Nabulyato was re-elected as the Speaker after being proposed by Local Government and Housing Minister Peter Matoka. Nabulyato who was described as 'Mr Discipline' by his proposer was deputised by Joseph Mutale the Member of Parliament for Mufulira.⁶⁴ As per constitutional requirement, Members of Parliament were sworn in at the National Assembly after pledging to be faithful and true to the President and to preserve, defend and protect the constitution of Zambia.

UNIP became the only political party in Parliament and as per both the party as well as the Republican Constitution, UNIP was regarded as supreme over other government institutions. It must be noted however that under the One-Party System other avenues for opposition were closed, as a result, MPs began to use their parliamentary freedom of expression to voice out their dissatisfaction with the One-Party Participatory Democracy.

⁶² Zambia Daily Mail, 7 December, 1973, p.1.

⁶³ Zambia Daily Mail, 11 December 1973, p. 1.

⁶⁴ Zambia Daily Mail, 13 December, 1973, p 1.

In reaction to the MPs' behaviour, Kaunda seized an opportunity to address MPs during the UNIP National Council that Parliament was not above the National Council. During the National Council held on 12 December, 1974 Kaunda stated the following:

Parliament is not an opposition device to the Party itself or other Party institution. Under our system, I regard Parliament as a Committee of the National Council charged with the responsibility of enacting laws of this country.⁶⁵

Parliamentary Democracy during the Third National Assembly

In 1973 when Zambia became a One-Party participatory democracy, citizens and the world were sceptical as to how much democracy was going to be exercised in a One-Party Parliament. The fear was justified as the country had inherited a Multi-party system at independence parliament. The MP for Kalomo Constituency, Honourable Nathan Sifwa expressed these fears in parliament. He thus stated the following:

Some sections of society doubted whether this Parliament was going to work in the interest of the nation. Since that time two and half years ago, this Assembly has demonstrated that we have constantly worked in the interest of the nation.⁶⁶

Despite the apprehension that came with the introduction of the One-Party system, the Zambian parliament remained focused on its duty of providing checks and balances to the Executive.

⁶⁵ Biggie Joe Ndambwa, 'Institutionalisation of Legislative Leadership in the National Assembly of Zambia, 1964 – 2011,' MA Dissertation, UNZA, 2015, p.56.

⁶⁶ Government of the Republic of Zambia, Parliamentary Debates of the Third Session of the Third National Assembly, (Lusaka: 27 July – 5 August, 1976), p.219.

Despite coming from the same party, UNIP MPs had diverse views as backbenchers and frontbenchers stood for different interests.⁶⁷ This was possible because the Constitution of Zambia Cap 172 on Powers and Privileges as well as the National Assembly standing orders protected MPs and guaranteed them freedom of speech while in the House.⁶⁸ Based on its freedom and immunity, Parliament held the Executive accountable for its actions and ensured that Government implemented its policies effectively and efficiently. Parliament did not deviate from any of the Commonwealth procedures as very few bills passed through committee stage without amendments while backbenchers used question time as a method of probing government activities.⁶⁹ The backbenchers who were normally the watchdogs of the electorate over government activities were free to criticise the government and/or vote the way they wanted.⁷⁰

The privileges and freedoms enjoyed by UNIP backbenchers received resistance from the frontbench. It must be noted that the Executive made serious attempts to distort parliamentary democracy using government Ministers in parliament. One such attempt came through a speech made in Parliament by the Minister of State for Health Honourable Joshua Chilumbi Mumpashya MP for Kankoyo who said that:

In the old system, Parliament was considered the supreme institution in the nation or country but in the new system, Parliament is an institution of the Party,

⁶⁷ Interview with Joseph Simuyandi on 17 August, 2017.

⁶⁸ Bizeck Phiri, Parliaments of the South: Zambia Country Report – Strengthening Parliamentary Democracy in SADC Countries (Pretoria: South African Institute of International Affairs, 2005), p.17.

⁶⁹ B.J. Phiri, C.J. Banda and G.H.N. Haantobolo, Protecting the Reputation and Standing of the Institution of Parliament and Parliamentarians (n.t: Commonwealth Parliamentary Association, 2004), p.27.

⁷⁰ Phiri, Banda and Haantobolo, Protecting the Reputation and Standing of the Institution of Parliament and Parliamentarians, p.27.

so Honourable MPs are members of the National Council which is an institution of the Party. MPs make their policies in the National Council and they come to debate and discuss in Parliament.⁷¹

In UNIP circles, the National Council which was a policy making body was regarded as supreme to the National Assembly.⁷² This created serious problems for the MPs because the Republican Constitution vested legislative powers in the National Assembly.⁷³ In order to counter UNIP intentions of subordinating Parliament to the National Council, back benchers remained resolute in defending their rights, duties and freedoms as parliamentarians. Parliamentarians were able to freely speak in both the National Council and Parliament contrary to the notion that the National Assembly was a rubber stamp for the Executive.⁷⁴ The MP for Bahati Constituency Honourable Valentine Kayope in defending parliamentary democracy said:

We are not a subcommittee of anything. This message should also be given to those in the positions of power who think that Parliament is a subcommittee we will never be a subcommittee in this country.⁷⁵

⁷¹ Government of the Republic of Zambia, Parliamentary Debates of the Third Session of the Third National Assembly, (Lusaka: Government Printer, 27 July - 5 August, 1976), p.230.

⁷² Interview with Mwanza Malambo on 16 August, 2017, former Governor, Ndola and Monze 1979 to 1988 born in 1942.

⁷³ Jotham C. Momba, 'Evolution of Parliament-Executive Relations in Zambia' in M.A. Mohamed Salih (Ed), African Parliaments Between Governance and Government, (Macmillan: Palgrave Macmillan, 2005), p.107.

⁷⁴ Interview with Daniel C. Munkombwe on 17 August, 2017, former freedom fighter, UNIP Minister and MP for Choma 1978 - 1988.

⁷⁵ Government of the Republic of Zambia, Parliamentary Debates of the Fifth Session of the Third National Assembly, 1 July - 8 August, 1978, p. 114.

Other MPs who spoke in defence of Parliament's supremacy over the UNIP National Council included the MP for Isoka Honourable Wilfred John Chisanga Siame. In protest against government intentions to subordinate Parliament to the UNIP National Council, he stated the following:

Mr Speaker I sometimes ask myself why we cannot regard the National Council as Parliament. What I have observed is that MPs are thought to be an opposition to the government. I have been attending National Council meetings and what I have seen is that whenever an MP brings a suggestion it is brushed aside no matter how important it is. MPs suggestions are always defeated.⁷⁶

In supporting parliamentary freedom and democracy, the MP for Kafue Constituency Honourable Francis Pomflet Matanda stated that:

Sir, there has been some talk that we provide fresh air in terms of what has always been said outside this House. It has been said that the rest of the air outside is polluted that each time Parliament sat, people felt very relieved and comfortable that Parliament spoke out its mind and that it provided fresh air for the nation. Sir, we have made One-Party participatory democracy work to work.... If at any time, a Government Bill came before us and nobody stood up to either put in new suggestions or criticise in a way of wanting to improve then we would have been labelled as a rubber stamp. Had we gone to such an extent,

⁷⁶ Government of the Republic of Zambia, Parliamentary Debates of the Third Session of the Third National Assembly, 27th – 5th August, 1976, p.228.

Sir, then our One-Party Participatory Democracy would have failed lamentably.⁷⁷

Several other back benchers defended Parliamentary democracy. The MP for Choma Constituency Honourable Daniel Munkombwe stated that:

Mr Speaker, Sir, we have to face the defence of democracy squarely. On our part, as MPs, as backbenchers, we will not let the nation down; we will continue to fight certain dictatorial tendencies which have dictatorial connotations. We will fight.⁷⁸

It must however be stated that the success and freedom enjoyed by parliamentarians in the Second Republic should also be attributed to the experience, integrity and strict observance of parliamentary rights and privileges by Speaker Dr Nabulyato. His parliamentary experience was quite immense; in 1954, he was elected as a Member of the Legislative Council (Legco) until 1964 when Zambia attained independence. In 1965, he was awarded an honour of the Order of Grand Companion of Freedom and in 1984, he was awarded an honorary Doctor of Laws degree by the University of Zambia.⁷⁹ He was first elected as a Speaker of the National Assembly in 1968. In a land mark ruling in 1978, he stated that MPs were free to debate any issue because they spoke on

⁷⁷ Government of the Republic of Zambia, Parliamentary Debates of the Fifth Session of the Third National Assembly, 1 – 8 August, 1978, p.117.

⁷⁸ Government of the Republic of Zambia, Parliamentary Debates of the Fifth Session of the Third National Assembly, 1 – 8 August, 1978, p.141.

⁷⁹ National Assembly of Zambia, 'Dr Nabulyato Re-elected Speaker' Manda Hill News, A Quarterly Parliamentary Magazine Vol. 2 No. 1, (Lusaka: Universal Zambia Ltd, May – June, 1997), p.1.

behalf of the electorate. He further added that there was no limit to freedom of speech, except by the House itself.⁸⁰

Nabulyato's ability to defend the House was acknowledged by both the Executive and the legislature. Speaking on the motion of adjournment of the House in 1978, then Prime Minister Daniel Lisulo acknowledged the role played by the Speaker. He stated the following:

The life of this Parliament will enter in the history of our country as a turning point in the strengthening of our One-Party participatory democracy. Because of your impartiality and fair mindedness that you continuously displayed in your work during the life of the Third Assembly, we whole heartedly agree that we had elected the right person for the high and dignified office of Speaker. Whether within or outside the precincts of this House, you have been an embodiment of the dignity and authority of Parliament.⁸¹

In agreeing with the Prime Minister, the MP for Mporokoso Honourable Willa D'Israel Mungomba said that Speaker Nabulyato's leadership was unquestioned and hoped that he would be re-elected during the Fourth National Assembly.⁸² Furthermore, in appreciating the guidance of the Speaker, the MP for Mpika West Honourable Otema Sy Musuka said that since MPs did not know where to start from when they entered Parliament, they were able to put the One-Party

⁸⁰ Phiri, Banda and Haantobolo, Protecting the Reputation and Standing of the Institution of Parliament and Parliamentarians, p.48.

⁸¹ Government of the Republic of Zambia, Parliamentary Debates of the Fifth Session of the Third National Assembly, 1 – 8 August, 1978, p.111.

⁸² Government of the Republic of Zambia, Parliamentary Debates of the Fifth Session of the Third National Assembly, 1 – 8 August, 1978, p.136.

participatory democracy into practice in Parliament through the encouragement and guidance of the Speaker.⁸³

Honourable MP for Chinsali Bornface Shinga acknowledged the Speaker's input in the success of Parliament and said that:

The criticisms we levelled at the government are our own and we intended only to assist the government and to put it on the right footing to success. It is through your untiring efforts and discipline you have imposed in this House that this Parliament has a good reputation for the achievements made so far.⁸⁴

Speaker Nabulyato remained strong and supported the rights of the MPs both inside and outside the House. He was able to guide the House in an impartial manner regardless of who was affected. Despite the heated debates that characterised the Third National Assembly, Kaunda believed that the debates were better than those under the multi-party Parliament. He stated that the debates were without the bitterness which characterised the multi-party Parliament in the First Republic.⁸⁵

Towards the end of the life of the Third National Assembly, Kaunda stated the following:

Four successive years during the life of this House have vindicated the nation's decision to adopt our new political system. The deliberations of this House and our heavy legislative programme covering a wide spectrum of fields in the

⁸³ Government of the Republic of Zambia, Parliamentary Debates of the Fifth Session of the Third National Assembly, 1 – 8 August, 1978, p.117.

⁸⁴ Government of the Republic of Zambia, Parliamentary Debates of the Fifth Session of the Third National Assembly, 1 – 8 August, 1978, p.76.

⁸⁵ UNIPA 7/18/1, Government of Zambia, Presidential Address to Parliament, 17 January, 1975.

nation's life give proof to the success of our One-Party Participatory Democracy.⁸⁶

The 1978 Presidential and General Elections and the Fourth National Assembly

The Fourth National Assembly was born out the 1978 Presidential and general elections. The election process started when the Third National Assembly was dissolved on 18 September, 1978.⁸⁷ In order to prepare for elections, an Electoral Commission composed of three members namely Justice Brian Doyle as Chairman, Commissioners Edward Shamwana and Aerial Phiri was appointed in 1978.⁸⁸ The Commission with the assistance of the Director of Elections Tobias Mbewe managed the 1978 elections.

These elections occurred in the midst of severe economic difficulties, causing inevitable discontent amongst those most affected citizens. Rumours of efforts to mobilise such discontent were quite rife in the early part of that year.⁸⁹ UNIP was aware of the discontent and in order to prevent competition hasty constitutional changes were effected in order to prevent any such challenge to Kaunda's sole candidature.⁹⁰ The amendments done a week before the UNIP General Conference, included the stipulation that a candidate was supposed to be a paid up member of UNIP for not less than five years, immediately preceding the elections. Furthermore, a candidate was required to be a disciplined person with no criminal record and supported by 20 delegates from each

⁸⁶ UNIPA 7/18/1, Government of Zambia, Presidential Address to Parliament, 12 January, 1978.

⁸⁷ Times of Zambia, 16 December, 1978, p.1.

⁸⁸ Times of Zambia, 21 September, 1978, p.1.

⁸⁹ Baylies and Szeftel, 'Elections in the One Party State', p.42.

⁹⁰ Miles Larmer (ed) The Musakanya Papers the Autobiographical Writings of Valentine Musakanya (Lusaka: Lembani Trust, 2010), p.57.

Province in the country.⁹¹ Additionally, a candidate's nomination was subject to the approval of the UNIP National Council.⁹²

These amendments disqualified three presidential independent contestants. These were Harry Mwaanga Nkumbula who had just joined UNIP following the dissolution of the ANC, Simon Mwansa Kapwepwe had remained outside UNIP since the days of UPP which was banned in 1971 while Lusaka businessman Robert Chiluwe could not raise the required number of supporters. Additionally, Nkumbula also failed to raise 20 supporters from each Province. Since other contestants failed to meet all the qualifications, President Kaunda was declared as the UNIP's sole candidate for the elections which were to take place towards the end of the year.⁹³ In order to normalise the candidature of Kaunda, the party officially adopted him as a sole candidate for the 1978 election during the 12th National Council Meeting held at Mulungushi Hall from 12 to 16 June, 1978 which was the last before the 8th General Conference scheduled for September, 1978.⁹⁴ His sole candidature was announced by the Electoral Commission of Zambia Chairman during the 8th Party's General Conference at Mulungushi Rock of Authority on 11 September, 1978.⁹⁵

As per electoral regulations, Primary elections for all aspiring candidates were held throughout the country. The 1978 Primary elections which were the most highly contested since independence were held on 19 October, 1978 after several days of heavy campaigning and high tensions among

⁹¹ Baylies and Szefitel, 'Elections in the One Party State', p.43.

⁹² Baylies and Szefitel, 'Elections in the One Party State', p.43.

⁹³ Times of Zambia, 12 September, 1978, p.1.

⁹⁴ UNIP Central Committee, UNIP Progress Report for the Years 1973-1978, (Lusaka: Freedom House, 1978), p.1.

⁹⁵ Times of Zambia, 12 September, 1978, p.1.

766 contestants.⁹⁶ Filling of nominations for Primary elections was conducted on 3 October, 1978. The next qualifying level was the Central Committee at which candidates who qualified at Primary level were either vetted or adopted. In 1978, the Central Committee disqualified 30 candidates in 25 constituencies though in the case of two Lusaka candidates, the Central Committee decision was subsequently reversed. It is vital to state that, six of the disqualified candidates were sitting Members of Parliament.⁹⁷ Candidates who were approved by the Central Committee participated in the General elections as per electoral regulations.

Nominations for approved candidates took place on 13 November 1978 while the elections were billed to place on 12 December, 1978.⁹⁸ For Presidential nominations, President Kaunda accompanied by the Party Secretary General Mainza Chona and several Members of the Central Committee filed his nominations in the chamber of the Chief Justice Annel Silungwe who was acting as Returning Officer in Lusaka at the High Court.⁹⁹ Just like the 1973 candidates, aspiring candidates in 1978 were directed to campaign for the presidential candidate in order to enable him obtain votes above 50 per cent as per constitutional requirement. It was common for candidates to urge the electorate to vote for the presidential candidate and assert that they did not want the vote of anyone who was going to vote against the presidential candidate.¹⁰⁰ The campaign was conducted through widespread and frequent media advertisements, public meetings addressed by

⁹⁶ Times of Zambia, 19 October, 1978, p.1.

⁹⁷ Baylies and Szeftel, 'Elections in the One Party State', p.38.

⁹⁸ Times of Zambia, 21 September, 1978, p.1.

⁹⁹ Times of Zambia, 14 November, 1978, p.1.

¹⁰⁰ Chikulo, 'Elections in a One Party Participatory Democracy', p. 206.

Central Committee members and routine advocacy of a ‘Yes Vote’ by all Parliamentary candidates.¹⁰¹

The election day of 12 December, 1978 presented 369 candidates who competed for 119 seats. In five constituencies no elections took place since the candidates were unopposed.¹⁰² It must be noted that Fabiano Kalimapaso went unopposed in Lukashya after the other two contestants were vetoed. For the sixth seat of Chama constituency, elections could not be held because the Returning Officer was given one Ballot Box instead of two ballot boxes. Consequently the Director of Elections Tobias Mbewe fixed 19 December, 1978 as the voting day in the area.¹⁰³

The poll turn out in 1978 averaged 66.7 per cent which was higher than the 1973 poll but still below the 1968 one.¹⁰⁴ In 1978 mass participation increased, but so did central control, as evidenced by the manoeuvres to prevent any formal opposition to Kaunda in the presidential contest and the Central Committee’s disqualification of incumbent MPs.¹⁰⁵

1978 election results and the Formation of the Fourth National Assembly

The outcome of the 1978 elections led to the creation of the Fourth National Assembly. President Kaunda won the elections with 81 per cent ‘Yes vote’ and was inaugurated for the fourth time as the President of Zambia since 1964. The First Session of the Fourth National Assembly opened at 09: 00 Hours on 16 December, 1978. The first duty carried out by the Clerk of the National

¹⁰¹ Baylies and Szelftel, ‘Elections in the One Party State’, p. 51.

¹⁰² Times of Zambia, 13 December, 1978, p.1.

¹⁰³ Times of Zambia, 16th December, 1978, p.1.

¹⁰⁴ Baylies and Szeftel, ‘Elections in the One Party State’, p.49.

¹⁰⁵ Baylies and Szelftel, ‘Elections in the One Party State’, p.53.

Assembly was that of electing the Speaker in line with Article 69 (1) of the Constitution of Zambia. Hon Remi Chisupa MP for Chilubi and Minister of Commerce, Industry and Foreign Trade proposed Robinson Nabulyato whom he described as ‘Mr Parliament’ owing to his knowledge for Parliamentary procedures. His proposal was seconded by Mufaya Mumbuna MP for Luena Flats. Since there was no counter proposal, Nabulyato was unanimously elected as the Speaker of the National Assembly.¹⁰⁶ Hon Raphael Vincent Chota MP for Luanshya was elected Deputy Speaker as provided for by Article 70 (1) of the Constitution after being proposed by Daniel Munkombwe MP for Choma and seconded by Fleefort Chirwa MP for Kanyama. President Kaunda opened the first session of the Fourth National Assembly on Monday 18 December, 1978.¹⁰⁷

President Kaunda named his cabinet on 3 January, 1979.¹⁰⁸ His cabinet was headed by Prime Minister Hon Daniel M Lisulo MP for Mongu who was also leader of government business in the National Assembly.¹⁰⁹

The Role of Back benchers during the Fourth National Assembly

The country faced economic hardships during the Fourth National Assembly. Consequently, issues pertaining to the poor state of the economy dominated Parliamentary debates among MPs. During the opening address to the First Session of the Fourth National Assembly, Kaunda acknowledged

¹⁰⁶ Government of the Republic of Zambia, Parliamentary Debates of the First Session of the Fourth National Assembly, 16 December, 1978 – 30 March, 1979, p.2.

¹⁰⁷ Times of Zambia, 16 December, 1978, p.1.

¹⁰⁸ Times of Zambia, 3 January, 1978, p.1.

¹⁰⁹ Government of the Republic of Zambia, Parliamentary Debates of the First Session of the Fourth National Assembly, 16 December, 1978 – 30 March, 1979, p.5.

the sad state of affairs concerning the struggling economy. He expressed his concern in the following words:

I do not have to explain how effects of the international recession and the low prices of copper have affected us adversely.... You know the tough measures to arrest the economic situation which, together with the International Monetary Fund, we have embarked upon.¹¹⁰

Kaunda's persuasive remarks did not deter backbenchers from highlighting hardships which the citizens were subjected to. Using their constitutional mandate, they fearlessly spoke in defence of the electorate and demanded that government institutes measures that were going to lessen the economic hardships the people were facing.

Among the several MPs who spoke on the need to address economic problems and take Parliamentary debates seriously was the MP for Livingstone Honourable Sebastian Ngebe Kapalu. He argued as follows:

Mr Speaker, Sir, the other danger I have observed is the tendency to treat the proceedings of the House as mere routine, judging from the way certain back benchers ask their questions and the way Ministers answer questions from back benchers.... For example, Sir I am one of those people who are aware that that we have no money in this country but Government should set its priorities right.¹¹¹

¹¹⁰ UNIPA 7/18/1, Government of Zambia, Opening Presidential Address to Parliament, 18 December, 1978.

¹¹¹ Government of the Republic of Zambia, Parliamentary Debates of the First Session of the Fourth National Assembly, 28 August – 28 September, 1979, p.761.

The MP for Keembe Honourable Mwanza equally raised concerns on the operations of government Ministers. During the motion to adjourn the House he argued that:

Mr Speaker Sir, we have discussed vital points here and I am appealing to all hon Ministers to make some efforts to visit the rural areas so that they can see what people are doing. This would boost their morale... Keembe Constituency is undertaking a lot of self-help projects but I have never seen a single Minister come to the area to give the people any moral support.¹¹²

Winding the debate on the motion to adjourn the House the Prime Minister Daniel Lisulo stated that:

...I would like to assure this House that we are united. There may be minor differences which must be allowed because they are human differences. On fundamental issues, however, we are together.¹¹³

The MP for Mbabala Honourable Edward Hachilapa Nyanga spoke on the need to improve the economy and keep promises. During the motion for the adjournment of the August 1981 House, the MP stated the following:

Mr Speaker, sir, we have had too much of these promises in Zambia and people are now tired. When time for elections gets near, people are given many promises which do not even become a reality. For how long are we going to be cheated? Mr Speaker, Sir, there is this issue of K6m which is being debated we

¹¹² Government of Zambia, Parliamentary Debates of the First Session of the Fourth National Assembly, p.62.

¹¹³ Government of Zambia, Parliamentary Debates of the First Session of the Fourth National Assembly, p.776.

want it to be given to the people. Fertilizer prices have been increased; there is no subsidy on it, and yet the money is there.¹¹⁴

The Honourable MP for Kasama Honourable Walinkonde argued that:

Mr Speaker, Sir, a number of people who applied for cattle loans both last year and this year were told to prepare cattle kraals in good time. They were also to buy pumps, build dip tanks and several other things. People have spent all that money in making preparations for animals. But in the end they received nothing and up to now, they are waiting for cattle.¹¹⁵

It is evident enough to show that the levels and quality of debates showed that parliament was a House of Representatives who spoke in defence of the voiceless. Despite government plans to infringe on the MPs' freedoms and rights, parliamentarians remained resolute and defended the integrity of the House. They spoke fearlessly on the dwindling economy in the National Assembly.

The UNIP Central Committee and government became increasingly uncomfortable with the role that backbenchers were playing. It saw the backbench as a forum for an opposition within the One-Party state system of government and in response to its effectiveness the government worked out an administrative mechanism that eventually undermined and eroded parliamentary democracy in the Zambian parliament. The mechanism involved appointing three quarters of MPs as District Governors, Provincial Programme Coordinators, Ministers of State, Cabinet Ministers and as Members of UNIP Central Committee.

¹¹⁴ Government of the Republic of Zambia, Parliamentary Debates of the Third Session of the Fourth National Assembly, 4 – 14 August, 1981, p. 362.

¹¹⁵ Government of Zambia, Parliamentary Debates of the Third Session of the Fourth National Assembly, 4 – 14 August, 1981, p.363.

The Fifth National Assembly and the 1983 Presidential and General Elections

The fifth National Assembly was born out of the 1983 Presidential and General Elections. The date for the simultaneous Presidential and Legislative elections was announced on 24 August, 1983. Two days later, Parliament was dissolved by President Kaunda. These elections took place on 27 October, 1983.¹¹⁶ At presidential level, Kaunda was approved by the 18th UNIP National Council as the sole candidate for the party and later adopted by the Ninth General Conference.¹¹⁷ The Electoral Commission Chairperson Justice Matthew Ngulube announced Kaunda as a sole UNIP candidate.¹¹⁸ The announcement set the stage for presidential and parliamentary campaigns. Primary Elections were held on 12 September, 1983 for Parliamentary candidates whose eligibility was to be determined by the Central Committee.¹¹⁹ It must however be noted that Primary elections limiting candidates to three was omitted in 1983 and 1988 elections. The UNIP 14th National Council resolved that primary elections must be abolished since the conduct of these elections resulted in numerous corrupt practices such as excessive expenses and personal animosity among party officials.¹²⁰ In those elections, any candidate who wanted to run and was not vetted appeared on the ballot paper. The Director of Elections Tobias Mbewe stated that inimicality of each particular candidate to the interests of the party and its government was going to be the criteria for adoption.¹²¹ Furthermore, candidates were required to pay a non-refundable fee of K100.00 in

¹¹⁶ Zambia Daily Mail, 29 August, 1983, p.1.

¹¹⁷ Zambia Daily Mail, 23 August, 1983, p.1.

¹¹⁸ Times of Zambia, 23 August, 1983, p.1.

¹¹⁹ Zambia Daily Mail, 13 September, 1983, p.1.

¹²⁰ Government of the Republic of Zambia, Parliamentary Debates of the Fifth Session of the Fourth National Assembly, 23 February, 1983, p.1831.

¹²¹ Times of Zambia, 27 August, 1983, p.1.

order to participate in the 27th October elections.¹²² The UNIP Central Committee rejected 46 out of the 812 candidates who were approved at primary election level.¹²³

On 7 October, 1983, President Kaunda flanked by the First lady Betty Kaunda, Prime Minister Nalumino Mundia, Party Secretary General Humphrey Mulemba and the Secretary of State for Defence and Security Grey Zulu paid the nomination fee amounting to K500.00. Thereafter, he lodged his nomination as the Party's sole candidate before Chief Justice Annel Silungwe at the High Court shortly after 09:00 Hours.¹²⁴ President Kaunda's filing of his nomination signalled the launch of the campaign period for the 766 adopted Parliamentary candidates who also lodged their nominations throughout the country.

District committees, party officials, and parliamentary candidates in the general elections were directed to emphasise during campaigns that for Kaunda to be duly and effectively re-elected he was supposed to receive more than 50 per cent of the total votes cast.¹²⁵ Campaign debate was centred on economic problems caused by the slump in the world price of copper, the country's main export product and the consequent austerity measures introduced by the government. A vigorous campaign was put in place for the President so that he obtains the required votes. However, the final results of the 1983 Presidential and General elections showed apathy by registered voters as thousands stayed away from polling stations in most constituencies. In some cases voters cast votes for the President but stayed away for Parliamentary candidates.¹²⁶ The voter

¹²² Times of Zambia, 27 October, 1983, p.1.

¹²³ Times of Zambia, 27 October, 1983, p.1.

¹²⁴ Times of Zambia, 8 October, 1983, p.1.

¹²⁵ Times of Zambia, 27 August, 1983, p.1.

¹²⁶ Zambia Daily Mail, 31 October, 1983, p.1.

turnout for Presidential elections was 65.4 per cent while for the Parliamentary elections the figure was slightly lower at 65.2 per cent.¹²⁷

The 1983 Election Results and the Birth of Fifth National Assembly

Despite the apathy, Kaunda was overwhelmingly re-elected for a fifth five-year term while 125 UNIP National Assembly candidates were returned. The President obtained an unprecedentedly high percentage of 'Yes Vote' which stood at 93 per cent as against 81 per cent in 1978 and 88 per cent in 1973.¹²⁸ Kaunda was sworn in as President for the fifth time in office by Justice Annel Silungwe at the High Court of Zambia.¹²⁹ During the swearing in ceremony Kaunda warned the nation that any Member of Parliament who would accuse the Executive of corruption without evidence was going to have a short stay in Parliament.¹³⁰ On 3 November, 1983 formation of a new Cabinet was announced and Kaunda stated that national economic recovery was going to be its prime objective. Kaunda swore in a Cabinet of 19 Ministers and 19 Ministers of State with Nalumino Mundia as Prime Minister. Cabinet was directed to find solutions to the economic problems and not mourning about the copper problems.¹³¹

As per the constitution, the first business which parliament conducted after its opening was that of electing the Speaker. Hence, on 10 November, 1983, Parliament unanimously re-elected Robinson Nabulyato as the Speaker of the National Assembly for a record fourth time.¹³² He was proposed

¹²⁷ Vernon Johnson Mwaanga, The Long Sunset My Reflections (Lusaka: Fleetfoot Publishing Company, 2008), p.220.

¹²⁸ Brownrigg, Kenneth Kaunda, p. 150.

¹²⁹ Times of Zambia, 31 October, 1983, p.1.

¹³⁰ Times of Zambia, 31 October, 1983, p.1.

¹³¹ Zambia Daily, November, 1983, p.1.

¹³² Times of Zambia, 11 November, 1983, p.1.

for Speakership by Professor Lameck Goma and seconded by Masaiti MP Dawson Lupunga. In his proposal, Goma described Nabulyato as a man of unique talents, a combination of objectivity, impartiality, diligence, sufficiency with remarkable wealth of knowledge of Parliamentary systems and work.¹³³ The Deputy Speaker was the Mkushi North Member of Parliament Leonard Kapepele Mambwe Kombe who was described as a man of upright character, common sense and fairness by his proposer Solwezi West Member of Parliament Chief Beston Mukumbi. He was seconded by Ndola Member of Parliament Esther Chande.¹³⁴

Checks and Balances during the Fifth National Assembly

As a way of providing checks and balances, backbenchers used probing questions as well as speeches in the National Assembly. Parliamentary questions were used to make Ministers account for their activities under their ministries. In exercising this critical function through questions, an MP acts as a sounding board of the electorate.¹³⁵ Ministers were under obligation to respond to questions raised by MPs for them to be taken seriously. It must be noted that the economic challenges that dominated the Fourth National Assembly, spilled over to the Fifth National Assembly. Consequently, Parliamentarians spoke on the deteriorating economy in the country.

¹³³ Government of the Republic of Zambia, Parliamentary Debates of the First Session of the Fifth National Assembly, 10 November – 16 December, 1983, p.3.

¹³⁴ Government of the Republic of Zambia, Parliamentary Debates of the First Session of the Fifth National Assembly, 10 November – 16 December, 1983, p.6.

¹³⁵ National Assembly of Zambia, 'What is in Parliamentary Question?' Manda Hill News, A Quarterly Parliamentary Magazine, Vol 2 No 1, (Lusaka: Universal Zambia Limited, May-June, 1997), p.3.

Kaunda opened the Fifth National Assembly with a call to MPs to show allegiance to the electorate. He reminded Parliamentarians that whether in the Party leadership or in the House they did so by the will of the people. He told them that without the express will of the people no one could be in the Central Committee or in the House.¹³⁶ In terms of debates, Backbenchers were able to raise to the occasion in demanding for prudent use of government resources. Moving a motion to reduce the public service in view of the bad state of the Zambia economy at that time, the MP for Liuwa Constituency Honourable Namuchana Namushi said that:

The motion had not been engineered by anti-government people or any special group but it was done in good faith so as to drastically reduce expenditure and increase revenue in order to deliver the goods to the people especially the common man who was not satisfied.¹³⁷

In seconding the motion, the MP for Kabwata Constituency Honourable Michael Chilufya Sata stated the following:

Mr Speaker, Sir, when a person is appointed to head a Parastatal on any other criterion other than on academic qualifications, experience and technical know-how, that particular parastatal company becomes a dumping ground for the person who appointed him. As a result some parastatal companies have more people than the bags of maize they will handle.¹³⁸

¹³⁶ Government of the Republic of Zambia, Address by the President to Parliament on the Occasion of the Official Opening of the First Session of the Fifth National Assembly, (Lusaka: Government Printers, 11 November, 1983), p.1.

¹³⁷ Government of the Republic of Zambia, Parliamentary Debates of the Fifth Session of the Fifth National Assembly, 20 November – 7 December, 1984, p. 381.

¹³⁸ Government of the Republic of Zambia, Parliamentary Debates of the Fifth Session of the Fifth National Assembly, 20 November – 7th December, 1984, p. 402.

Speaking on the same motion the MP for Mwinilunga Honourable John Kalenga argued that in his constituency feeder roads had not been graded for the past 13 years yet the district had been given eight Executive Secretaries who were paid from grants though the districts did not need all those positions.¹³⁹

The MPs' ability to speak freely and provide checks and balances in the House was also evident during the Second Reading of the Zambia Agricultural Development Bank (Dissolution) Bill.

Pemba Constituency MP Honourable Landson Best Hantuba stated that:

Mr Speaker, Sir, even when this bank is created, it will not benefit anybody because farmers will be living on borrowed money on which this institution will charge interest like any other. Their fertilizer will not be subsidised by the Government.¹⁴⁰

Similarly, Masaiti MP Honourable Dawson Lupunga noted that:

Mr Speaker, Sir, when I look at the formation of the new bank, I do not know where the Co-operative and Credit Bank scheme all of a sudden came from. As UNIP, this is why we fail because we do not make plans. We just want to do things overnight and then come with another credit scheme.¹⁴¹

¹³⁹ Government of the Republic of Zambia, Parliamentary Debates of the Fifth Session of the Fifth National Assembly, 20 November – 7th December, 1984, p.424.

¹⁴⁰ Government of the Republic of Zambia, Parliamentary Debates of the Third Session of the Fifth National Assembly, 14 – 16 October, 1986, p.208.

¹⁴¹ Government of the Republic of Zambia, Parliamentary Debates of the Fifth Session of the Fifth National Assembly, 20 November – 7 December, 1984, p.216.

Furthermore, the MP for Munali Honourable Simeon Chambabulele stated that:

Mr Speaker, Sir, Lima Bank has noble objectives. Its path and destination are quite clear. But, Sir, what is likely to happen is that the purity of the name, objectives and the destination of the bank are going to be defiled by nepotism, tribalism and politics. In the end, the objects for which the bank is being formed will not be achieved. Mr Speaker, Sir, we hope that the management and the Government will safeguard the objectives of the Lima Bank so that its intended results are achieved.¹⁴²

Debating the same motion, the MP for Kasenengwa Honourable D.C.Zulu stated the following:

Mr Speaker, Sir, I have a reason for not supporting this Bill. We are not solving any problems by introducing Lima Bank. As leaders we must know that our people have senses like ourselves. They are going to ask us why we have decided to change the name of this bank instead of sitting down and solving the problems. If we fail to give them satisfactory answers, they will turn against us and say that we do not reason before doing something.¹⁴³

Judging by the nature of debates, it is abundantly clear that during the Fifth National Assembly, some Backbenchers articulated concerns of their constituencies without fear. The MPs' debates

¹⁴² Government of the Republic of Zambia, Parliamentary Debates of the Third Session of the Fifth National Assembly, 14– 16 October, 1986, p.237.

¹⁴³ Government of the Republic of Zambia, Parliamentary Debates of the Third Session of the Fifth National Assembly, (Lusaka: Government Printers, 14– 16 October, 1986, p.239.

awakened government to the fact that despite being UNIP members, backbenchers still remained loyal to their constituents.

In reaction to the MPs' debates, Kaunda warned that:

Honourable Members of this House have the privilege of sitting in this House as well as in the National Council which is the policy making body of the Party.... Some members think that they are wearing two hats; one that belongs to the Party which they can conveniently tuck away when they are in this House and the other that belongs to this House.¹⁴⁴

Kaunda made other serious warnings to Parliament in 1987 as he observed that some appeared to be undermining the Party through their Speeches in Parliament.

There is no more time for futile destructive diatribe in this House. Parliament was created by the Party, UNIP, for the serious business of legislative action.... No individual or organisation should be seen to operate outside the ambit of UNIP.¹⁴⁵

Presidential statements in Parliament did not however deter MPs from speaking in the National Assembly as evidenced by their speeches throughout the Fifth National Assembly.

¹⁴⁴ UNIPA 7/18/1, Presidential Address to Parliament 11 January, 1985.

¹⁴⁵ Government of the Republic of Zambia, Address by the President to Parliament on the Opening of the Fourth Session of the Fifth Session of Fifth National Assembly, (Lusaka: Government Printers, 16 January, 1987), p.1.

The Sixth National Assembly and the 1988 Presidential and General Elections

The last National Assembly under the One-Party state was born in 1988 following the Presidential and Parliamentary elections held in that year. These elections were held on 26 October, 1988 following President Kaunda's dissolution of the Fifth National Assembly. The dissolution was preceded by his adoption as a sole Presidential candidate by the 10th UNIP General Conference at Mulungushi Rock of Authority on 22 August, 1988.¹⁴⁶

At Primary election level, the Central Committee met to consider applicants for adoption as Parliamentary candidates on 1 September, 1988.¹⁴⁷ There were changes to the eligibility of Parliamentary candidates in 1988. District Governors, Party, government and parastatal employees who had applied to stand in the elections were required to go on leave as provided in the Constitution Amendment Act Number 23 of 1988.¹⁴⁸ Sealed application forms lodged by contestants were to be presented to the Central Committee for scrutiny. There was a huge rejection of aspiring Candidates in the 1988 elections. The Central Committee rejected 138 including incumbents out of 747 applicants leaving 609 candidates who competed against 125 seats.¹⁴⁹

Presidential and General elections which were held on 26 October, 1988 had 609 candidates contesting against 125 seats.¹⁵⁰ The party and its government mounted a strong campaign for Kaunda's 'Yes Vote' with Parastatal companies putting up campaign messages in the press urging

¹⁴⁶ Zambia Daily Mail, 23 August, 1988, p.1.

¹⁴⁷ Zambia Daily Mail, 28 September, 1988, p.1.

¹⁴⁸ Zambia Daily Mail, 30 September, 1988, p.1.

¹⁴⁹ Zambia Daily Mail, 28 September, 1988, p.1.

¹⁵⁰ Zambia Daily Mail, 26 October, 1988, p.1.

citizens to vote for Kaunda in order to maintain peace and prosperity.¹⁵¹ In 1988, despite Kaunda stating that he was ready to be challenged, veteran politician Sikota Wina argued that it was impossible to run against Kaunda because the system was watertight to produce one candidate.¹⁵² There were 11 unopposed Parliamentary candidates during the elections.¹⁵³ The Director of Elections Gabriel Phiri announced that elections in Luena Constituency had been postponed due to the death of the former MP Nyambe Muttendango through a road traffic accident.¹⁵⁴ In 1988, the gross percentage poll was 59 per cent. The number of registered voters throughout the country was 2,409,081. The total number of votes cast was only 1,420, 983 only.¹⁵⁵ The apathy by eligible voters was probably a demonstration of the citizens' rejection of Second Republic 'democracy'. The low turnout was a protest against the One-Party System and possibly poor economy.

Parliamentary Democracy during the Sixth National Assembly

At the end of the elections in 1988, Kenneth Kaunda emerged victorious as in the previous Presidential and General elections over a period of nearly 25 years.¹⁵⁶ Kaunda was elected with more than 96 per cent record 'Yes Vote'.¹⁵⁷ On 31st October, 1988, he was sworn in by the Chief Justice Annel Silungwe at the High Court in Lusaka for the Sixth term.¹⁵⁸ In a move aimed at

¹⁵¹ Zambia Daily Mail, 10 October, 1988, p.1.

¹⁵² Mwanakatwe, End of Kaunda Era, p.101.

¹⁵³ Times of Zambia, 26 October, 1988, p.1.

¹⁵⁴ Times of Zambia, 26 October, 1988, p.1.

¹⁵⁵ Mwanakatwe, End of Kaunda Era, p.226

¹⁵⁶ Mwanakatwe, End of Kaunda Era, p.101

¹⁵⁷ Zambia Daily Mail, 31 October, 1988, p.1.

¹⁵⁸ Zambia Daily Mail, 1 November, 1988, p.1.

reducing the budget deficit and fight inflation, Kaunda trimmed his cabinet to a 16 member body in which some ministries were abolished.¹⁵⁹ The President's decision was meant to cushion government expenditure. Steps were taken to reduce officials at political and civil service levels and to turn parts of government ministries into money making parastatals.

In 1988, the longest serving Speaker of the National Assembly Nabulyato resigned among other reasons due to his advanced age and decline in Parliamentary democracy which he had defended for a long time. It is vital to note that Kaunda allowed Nabulyato to serve as Speaker for a long time owing to his experience and ethnic background which was used as a stabilising factor among the Tonga speaking people.¹⁶⁰ In his position, veteran politician, educationist and former Central Committee Member Fwanyanga Matale Mulikita was elected as the third indigenous Speaker of the National Assembly after being proposed by General Education Youth and Sport Minister Frederick Hapunda while Mkushi North MP Leonard Kombe was re-elected Deputy Speaker when Labour Development Minister of State Richard Banda proposed his name.¹⁶¹ President Kaunda opened Parliament with the new Speaker and cautioned MPs that even Parliamentarians had to toe the Party line charted by the people since no individual or organisation had the right to unmake what the party had decided.¹⁶²

Worth noting is that during the Sixth National Assembly heavy and emotional debates characterised the House. This was because it was during this period when agitation for the return

¹⁵⁹ [Zambia Daily Mail](#), 3 November, 1988, p.1.

¹⁶⁰ Interview with Daniel C. Munkombwe, on 17 August, 2017, freedom fighter, former, Minister in UNIP and MP Choma Constituency 1978 – 1988.

¹⁶¹ [Zambia Daily Mail](#), 12 November, 1988, p.1.

¹⁶² [Zambia Daily Mail](#), 19 November, 1988, p.1.

of the Multi-party system heightened in the country. Addressing the House in 1990 on the return for Multi-party system Kaunda said that despite his Government setting up of a Referendum Commission and authorising the debate on whether to reintroduce Multi-party politics in Zambia or to retain the One-Party participatory democracy he had to forego the referendum to avert disaster and bloodshed.¹⁶³ Suffice to state that during the referendum campaign most Zambians campaigned for the return of the Multi-party system as they were clearly fatigued by the One-Party system.

Despite coming from the same Party in the National Assembly, UNIP members were clearly divided on the issue of the reintroduction of the Multi-party system. Those who debated in favour of the Multi-party system were labelled as being anti UNIP. Raising on a Point of Order in Parliament during the motion on adjournment, Kapoche MP Hon B. Zulu stated the following against the perceived anti UNIP MP, Hon Joshua Lumina, MP for Chikankata:

Mr Speaker, Is the honourable member for Chikankata in order to mislead the House that those fighting for Multi partyism are UNIP members. I thought...anyone fighting for Multi partyism does not believe in the objectives ... of the Party in existence. Why can he not resign?¹⁶⁴

Earlier in his speech, Lumina had stated the following:

... as we go out, it will be lack of democracy for all of us to say we are going to campaign for One-Party system. Some of us we are going to campaign for the

¹⁶³ Government of the Republic of Zambia, President's Address to Parliament on the Opening of the Third Session of the Sixth National Assembly, (Lusaka: Government Printers, 26 October, 1990), p.3.

¹⁶⁴ Government of the Republic of Zambia, Parliamentary Debates of the Second Session of the Sixth National Assembly, (Lusaka: Government Printers, 19 June – 6 July, 1990), p.370.

Multi-party system. We want to be given platform to do so. There is no need to say that those who are for Multi-party are not UNIP members. We are UNIP members.¹⁶⁵

In his ruling the Speaker of the National Assembly, Mulikita made the following ruling:

All hon members who are in this House are members of the Party. That is the condition for coming to Parliament We must allow differences of opinion.... In this House there must full expression of people's views because Parliament is based on freedom of speech.¹⁶⁶

Debating the motion on the 1991 Electoral bill, Kabwe MP and Minister of State for Foreign Affairs, Wilfred Wonani argued that:

We should learn to swallow our pride in the interest of the people. Irresponsible statements that are being made inside this House and outside are not a recognition of that fact. I am making this appeal because whether I am in or out, I want to be assured that I will be able to live in this country peacefully. Politics of vengeance is something that we cannot take lightly or condone.¹⁶⁷

Such remarks and speeches dominated the Sixth National Assembly. Its life was meant to last up to 1992 as per constitutional five-year period. However, it only lasted up to 1991 as the citizenry

¹⁶⁵ Government of Zambia, Parliamentary Debates of the Second Session of the Sixth National Assembly, 19 June- 6 July, 1990, p.370.

¹⁶⁶ Government of Zambia, Parliamentary Debates of the Second Session of the Sixth National Assembly, 19 June – 6 July, 1990, p.370.

¹⁶⁷ Government of the Republic of Zambia, Parliamentary Debates of the Third Session of the Sixth National Assembly, (Lusaka: Government Printers, 25 June- 2 August, 1991), p.1207.

spirited agitation for political change compounded by economic hardships compelled Kaunda to call an early election in 1991.

The 1991 Multi-party Elections and the Third National Assembly

The Presidential and General elections held on 31 October, 1991 were the first testing ground of the new post-colonial regime of Multi-Party politics. These elections led to the formation of the Third National Assembly. They ended the 17 years of One-Party rule amidst economic hardships which had affected most of the citizens. The economic hardships were acknowledged by Kaunda during his address the Sixth National Assembly.¹⁶⁸ In order to appeal to the masses, a new party the Movement for Multi-party Democracy (MMD) promised to dislodge a centralist, authoritarian regime and implant a liberal normativity in its place.¹⁶⁹

Prior to the formation of the MMD, a group of concerned Zambians who included businessmen, intellectuals and labour leaders convened a conference at the Garden House Hotel in Lusaka West to plan the political future of Zambia.¹⁷⁰ The Conference which was held from 20 to 21 July, 1990 produced a National Interim Committee (NIC) for multi-party democracy to spearhead the campaign to return Zambia to multi-party politics. The NIC was chaired by Arthur Wina who was supported by other prominent Zambians.¹⁷¹ Following the formation of the NIC as a political pressure group demanding the end of the One-party state, a vigorous campaign of mass rallies and

¹⁶⁸ Government of the Republic of Zambia, Address by the President to Parliament on the Opening of the Third Session of the Sixth National Assembly, (Lusaka: Government Printers, 26 October, 1990), p.4.

¹⁶⁹ Jeremy Gould, 'Contesting Democracy: The 1996 Elections in Zambia' in Michael C and Laakso L. Multi-Party Elections in Africa, (Oxford: James Currey Ltd, 2002), p.309

¹⁷⁰ Chibesakunda, The Parliament of Zambia, p.48.

¹⁷¹ Mbita Chintundya Chitala, Not Yet Democracy, (Lusaka: Zambia Research Foundation, nd), p.21.

newspaper advertisements forced President Kaunda to agree to conduct a referendum.¹⁷² The referendum was scheduled to take place on 17 October, 1990.¹⁷³ Kaunda argued that it was not necessary to hold a referendum since multi-party campaigners had turned it into an instrument of anarchy.¹⁷⁴ It must however be acknowledged that during the referendum campaigns, majority of the Zambians favoured the return of the multi-party democracy in the country. Consequently, Kaunda called off the campaign for a referendum and started the process of abolishing the One-Partysystem.

In order to meet the people's demands, Article 4 of the 1973 Constitution which authorised the existence of only one political party, UNIP, was repealed after the passing of Act No. 20 of December, 1990 by parliament.¹⁷⁵ President Kaunda appointed a commission headed by Professor Patrick Mvunga to draft necessary changes to the Constitution.¹⁷⁶ A new constitution was enacted by Act No 1 of 1991.¹⁷⁷ The Act also amended Article 64 concerning the composition of the National Assembly. It provided for 158 seats in parliament out of which 150 were elected and eight nominated by the President. The inclusion of the Speaker and the Republican President brought the total number of Members of Parliament to 160.¹⁷⁸

¹⁷² Chitala, Not Yet Democracy, p.21.

¹⁷³ Richard Sakala (ed), Zambia: Entering the 21st Century, (Lusaka: Zambia Printing Company, 2001), p.15.

¹⁷⁴ Government of Zambia, Address by President Kenneth D. Kaunda at the Opening of the 25th National Council of the United National Independence Party at Mulungushi International Conference Centre, (Lusaka: Government Printers, 24 – 29 September, 1990), p.16.

¹⁷⁵ Chibesakunda, The Parliament of Zambia, p.49.

¹⁷⁶ Jeremy Gould, 'Contesting Democracy The 1996 Elections in Zambia' p.306.

¹⁷⁷ Mwaanga, The Long Sunset, p.224.

¹⁷⁸ Chibesakunda, The Parliament of Zambia, p.49.

On 4 January, 1991, MMD was registered as a political Party.¹⁷⁹ It held its first Convention on 28 February, 1991 where Frederick Chiluba won the presidency beating other contenders who included Arthur Wina, Humprey Mulemba, and Edward Shamwana.¹⁸⁰ Chiluba became the presidential candidate for MMD while President Kaunda stood on the UNIP ticket. At Parliamentary there were other Parties who fielded candidates. They included UNIP, the Democratic Party (DP), the National Democratic Alliance (NADA), and the National Party for Democracy (NPD).¹⁸¹

Out of the 150 seats, MMD won 125 while UNIP won 25 seats in total, 19 of these from Eastern Province.¹⁸² The UNIP President Kaunda got 310,761 votes representing 24 per cent of the total votes cast as against the MMD President, Chiluba's 997,462 votes representing 76 per cent of the total votes cast in the presidential elections.¹⁸³ Chiluba therefore, became the President of Zambia and his party became the ruling party in November, 1991. On 2 November, 1991, the new president was sworn in at the Supreme Court building in Lusaka and the dawn of the new multi-party democratic system in the Third Republic began in Zambia.

President Chiluba appointed a huge cabinet which was over a third of the National Assembly with Levy Patrick Mwanawasa as Vice President and leader of government business in parliament.¹⁸⁴

On 29 November, 1991 President Chiluba opened parliament in the new republic. The number of

¹⁷⁹ Chitala, Not Yet Democracy, p.41.

¹⁸⁰ Chitala, Not Yet Democracy, p.41.

¹⁸¹ Chibesakunda, The Parliament of Zambia, p.49.

¹⁸² Sakala, Zambia: Entering the 21st Century, p.26.

¹⁸³ Chibesakunda, The Parliament of Zambia, p.49.

¹⁸⁴ Chitala, Not Yet Democracy, p.43.

elected MPs was 150 and eight nominated members. Robinson Nabulyato was elected for the second time as Speaker of the National Assembly. The proposal for the re-election of Nabulyato as Speaker of the National Assembly was moved by the Minister Without Portfolio, Mr Michael Sata, MP and was seconded by the Minister of Science, Technology and Vocational Training, Mr Enock Kavindele, MP.¹⁸⁵ Sikota Wina was elected Deputy Speaker and N.M. Chibesakunda was appointed Clerk of the National Assembly.

Despite the fact that UNIP did not meet all the requirements for it to be recognised as the official opposition party in Parliament, the ruling party, in consultation with the Speaker, decided to recognise UNIP as such and created an Office for the leader of the Opposition.¹⁸⁶ The UNIP which had for the past 27 years occupied the frontbench became an opposition party. The few remnants who remained in the opposition especially from Eastern province engaged in serious parliamentary debates with their former colleagues who had joined the MMD.

Conclusion

This chapter has examined how the establishment of the One-Party System of government affected electoral regulations, the composition and operations of the National Assembly. It has demonstrated that membership and the operations of the legislature during the One-Party state was controlled by UNIP. The party scrutinised and rejected of some Parliamentary candidates whose character was deemed inimical to the interests of the party and its government through its veto system. UNIP made attempts to make Parliament an appendage of the UNIP National Council through its pronouncements both in and outside the House.

¹⁸⁵ National Assembly of Zambia, 'Dr Nabulyato Re-elected Speaker' A Quarterly Parliamentary Magazine Vol. 2 No. 1, p.1.

¹⁸⁶ Chibesakunda, The Parliament of Zambia, p.50.

In attempting to control Parliament, the party used various methods which included appointing Backbenchers to government positions, veto system and sometimes outright intimidation. Parliament was however able to survive and carry out its duties efficiently despite persistent interference from the party through the guidance and seasoned leadership of the Speaker. At presidential level, throughout the One-Party system, the Party nominated President Kaunda as a sole candidate by introducing constitutional provisions that barred other contenders.

In 1990, there were strong demands to re-introduce Multi-party system as the One-Party System was deemed dictatorial by the citizens. This resulted into the repealing of the Article 4 which only authorised UNIP as the only legal party. The new system led to the October 1991 presidential and general elections which resulted into the defeat of Kaunda by Chiluba of the MMD. The UNIP occupied the opposition bench in Parliament while the MMD became a ruling Party.

CHAPTER FIVE

CONCLUSION

This study was based on the history of the legislature in Zambia from 1948 to 1991. In conclusion, it can be stated that for more two decades since 1924, the Northern Rhodesia Legislative Council (Legco) was dominated by Europeans to the total exclusion of Africans. These settlers consolidated their power by introducing discriminatory laws against Africans.¹ It was not until 1948 that the first two indigenous Africans were nominated to the Legco by the Governor through the African Representative Council (ARC). These achieved a higher status envied by many since the Legco was colour blind as it gave the same treatment to all members regardless of one's skin colour.² However, realising that many of their demands could not be effectively addressed in the Legco by the two members, Africans began pressing for increased representation in the Legco. Consequently, the number of Africans rose from two to four in 1951.³ This arrangement provided Africans the zeal and vigour to demand for representation in the Legco based on universal adult suffrage.

The study concludes that the year 1948 was associated with radical changes to the Legco which included the extension of the life of the Legco from three to five years. Furthermore, the tradition of having the Governor as President of the Legco ended as the first Speaker was nominated by the Governor. It must be noted that though the Northern Rhodesia's franchise system was based on a common roll since 1925, in practice representation in the Legco was by racial divisions; Europeans

¹ Goodwin Yoram Mumba, The 1980 Coup: Tribulations of the One-Party State Zambia (Lusaka: UNZA Press, 2012), p.8

² Mumba, The 1980 Coup: Tribulations of the One-Party State in Zambia, p.11.

³ Mumba, The 1980 Coup: Tribulations of the One-Party State in Zambia, p.13.

being directly elected by their own electorate and Africans being selected by the ARC and appointed by the Governor.⁴ Africans were only privileged to participate in elections in 1959 following the enactment of the Benson Constitution. This constitution was the first of Britain's complicated multi-racial constitution to be introduced into Central Africa.⁵ The 1959 Legco consisted of six officials, 22 elected members and two nominated unofficials members. Two African members sat on the Executive Council as Ministers one nominated and another six elected.⁶ Discriminatory though the Benson Constitution was, it enabled six Africans to join the Legco through election.

In 1961, there were wide spread disturbances in the country following the United National Independence Party (UNIP)' demands for total independence. In 1962, a new and complicated constitution was granted. The Constitution provided for a Legco made up of 45 elected members. The Constitution's greatest weakness was its failure to produce a conclusive election result, though under the circumstances it was probably unavoidable. Equally important was the moderating influence on the introduction of an African government. Political power had passed from European to African hands. Countless problems appeared on the horizon, not the least of which was the future of the UNIP African National Congress (ANC) Coalition.⁷ The Legislative Assembly was made up of 14 UNIP, 7 ANC and 16 United Federal Party (UFP) seats.

⁴ David C. Mulford, Zambia: The Politics of Independence 1957-1964 (London: Oxford University Press, 1967), p.57.

⁵ Mulford, The Politics of Independence 1957-1964, p.56.

⁶ National Assembly of Zambia, Parliamentary Procedure Abstract Series 2 (Lusaka: National Assembly Research Department, 1995), p.1.

⁷ David C. Mulford, The Northern Rhodesia General Election 1962 (London: Oxford University Press), p.187.

Later in 1964, the citizens were privileged to participate in an election under the self-governing constitution for the first time leading to the birth of the First National Assembly. Parliament consisted of the President, one elected Speaker, 75 elected members and five nominated members. The country produced a legislature renamed the National Assembly made up of majority Africans with UNIP having majority members as a ruling Party while ANC and National Progressive Party (NPP) took the backbench as opposition members. The National Assembly was also presided over by an elected speaker moving away from the tradition of the governor nominating a speaker.

The Multi-party system did not last beyond ten years as the UNIP introduced a One-Party System due to several reasons. There were internal and external reasons advanced for the introduction of that system of governance. External reasons centred on foreign ruled countries' destabilisation of Zambia as a way of protesting against her participation in liberation struggles in the region. There were destructive incidents such as bombings, raids, killings and maiming, burning of villages, rape and abduction of Zambian nationals by racist and fascist soldiers. Internally, UNIP argued that the Multi-party system tore and divided the country along ethnically and tribally based organisations. It was because of these and other reasons that the One-Party System was introduced.⁸

In 1972 the constitution was amended in order to introduce a One-Party System thereby ushering the Second Republic. Consequently, a new constitution was enacted in 1973. The National Assembly was now made up of one elected Speaker, 125 elected members and ten nominated members. The establishment of the One-Party System also gave birth to new election procedures. Primary elections became an important feature of the electoral process. The holding of Primary elections, the vetting stages and indeed the conduct of the official campaign itself were designed

⁸ Alexander Grey Zulu, The Memoirs of Alexander Grey Zulu (Lusaka: Times Printpak Zambia Ltd), p.447.

to ensure the suitability of both contestants and issues introduced at campaigns meetings.⁹ Under the One-Party System and in terms of Article 75 of the constitution, the second hurdle each successful candidate had to overcome was the adoption by the Central Committee a move which was seen as undemocratic and created controversy.¹⁰ The Party became more of an Umpire rather than a supporter of individual election candidates. During the One-Partysystem, competition among candidates for office continued to be more intense than was active participation by the voters.¹¹ As a control mechanism, the task of formulating election rules and regulations and the guiding and conduct of elections generally was carried out by the Party's machinery.

At presidential level, competition was restricted hence the adoption of Kenneth Kaunda as a sole candidate throughout the period of the One-Partysystem. In 1978, the possibility of introducing opposition from within via the presidential contest was swiftly checked through the introduction of constitutional amendments, in the process central control being significantly tightened.¹² Aspiring Presidential candidates who included Harry Nkumbula, Simon Kapwepwe and Robert Chilwe could not satisfy constitutional requirements to contest Presidential elections.

On the operations of the One-PartyParliament after other parties were outlawed, the study concludes that there were serious attempts to interfere in the operations of Parliament from the executive but Parliament was able to withstand pressure. Parliament strove to see that no authority

⁹ Bornwell C. Chikulo, 'Elections in a One-Party Participatory Democracy' in Ben Turok ed Development in Zambia A Reader (London: Zed Press), p.211.

¹⁰ John M. Mwanakatwe, End of Kaunda Era (Lusaka: Multimedia Publications, 1994), p.98.

¹¹ Carolyn Baylies and Morris Szeftel, 'Elections in the One Party State' in Cherry Gertzel (ed) The Dynamics of the One Party State in Zambia, Manchester: Manchester University Press,1984), p. 52.

¹² Baylies and Szeftel 'Elections in the One Party State', p.52.

due to it was compromised.¹³ With a strong Speaker of the National Assembly the protection given to the MPs to criticise government was effective. Elected members emerged as a forceful group which was ready to oppose government measures and activities which were considered unacceptable. Backbenchers sat as watchdogs ready to speak on behalf of the electorate.¹⁴ Parliament actively sustained its independent existence hence its members addressed themselves to legislative proposals oblivious of the discussions in the party organs. MPs were at liberty to support or oppose Bills in the House. It is thus a gross misdirection to conclude that in the One-Party Participatory Democracy, the Zambian National Assembly was a rubber stamp of Executive decision.¹⁵

After 17 years of a One-Party System the constitution was again amended to enable the country revert to the multi-party system. In 1991, a new constitution was enacted by Act No 1 of 1991.¹⁶ The National Assembly consisted of one elected Speaker, 150 elected members and eight nominated members. During the election that took place in 1991, a new Party the MMD defeated UNIP after obtaining 125 seats against UNIP's 25.

¹³ A.C. Yumba, 'Zambia Under One Party Parliament', in A Commemorative Souvenir 37th Common Wealth Parliamentary Conference, (New Delhi: Lok Sabha Secretariat September, 1991), p.144.

¹⁴ Mwanakatwe, End of Kaunda Era, P.103.

¹⁵ R.M. Nabulyato, The Zambian Parliament, (Lusaka: National Assembly, 1978), p.66.

¹⁶ National Assembly of Zambia, Parliamentary Procedure Abstract Series No 2 (Lusaka: National Assembly Research Department, 1995), p.3.

BIBLIOGRAPHY

PRIMARY SOURCES

Archival Records

NATIONAL ARCHIVES OF ZAMBIA (NAZ)

NAZ CO 11/1/1, Thomas William, Letter to the Secretary to the Cabinet, 4 November 1964.

NAZ CO 11/1/12, Northern Rhodesia Government, **His Excellency Sir Evelyn Hone Address to the Legislative of Assembly 11 March, 1964.**

NAZ CO/11/1/17, Government of Zambia, **Law and Order: Motion to Extend the Lenshina Emergency 22 September, 1966.**

NAZ CO 11/1/13, Government of Zambia, **New National Assembly Building 3 May, 1967.**

NAZ CO/11/1/13, Government of Zambia, **New National Assembly Building, His Excellency Address to Parliament 3 May, 1967.**

UNITED NATIONAL INDEPENDENCY PARTY ARCHIVES (UNIPA)

UNIPA 7/18/6, R.M. Nabulyato, Letter to Honorable A.B Chikwanda M.P 28 April, 1971.

UNIPA 7/18/6, R.M Nabulyato, Letter to His Excellency Dr. K.D Kaunda, 11 August, 1971.

UNIPA 7/18/6, R.M Nabulyato, Letter to His Excellency Dr. K. D. Kaunda 17 August, 1971.

UNIPA 7/18/9, Government of Zambia, **Presidential Address to Parliament, 17 January, 1978.**

UNIPA 16/5/1, Government of Zambia, **President Kaunda Explanation on the Referendum Broadcast to the Nation on both Radio and Television on 17 June, 1969.**

UNIPA 16/15/11, Government of Zambia, **Proposals for the Zambian Electoral System and Process, 14 September, 1952.**

UNIPA 7/18/1, Government of Zambia, **Presidential Address to Parliament 17 June, 1975.**

UNIPA 7/18/1, Government of Zambia, **Presidential Address to Parliament 12 January, 1978.**

UNIPA 7/18/1, Government of Zambia, **Presidential Address Parliament, 11 January, 1985.**

UNIPA 7/18/1, Government of the Republic of Zambia, **Address by the President to Parliament on the Opening of the Fifth Session of the Fifth National Assembly** Lusaka: Government Printers, 16 January, 1987.

UNIPA 7/18/1, Government of the Republic of Zambia, **Presidential Address to Parliament on the Opening of the Third Session of the Sixth National Assembly**, Lusaka: Government Printers, 26 October, 1990.

UNIPA 7/18/1, Government of the Republic of Zambia, **Parliamentary Debates of the Second Session of the Seventh National Assembly**, Lusaka: Government Printers, 19 June to 6 July 1990.

UNIPA 7/18/1, Government of the Republic of Zambia, **Address by the President to Parliament on the Opening of the Third Session of the Sixth National Assembly**, Lusaka: Government Printers; 25 June to 2 August, 1991.

UNIPA 7/18/1, Government of the Republic of Zambia, **Address by the President on the Third Session of the Sixth National Assembly**, Lusaka: Government Printers, 26 October, 1990.

UNIPA 7/18/1, Government of the Republic of Zambia, **Address by President Kenneth D. Kaunda on the Opening of the 25th National Council of the United National Independence Party at Mulungushi International Conference Centre**, Lusaka: Government Printers, September, 1990.

Oral Interviews

Mutentwa Lina, 60 Years, Kalomo Resident, 7 August, 2017, Kalomo District.

Simuyandi Joseph, 84 Years, former United National Independence Party Member of Central Committee, 1985 – 1988, 17 August, 2017, Monze District.

Malambo Mwanza, 75 Years, former Governor, Ndola and Monze Districts 1979 – 1988 16 August, 2017, Monze District.

Munkombwe C. Daniel, Years, Freedom fighter, United National Independence Party Choma Constituency Member of Parliament and Minister 1978 – 1988, 17 August, 2017, Choma. District.

Government Documents

Government of Zambia. **A United National Independence Party Manual of Rules and Regulations Governing the 1973 General Elections.** Lusaka: Freedom House, 1973.

Northern Rhodesia Government. **African Representative Council Proceedings, 15th December, 1953.** Lusaka: Np, 1953.

Northern Rhodesia Government. **African Representative Council Special Session of the Second Council 12th September, 1951.** Lusaka: Government Printer, 1951.

Government of Zambia. **Ceremonial Opening of the New Parliament Buildings Document.** Lusaka: Government Printer: 1967.

Government of Zambia. **Comrade President Dr. Kenneth David Kaunda's State of the Nation Volumes I, II, III and IV.** Lusaka: Freedom House, 1988.

Government of Zambia. **Electoral Officer Handbook.** Lusaka: Elections Office, 1978.

National Assembly of Zambia. **Manda Hill News, A Quarterly Parliamentary Magazine, May-June, 1997, Vol. 2 No. 1.**

Northern Rhodesia Government. **Northern Rhodesia Constitutional Changes 'The Scheme Explained.'** Lusaka: Government Printer, 1961.

Northern Rhodesia Government. **Northern Rhodesia Government Bills.** Lusaka: Government Printer, 1953.

Northern Rhodesia Government. **Northern Rhodesia Government Gazette.** Lusaka: Government Printer, 1949.

Northern Rhodesia Government. **Northern Rhodesia Government Ordinances.** Lusaka: Government Printer, 1959.

Northern Rhodesia Government. **Northern Rhodesia Inquiry into all the Circumstances Which Gave Rise to the Making of Safeguard of Elections and Public Safety_Regulations.** Lusaka: Government Printer, 1959.

National Assembly of Zambia. **Parliamentary Procedure Abstract Series 2.** Lusaka: Research Department, 1995.

Northern Rhodesia Government. **Proposals for Constitutional Change in Northern Rhodesia Presented the Northern Rhodesia Legco 28th March 1958.** Lusaka: Government Printer, 1958.

Government of Zambia. **Report of the National Commission on the Establishment of a One-Party Participatory Democracy in Zambia.** Lusaka: Government Printer, 1972.

Northern Rhodesia Government. **Rhodesia-Nyasaland Royal Commission Report**. London: Majesty's Stationery, 1939.

Government of Zambia. **The Constitution of Zambia Act No 27 of 1973**. Lusaka: Government Printer, 1973.

Northern Rhodesia Government. **The Northern Rhodesia Handbook**. Lusaka: Northern Rhodesia Information Department, 1953.

Northern Rhodesia Government. **The Northern Rhodesia Handbook**. Lusaka: Oxford University Press, 1953

National Assembly of Zambia. **The Parliament of Zambia. Public Parliamentary Handbook**. Lusaka: New Horizon Printing Press Ltd, 2007.

National Assembly of Zambia. **Time Chart on the Zambian Legislature, Abstract Series No 3**. Lusaka: National Assembly, 1995.

National Assembly of Zambia. **Time Chart of the Zambian Parliament 1911 to 2011, Abstract Series No 28**. Lusaka: National Assembly Research Department, 2015.

Government of Zambia. **United National Independence Party Central Committee, Progress Report for the Years 1973-1978**. Lusaka: Freedom House, 1978.

NORTHERN RHODESIA LEGCO AND ZAMBIAN NATIONAL ASSEMBLY PARLIAMENTARY DEBATES

Northern Rhodesia Government. **Northern Rhodesia Legislative Council Debates of the First Session Resumed of the Eighth Legislative Council**. Lusaka: 28th November, 1945.

Northern Rhodesia Government. **Northern Rhodesia Legislative Council Debates of the Third Session of the Ninth Legislative Council Debates Resumed**. Lusaka: 9th June, 1951.

National Assembly of Zambia. **Parliamentary Debates of the Fifth Session of the Fifth**. Lusaka: Government Printers, 20th – 7th December, 1984.

National Assembly of Zambia. **Parliamentary Debates of the Fifth Session of the Third National Assembly. Lusaka: Government Printers**. 1st August- 8th August, 1978.

National Assembly of Zambia. **Parliamentary Debates of the First Session of the Fifth National Assembly**. Lusaka: Government Printers, 10th November – 16th December, 1983.

National Assembly of Zambia. **Parliamentary Debates of the First Session of the Fourth National Assembly**. Lusaka: Government Printers, 16th December, 1978 – 30th March, 1979.

National Assembly of Zambia. **Parliamentary Debates of the First Session of the Fourth National Assembly.** Lusaka: Government Printers, 28th August – 28th September, 1979.

National Assembly of Zambia. **Parliamentary Debates of the Third Session of the Fifth National Assembly.** Lusaka: Government Printers, 14th – 16th October, 1986.

National Assembly of Zambia. **Parliamentary Debates of the Third Session of the Fourth National Assembly.** Lusaka: Government Printers, 4th 14th - August, 1981.

National Assembly of Zambia. **Parliamentary Debates of the Third Session of the Third National Assembly.** Lusaka: Government Printers, 27th - 5th August, 1976.

NEWSPAPERS

Northern News. July, 1962.

Central African. July, 1962.

Central African Post. September, 1962.

Northern News. October, 1962.

Northern News. December, 1962.

Central African Post. December, 1962

The Livingstone Mail. September, 1963.

Zambia News. January, 1964.

Northern News. April, 1965.

Northern News. May, 1965.

Northern News. June, 1965.

Zambia Mail. January, 1968.

Times of Zambia. November, 1968.

Zambia Mail. November, 1968.

Times of Zambia. December, 1968.

Zambia Mail. December, 1968.

Times of Zambia. April, 1972.

Zambia Daily Mail. October, 1973.

Zambia Daily Mail. November, 1973.

Zambia Daily Mail. December, 1973.

Times of Zambia. December, 1973.

Times of Zambia. January, 1978.

Times of Zambia. September, 1978.

Times of Zambia. November, 1978.

Times of Zambia. December, 1978.

Times of Zambia. December, 1978.

Zambia Daily Mail. August, 1983.

Zambia Daily Mail. September, 1983.

Zambia Daily Mail. October, 1983.

Times of Zambia. October, 1983.

Zambia Daily Mail. November, 1983.

Times of Zambia. November, 1983.

Zambia Daily Mail. August, 1988.

Zambia Daily Mail. September, 1988.

Zambia Daily Mail. October, 1988.

Times of Zambia. October, 1988.

Zambia Daily Mail. October, 1988.

Zambia Daily Mail. November, 1988.

SECONDARY SOURCES

Books

- Bond, M. **From Northern Rhodesia to Zambia Reflections of a DO/DC 1962-1973**. Lusaka: Gasden Publishers, 2014.
- Brownrigg, P. **Kenneth Kaunda**. Lusaka: Kenneth Kaunda Foundation, 1989.
- Chibesakunda, N.M. **The Parliament of Zambia**. Lusaka: National Assembly, 2001.
- Chitala, C.M. **Not Yet Democracy**. Lusaka: Zambia Research Foundation, nd.
- Commonwealth Parliaments, **A Commemorative: 37th Parliamentary Conference**. New Delhi: Lok Sabha Secretariat, 1991.
- Cook, C. and Killingray, D. **African Political Facts**. London: The Macmillan Press Ltd, 1983
- Davidson, J. W. **Northern Rhodesia Legislative Council**. London: Faber and Faber, 1946.
- Gann, L.H. **A History of Northern Rhodesia Early Days to 1953**. London: Chatto and Windus, 1964.
- Grotper, J, Sugel, V.B. and Pletcher, J.R. **Historical Dictionary of Zambia 2nd Edition African Historical Dictionaries no 19**. London: The Scare Crow Press Inc, 1998.
- Grotper, J. **Historical Dictionary of Zambia**. London: The Scare Crow Press Inc, 1980.
- Hall, R. **Zambia 1890-1964 The Colonial Period**. London: Longman Group Ltd, 1976.
- Kaunda, K. **Zambia Shall be Free**. London: Heinemann Educational Books, 1966.
- Larmer, M. (ed) **The Musakanya Papers the Autobiographical Writings of Valentine Musakanya**. Lusaka Lembani Trust, 2010.
- Laundy. P. **The Office of the Speaker in the Parliaments of the Commonwealth**. London:Quiller Press, 1984.
- Macpherson, F. **Kwacha Ngwee How Zambian Nation Was Made**. London: Oxford University Press, 1977.
- Makasa, K. **Zambia's March to Political Freedom**. Nairobi: Heinemann Educational Books, 1985.
- Mason, P. **Year of Decision Rhodesia and Nyasaland in 1960**. London: Oxford University Press, 1960.

- Mudenda, E. **Zambia A Generation of Struggle**. Harare: Sapes Books, 1999.
- Mulford, C. **The Northern Rhodesia General Election 1962**. London: Oxford University Press, 1964.
- Mulford, D.C. **Zambia The Politics of Independence 1957-1964**. New York: Oxford University press, 1967.
- Mumba, Y.M. **The 1980 Coup Tribulations of the One-Party State in Zambia**. Lusaka: UNZA Press, 2012.
- Mwaanga, J.M. **The Long Sunset**. Lusaka: Fleetfoot Publishing Company, 2008.
- Mwanakatwe, J. **Teacher Politician Lawyer: My Autobiography**. Lusaka: Bookworld Publishers, 2003.
- Mwanakatwe, J. **The End of Kaunda Era**. Lusaka: Multimedia Zambia, 1994.
- Mwangilwa G.B. **Harry Mwaanga Nkumbula A Biography of the Old Lion of Zambia**. Lusaka: Multimedia Publication, 1982.
- Nkrumah, K. **Africa Must Unite**. London: Heinemann: 1963.
- Phillipson, D.W. **Historical Notes on Political Development in Zambia**. Lusaka: Np, 1972.
- Phiri, B.J., Banda, C.J. and Haantobolo, G.H.N. **Protecting the Reputation and Standing of the Institution of Parliament and Parliamentarians**. NT: Commonwealth Parliamentary Association CPA, 2004.
- Phiri, Bizeck. **Parliaments of the South: Zambia Country Report Strengthening Parliamentary Democracy in SADC Countries**. Pretoria: South African Institute of International Affairs, 2005.
- Ruserbridger, G.H. **Civics of Northern Rhodesia**. London: Oxford University Press, 1950.
- Sakala, R. **Zambia Entering the 21st Century**. Lusaka: Zambia Printing Company, 2001.
- Sardanis, A. **Africa Another Side of the Coin**. New York: I.B.Tauris and Co Ltd, 2003.
- Selassie, B.H. **The Executive in African Governments**. London: Heinemann Educational Books, 1974.
- Smaldone, J.P. Historical Setting in Irvin Kaplan (ed) **Zambia a Country Study**. Washington D.C., The American University, 1979.
- Ward, W.E.F. **A History of Africa-Central Africa**. London: George Allen and University Ltd, 1968.

White and Hussey. **Government in Great Britain the Empire and the Commonwealth.** London: Cambridge University Press, 1966.

Zulu, G.Z. **The Memoirs of Alexander Zulu.** Ndola: Times Printpak Zambia Ltd, 2007.

Chapters in Books

Baylles, C and Szeftel, M. '*Elections in the One-Party State*' in Gertzel, C. (ed.) **The Dynamics of the One-Party State.** Manchester: Manchester University Press, 1984, pp 29 – 57.

Chikulo, B.C. '*Elections in a One-Party Participatory Democracy*' in Turok, B. (ed.) **Development in Zambia A Reader.** London: Zed Press, 1979, pp 201 – 213.

Gertzel, C., Baylles, C. and Szeftel, M. '*The Making of the One-Party State*' in Gertzel, C. (ed.) **The Dynamics of the One-Party State in Zambia.** London: Manchester University Press, 1984, pp 1 – 28.

Gould, J. '*Contesting Democracy: The 1996 Elections in Zambia*' in Cowen, M. and Laakso, L. (eds.) **Multi-Party Elections in Africa.** Oxford: James Currey Ltd, 2002, pp 229 – 323.

Kalusa, W.T. '*The Killing of Lillian Margaret Burton and Black and White Nationalism in Northern Rhodesia Zambia in the 1960s*' in Kalusa, T.W. and Vaughan, M. (eds.) **Death, Belief and Politics in Central African History.** Lusaka: Lembani Trust, 2013, pp 201 – 232.

Momba, C. Jotham. '*Evolution of Parliament- Executive Relations in Zambia*' in M.A.Mohamed Salih (ed) **African Parliaments Between Governance and Government.** Macmillan: Palgrave Macmillan, 2005, pp 101 – 119.

Molteno, R. and Scott, I. '*The 1968 General Election and Political System*' in Tordoff, W. (ed) **Politics in Zambia.** California: University of California Press, 1974, pp 156 – 196.

Mushota, R. '*Constitutionalism and Democracy*' in Machungwa, P. and Mwaba, T.K. (eds.) **Management of Political Transition.** Lusaka: Fredrich Ebert Stiftung Round Tables no 1, 1990, pp 51 – 57.

Tordoff, W. and Molteno, R. '**Parliament**' in Tordoff, W. (ed) **Politics in Zambia.** California: University of California Press, pp 197 – 241.

Dissertations

Katotobwe, A.B.C. 'The Impact of Plurality Voting System in Zambian Politics,' MA Dissertation, London School of Economics and Politics, 1996.

Keet, D.L. 'The African Representative Council 1946-1958 A Focus on Political Leadership and Politics in Northern Rhodesia,' MA Dissertation, University of Zambia, 1975.

Ndambwa, B.J. 'Institutionalisation of Legislative Leadership in the National Assembly of Zambia 1964-2011,' MA Dissertation, University of Zambia, 2015.

Sondashi, L. 'Zambia's Single Party System: The Emergency of Presidentialism and Democratic Responses,' PhD Thesis, University Warwick School of Law, 1990.

Journal Articles

Anyangwe, C. 'The Zambian Constitution and the Principles of Constitutional Autochthony and Supremacy' **Zambia Law Journal** Volume 29, 1997, pp 1 – 32.

Duma, S. et al. 'Parliamentary Institutes as Centres of Excellence for Capacity Development, Research, Training, Knowledge and Information Management' **Journal of the South African Legislative Sector** 1/1, 2014, pp 4 – 16.

Phiri, B.J. 'Colonial Legacy and the Role of Society in the Creation and Demise of Autocracy in Zambia' **Nordic Journal of African Studies** 10/ 2, 2001, pp 224 – 244.

Phiri, B.J. 'Zambia: Strengthening Parliamentary Democracy in Southern Africa' **South African Journal of International Affairs** 12/1, 2005, pp 205 – 218.

APPENDICES

Appendix 1: Changes in the Composition of various Councils

1. 1948 – The Ninth Legislative Council consisted of the first speaker, nine (9) Officials, ten (10) elected members, two (2) Unofficial members nominated to represent African interests and two (2) African members nominated by the ARC.
2. 1954 – The Tenth Legislative Council consisted of eight (8) officials, twelve (12) elected members, two (2) nominated unofficial members to represent African interest and four (4) African members nominated by the ARC.
3. 1959 – The Eleventh Legislative Council consisted of six (6) Officials, twenty-two (22) elected and two (2) nominated Unofficial members. Two African members sat on the Executive council as Ministers (1 elected, 1 nominated) and there were 6 elected back bench members.
4. 1964 – The Legislative Council was re-named the Legislative Assembly. The Executive Council was replaced by a Cabinet consisting of Dr. K D Kaunda as Prime Minister and 13 Ministers. The Assembly consisted of 75 elected members: 65 on the main roll and 10 on the reversed roll.

Source: National Assembly of Zambia Parliamentary Procedure Abstract Series 28, Time Chart of the Zambian Parliament 1911 to 2011, p.4.

Appendix 2: Presidential and Parliamentary Elections

(Period 1964-1991)

| DATE OF ELECTION | NAME OF PRESIDENTIAL CANDIDATES | NAME OF POLITICAL PARTY | PRESIDENT ELECTED | NUMBER OF VOTES | NUMBER OF PARLIAMENTARY SEATS |
|--------------------|--|---------------------------------|------------------------------|----------------------|-------------------------------|
| 28 January, 1964 | Kenneth David Kaunda Harry Mwaanga Nkumbula | UNIP ANC NPP | Kenneth David Kaunda | | 55 10 10 |
| 19 December, 1968. | Kenneth David Kaunda Harry Mwaanga Nkumbula | UNIP ANC | Kenneth David Kaunda | 1,080,870 240,896 | 82 23 |
| 5 December, 1973 | Kenneth David Kaunda | UNIP | Kenneth David Kaunda | 581,245 | 125 |
| 12 December, 1978 | Kenneth David Kaunda | UNIP | Kenneth David Kaunda | 1,024,954 | 125 |
| 27 October, 1983 | Kenneth David Kaunda | UNIP | Kenneth David Kaunda | 1,450,812 | 125 |
| 26 October, 1988 | Kenneth David Kaunda | UNIP | Kenneth David Kaunda | 1,430,812 | 125 |
| 31 October, 1991 | Kenneth David Kaunda Fredrick Titus Jacob Chiluba | UNIP MMD DP NDC IND | Fredrick Titus Jacob Chiluba | 311,016 913,770 | 25 125 0 0 0 |

Source: National Assembly of Zambia Parliamentary Procedure Abstract Series 28 Time Chart of the Zambian Parliament 1911 to 2011, pp, 6-7.

Appendix 3: Federal Assembly

Under the constitution amendment Act, 1957, the Federal Assembly was enlarged from 35 to 59 members.

| <i>Composition 1954</i> | <i>Composition 1959</i> |
|--|---|
| Speaker | Speaker |
| <i>Ordinary members.</i> 26 | <i>Ordinary members ...</i> 44 |
| 14 from Southern Rhodesia | 24 from Southern Rhodesia |
| 8 from Northern Rhodesia | 14 from Northern Rhodesia |
| 2 from Nyansaland | 6 from Nyansaland |
| <i>Directly Elected African Members</i> 2 | <i>Directly elected African members</i> 8 |
| 2 from Southern Rhodesia | 4 from Southern Rhodesia |
| (elected by voters on the common voters' roll.) | 2 from Northern Rhodesia |
| | 2 from Nyansaland |
| | (All elected by voters on the general and special rolls voting together) |
| | <i>Indirectly Elected African Members</i> 4 |
| | 2 from Northern Rhodesia |
| | 2 from Nyansaland |
| | On 3 October 1958 the Rhodesia announced that the African Representative Council was no longer considered to be a body representative of Africans for the purpose of the election, as was required by the federal constitution. A new electoral college was created consisting of the members of the African Provincial Councils, 19 members of the Superior Native Authority in Barotseland Protectorate, and Africans registered on the Federal electoral rolls (Both general and special). Similar changes were made in Nyansaland, where the Governor designated all past and present members of the Provincial Councils to be the electoral college. |
| <i>Indirect Elected African Members</i> 4 | <i>Europeans Nominated to represent African interests ...</i> 3 |
| 2 from Northern Rhodesia | 1 from Southern Rhodesia |
| 2 from Nyansaland | (elected by voters on general and special rolls voting together). |
| (Elected from and by the Council in Northern Rhodesia and nominated by the Governor. Similar Procedure in Nyansaland.) | 1 from Northern Rhodesia (Nominated by the Governor.) |
| | 1 from Nyansaland |
| <i>Europeans nominated to represent African interests</i> 3 | (Nominated by the governor.) |
| 1 from Southern Rhodesia | |
| (elected by voter's common rolls voters roll.) | |
| 1 from Northern Rhodesia (Nominated by the Governor.) | 59 |
| 1 from Nyansaland | |
| (Nominated by the governor.) | |

Source: 35

Edward Clegg, Race and Politics "Partnership in the federation of Rhodesia and Nyansaland" (New York: Oxford University Press 1960), P. 268.

Appendix 4: The 1959 Northern Rhodesia Legco

| Party | Ordinary | European Reserved | African Reserved | African Special | Total |
|-------|----------|----------------------|---------------------|--------------------|-------|
| UFP | 11 | 0 | 2 | 0 | 13 |
| CAP | 0 | 2 | 0 | 1 | 3 |
| DP | 1 | 0 | 0 | 0 | 1 |
| ANC | 0 | 0 | 0 | 1 | 1 |
| IND | 0 | 0 | 2 | 0 | 2 |
| | 12 | 2 | 4 | 2 | 20 |

Source: Alexander Grey Zulu, The Memoirs of Alexander Grey Zulu (Ndola: Times Printpak Zambia Limited, 2007), p.141.

Appendix 5: 1962 Coalition Government

The four officials who included the Governor were

| | |
|-----------------|-----------------|
| Sir Evelyn Hone | Governor |
| Richard Luyt | Chief Secretary |
| Trevor Gardner | Finance |
| Brian Doyle | Justice |
| F.M. Thomas | Native |

15th December, 1962 -Northern Rhodesia's first African Government.

Ministers

| | | |
|--------------|--------|-------------------------------------|
| K.D Kaunda | (UNIP) | Local Government and Social welfare |
| H.M.Nkumbula | (ANC) | African Education |
| S.M.Kapwepwe | (UNIP) | African Agriculture |
| R.C.Kamanga | (UNIP) | Labour and Mines |
| F.N.Stubbs | (ANC) | Transport and works |
| C.E.Cousins | (ANC) | Land and Natural Resources |

Parliamentary Secretaries

| | | |
|----------------|--------|-------------------------------------|
| A.G.Zulu | (UNIP) | Local Government and Social Welfare |
| F.J.A.Banda | (ANC) | African Education |
| E.K.Mudenda | (UNIP) | African Agriculture |
| J.M.Mwanakatwe | (UNIP) | Labour and Mines |
| F.B.Chembe | (ANC) | Transport and Works |
| J.E.MMichello | (ANC) | Land and Natural Resources |
| A.N.L.Wina | (UNIP) | Finance |

Chief Whip

| | |
|--------|--------|
| S.Wina | (UNIP) |
|--------|--------|

Source: John Mwanakatwe, Teacher Politician Lawyer, My Autobiography (Lusaka: Bookworld Publishers, 2003) p.135.

Appendix 6: The January 1964 Cabinet

| | |
|--------------------------------|-----------------|
| Governor | Sir Evelyn Hone |
| Deputy Minister | F.M. Thomas |
| Prime Minister | K.D. Kaunda |
| Agriculture | E.H.K. Mudenda |
| Commerce and Industry | A.G. Zulu |
| Education | J.M. Mwanakatwe |
| Finance | A.N.L Wina |
| Health | S. Wina |
| Housing and Social Development | H.D Banda |
| Home Affairs | S.M Kapwepwe |
| Justice | M.M Chona |
| Lands and Works | S. Kalulu |
| Labour and Mines | J. M. Chimba |
| Natural Resources | M. Sipalo |
| Local Government | N. Mundia |
| Transport and Works | R. C Kamanga |

Source: Alexander Grey Zulu, The Memoirs of Alexander Grey Zulu, p.277

Appendix 7: 1968 UNIP Cabinet

| Name | Ministry |
|--------------|---|
| S.M Kapwepwe | Vice President |
| R.C Kamanga | Rural Development, Agriculture and Natural Resources and Land |
| J. Chimba | Trade Industry and Mines |
| G. Zulu | Home Affairs |
| W. Nyirenda | Education |
| S. Wina | Information and Broadcasting |
| E. Mudenda | Foreign Affairs |
| L. Changufu | Labour and Social Services |
| P. Matoka | Transport, Works and Communication |

Provincial Cabinet Ministers

| Name | Province |
|-------------|-----------------|
| S. Kalulu | Eastern |
| F. Mulikita | Southern |
| S. Makasa | North Western |
| A. Soko | Northern |
| M. Chona | Central |
| D. Banda | Western |
| A. Shapi | Barotse |
| H. Mulemba | Luapula |

Sources: Times of Zambia, 24 December, 1968, p.1.