

**PUBLIC POLICY MAKING, IMPLEMENTATION AND
DEVELOPMENT IN ZAMBIA:**

DECLARATION

BY

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DECLARATION


This dissertation is the outcome of original empirical research, and never, ever has it previously been published anywhere.

Name: MAFULEKA WESTON Signed: Mafuleka

This thesis of Mr. Weston Mafuleka has been approved as fulfilling the requirement for the award of the Doctor of Philosophy Degree in Public Administration by the University of Zambia:

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ABSTRACT

This dissertation discusses developmental policy-issues linked to events before and after the change of policy-actors in 1991 and the re-election of MMD state players in 1996 national elections. While its focus is on comparing institutional policy-making and policy-implementation capacity of the Second and Third Republic, it draws upon background data from the colonial government and the First Republic sovereign regime of Zambia. It notes, among its major findings, setbacks in policy-making capacity in central government institutions during the Second Republic. The Third Republic, having been born at a time when human resource development in the country was quite advanced, and having had the advantage of learning from the errors made by and the criticisms levelled against the policy practitioners of the Second Republic, is recorded to have made some improvements. The investigation further notes equal failure by both the Second and Third Republics to allow vibrant policy-inputs from civil-society institutions.

While weaknesses have been identified with the bureaucracy's capacity to implement policies in the Second Republic, the Third Republic has been credited with both merits and flaws.

The investigation draws upon sources of data from diverse disciplines, and it is this multi and inter-disciplinary admixture of its content which gives hope that the thesis will evoke greater academic curiosity and arouse further research interest among intellectual enthusiasts and practitioners of policy-issues in Development Administration.

DEDICATION

From the effort of my pen and under the faith of my hand and soul, for generations yet to come, I ordain and dedicate this last strand of academic enterprise to Dr. Kashiwa Mwaba Bulaya, without whose consistent and comprehensive concern for me and my family during the frustrating moments of our existence, life would have had very little concrete meaning.

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ABBREVIATIONS USED

ACC	-	Anti-Corruption Commission.
ANC	-	African National Congress.
ASIP	-	Agricultural Sector Investment Programme.
AZP	-	Agenda for Zambia Party.
BOZ	-	Bank of Zambia
BSAC	-	British South Africa Company.
CCC	-	Committee for a Clean Campaign.
CCZ	-	Christian Council of Zambia
CCJP	-	Catholic Commission for Justice and Peace.
CDEs	-	Classified Daily Employees.
CHAKA	-	Christian Kingdom of Africa.
CSO	-	Central Statistics Office.
DP	-	Democratic Party.
DPP	-	Director of Public Prosecution.
EFZ	-	Evangelical Fellowship of Zambia.
EU	-	European Union.
FODEP	-	Forum for Democratic Process.
GNP	-	Gross National Product.
GRZ	-	Government of the Republic of Zambia.
HIPC	-	Heavily Indebted Poor countries.
IMF	-	International Monetary Fund.
LAZ	-	Law Association of Zambia

LPP	-	Liberal Progressive Party.
MCCs	-	Members of Central Committee.
MDP	-	Movement for Democratic Process.
MMD	-	Movement for Multi-Party Democracy.
MUZ	-	Mine Workers Union of Zambia.
NADA	-	National Democratic Alliance.
NCSR	-	National Council for Scientific Research.
NEC	-	National Executive Committee.
NGOs	-	Non-Governmental Organisations
NIPA	-	National Institute for Public Administration.
NP	-	National Party.
NLP	-	National Lima Party.
OP	-	Office of the President.
PAZA	-	Press Association of Zambia.
PCC	-	President's Citizenship College.
PSRP	-	Public Service Reform Programme.
PTC	-	Postal Tele Communication.
ROADSIP	-	Road Sector Investment Programme.
SAP	-	Structural Adjustment programme.
SDA	-	Seventh Day Adventist.
SDP	-	Social Democratic Party.
TNOs	-	Transnational Organisations
TSPP	-	Theoretical Spiritual Progressive Party.
UBZ	-	United Bus Company of Zambia.

UCZ	-	United Church of Zambia.
UDI	-	Unilateral Declaration of Independence.
UN	-	United Nations.
UNIP	-	United National Independence Party.
UNFPA	-	United Nations Population Fund.
UTH	-	University Teaching Hospital.
ZANA	-	Zambia News Agency.
ZCTU	-	Zambia Congress of Trade Unions.
ZCCM	-	Zambia Copper Mining Corporation.
ZDC	-	Zambia Democratic Congress.
ZEC	-	Zambia Episcopal Conference
ZIMT	-	Zambia Independent Monitoring Team.
ZBNC	-	Zambia National Broadcasting Corporation.
ZRCS	-	Zambia Red Cross Society.
ZRA	-	Zambia Revenue Authority.

CHAPTER ONE

RESEARCH APPROACHES

1.1 Introduction

National development in political and economic fields is largely determined by human agents whose vision of the desired progress is predicated on formulated policies. Developmental policies show results after being implemented by yet another group of human factors. Thus, a change affecting the movers of development affects not only the capabilities in policy-making, but also the capacity for implementation.

In this study, drawn from Development Administration, a multidisciplinary subject area, two categories of personnel reform are investigated. Firstly, the investigation examines the effects to policy-making capacity of personnel reform that occurred after October, 1991. Through national elections, the Zambian electorate removed UNIP state policy-actors and replaced them with MMD (Movement for Multi-party Democracy) policy players. The study investigates the policy-making capabilities that prevailed when UNIP was in power and compares them with the capacities that the MMD pledged it was going to develop or improve if given the mandate to conduct Zambia's state affairs. Secondly, the thesis compares the implementation capacity of Zambia's bureaucracy during the UNIP era and the measures introduced by the MMD Government in the Third Republic to try to improve upon that capacity. The thesis further contrasts political and economic development associated with the socialist policy environment under the UNIP government and the political and economic development associated with the liberal policy environment introduced by the MMD government.

The study has seven sections. Section One makes up the first chapter and comprises introduction, problem identification and its statement. The section also has rationale of the study, study objectives, theoretical analysis and clarification, as well as methodological approaches. Chapters two and three deal with research findings on policy-making capacity, while chapter four has research results on implementation capability. Chapters five and six respectively deal with findings on political and economic development. The last chapter, chapter seven, ends with the summary and general conclusions.

1.2 Stating the Problem

When formal British rule ended on 24th October 1964, the new government immediately began to grapple with the problem of underdevelopment in the political, economic and administrative domains. In the political domain, the colonial government was discriminatory against the local people who had virtually been disenfranchised. That situation excluded them from political participation in their own country. The British parliament, for example, enacted laws that - through the colonial office - were passed on to the British governor in Northern Rhodesia. The government, through the Provincial Commissioners (PCs) and District commissioners (DCs), passed on the laws to the local

chiefs. Using the system of indirect rule, the chiefs ruled their subjects on behalf of the British government. That colonial political environment never created situations where local institutional capacity in policy-making could be developed.

In the field of the economy, all basic indices of underdevelopment - rural-urban imbalances, lack of diversification, unemployment, high levels of rural and urban poverty among the local people, declining standards of the people in public services such as health, education and transport - had become manifest.

The new African government also discovered that the implementing apparatus of the colonial type bureaucracy had authoritarian structures and organizational partialism. Its main concern "was the maintenance of law and order, tax collection, and the provision of modest public services."¹ That bureaucracy was inadequate and unsuitable to meet the developmental challenges of the Zambian sovereign state.

The new government was confronted with an additional problem: the problem of consolidating power and control over the new nation. It had to buttress its legitimacy, prove its image as a new government to the people. It had to surmount ethnic tension of the 73 language groups and further make effort to popularize sentiments of national unity.

In order to try to overcome these problems, the United National Independence Party (UNIP) government had to make effort to establish new social institutions, develop new structures, educate and train the actors as a way of providing the new state with critical capacities in policy formulation and policy implementation.

After 27 years of sovereign rule, punctuated by nearly 17 years of single-party political dispensation, national discontent about lack of desired development was spearheaded by the Movement for Multiparty Democracy (MMD). After the reintroduction of multipartism in 1990 the MMD cited similar problems of absence of political and economic development, particularly during the Second Republic, inappropriate social institutions, inappropriate structures and a defective administrative bureaucracy. At one time Authur Wina said: "The Zambian people want an MMD government and replacement of the present inefficient policies of the present one-party rule with the efficient and accountable policies of the MMD at the next elections."² In reference to the implementing institution, the bureaucracy, the MMD Public Service Reform Programme (PSRP) was conceived to:

- Improve government capacity to implement inappropriate functions;
- Rationalize public expenditure to meet fiscal stabilization and development objectives and
- Make the public service more efficient and responsive to the needs of Zambian population."³

The head of the Zambian civil service's the President of the Third Republic, Frederick Chiluba once said, among other things, that in the Second Republic, the large size of the service did not match the increases in quality, effectiveness, efficiency and

responsiveness in service delivery to the people of Zambia. Cardinal, therefore, in the investigation focus of this study are the following questions:

- What measures has the MMD government introduced to improve institutional policy-making and policy-implementation capacity in order to correct the inadequacies created by the UNIP government?
- In which areas of political and economic development has MMD made greater achievement than UNIP was capable of doing?

1.3 Literature Review

The study envisages to contribute scholarly literature in order to stimulate more ardent research interest and advance knowledge among students of Development Administration. It is considered to be significant to both policy makers and implementers to study their growing, and inevitably dialectically linked roles in realising the set developmental goals. The import of the study is also anchored in the assumption that the achievement of any intended development – political or economic – depends on the capabilities of the country's institutions to make appropriate policies and the competence of the civil bureaucracy to implement the policies. Insight about these capabilities in the Second and Third Republic is obtained through the perusal of literature such as that written by William Tordoff. Tordoff's book, 'Politics in Zambia', concerns itself with the post-independence period (1964-72). It is a sequel to David C. Mulford's book: 'The Politics of Independence, 1957-64'. The major work in the two books traces the growth of sectionalism in Zambia and identifies sectional groups as essentially interest groups competing for economic resources.

In the book 'Politics in Zambia' an article, written by the editor himself, William Tordoff, attempts to link development between policy making and policy implementation. He does this by examining the caliber of cabinet ministers (policy makers) and senior civil servants (policy implementers) who inherited the reigns of state power at the advent of independence in 1964. Providing an introductory remark to his article, Tordoff aptly put it as follows: "We start by looking at the Cabinet as the policy-formulating body of government."⁴ Several constraints, Tordoff observed, adversely affected the effective performance of the first African cabinet in Zambia. Among them was that "university graduates constituted only half the cabinet in 1964, and from January 1969 an even smaller proportion. Inexperience, inadequate formal education and unfamiliarity with economic and legal matters (which inevitably consume a large part of the Cabinet's time) have made it difficult for many ministers to play an active and constructive policy-making role in the cabinet."⁵

If development suffered because of cabinet ministers' inability to conceive appropriate policies as a result of low levels of education, the implementing machinery, the bureaucracy, was plagued by a similar malaise. Senior civil servants were "under-educated – a survey of African civil servants (senior executive officer and above) in 1969 revealed that at the time of joining the civil service, only 6 percent had university

degrees, 22 percent a secondary school-leaving certificate at 'O' level, while 67 percent had less education (fully a quarter having completed only primary school)."⁶

This literature draws a parallel to this study because both look at issues in development administration under a plural political and economic culture. It differs from this study in terms of periodisation. Tordoff deals with the First Republic conditions (1964-72) when human resources development in Zambia was critically low. This study investigates similar issues in the Third Republic (1990 and above) when Zambia's human resource development is relatively abundant. Another area of difference is that during both the first and second Republic, the United National Independence Party (UNIP) formulated political and economic policies of Zambia. But this study aims at assessing the capabilities of policy formulation and implementation, as well as the extent to which political and economic development has been attained under the government of the Movement for Multiparty Democracy (MMD).

The other literature, written by Wittington Sikalumbi, in his book 'Before UNIP' is concentrating more on Zambia's rise of nationalism. It is literature about the foreign political personnel (colonists) making, then, political and economic policies for the British colony of Northern Rhodesia. The fewer local 'elites' who served as harbingers in the political re-awakening against foreign rule were yet to wait until the advent of self-rule before their caliber could be assessed in respect of rational policy formulation and implementation. Much as the book enlightens us about political processes before the 1960s, our major focus is on the period after 1990, currently known as the Third Republic of Zambia. A treatise about the management of the economy in Zambia before the dawn of the Third Republic is in a PhD thesis, written by George Simwinga. He wrote about the role of parastatals in the Zambian economy. His thesis traces the origin of public enterprises from the time of colonial penetration through the British South African Company (BSA), up to the period when Kaunda, then president, began to announce economic reforms around 1968.

A multiplicity of Public enterprises were established after the announcement of Kaunda's economic reforms in 1968 and part of the early 1970s. In that structure of the economy, the interest of this study is anchored in who made economic policies in a dual relationship between the state and private entrepreneurs. What institutional capabilities existed at the time for conceiving appropriate policies? What institutional capabilities existed for administrative efficiency to implement those policies? These issues are in passing dealt with in Simwinga's thesis when he writes that politically, Zambia had a one party system of government and a very powerful executive branch of government which virtually had no formal effective opposition. Administratively, Zambia had "a unitary system of government with the decision-making concentrated at the country's headquarters, under the president as Chief Executive".⁷

The country's leading ideology was Humanism which aimed at creating an egalitarian society. In that manner the government had established a comprehensive programme which tended towards more eventual control of the national economy, as well as all the leading institutions. Infact Mwiinga notes that the board of directors was

appointed by the state. The board hence, tended to make, if not only rubber stamp, decisions which had already been made by the state. This, Simwiinga stresses, is what eroded corporate autonomy and led to serious in ably running Zambia's economy during the First and Second Republic.

Others who have contributed to the literature on Zambia's economic development, but not on the premise proposed by this study, are Charles Eliot in his book "Constraints on the Economic Development of Zambia (1971), Jonathan Chileshe in his "Third World Countries and Development Options: Zambia' and Ben Turok who has edited several articles in a book titled 'Development in Zambia' (1979).

Key speeches delivered by president Chiluba between 1991 and 1992 have been coalesced into a book by Donald Chanda, then Special Assistant to the President on Economic and Development Affairs. Entitled 'Democracy in Zambia', the book is a sum total of highly emotive speeches prepared and delivered at a time when the new government was trying to consolidate its legitimacy in the eyes of the people. Thus its asymmetry is skewed more in dwelling on political, and economic discomfort associated with the First and Second Republic, and pledging to redress these ills after change of government. Since the speeches were targeted at political rallies comprising largely less discerning members of the audience, nuances of competent policy formulation and administrative acumen, the fundamental movers of development, are touched upon only tangentially, if not completely left out.

A somewhat scholarly picture of political development is contained in Fredrick Chiluba's book – "Democracy, The Challenge of Change". Published in 1994 the book "is about the rebirth of democracy. It is an account of how multiparty politics were reintroduced in Zambia inspired by the street demonstrations which toppled totalitarian regimes in across Eastern Europe in 1989"⁸ The book is reported to be part of the thesis for the Master's degree in political science for President Chiluba.

In recognizing that the rebirth of political pluralism in Zambia was partly in response to the cascades of events in Eastern Europe, the book is instructive. It is instructive to the theory that the potentially smouldering political and economic development can have its process triggered into motion by a major event.

The book has also a reformist portrayal. It spells out students, churches, private business and trade unions as some of the agents of reform – popularly known as interests, lobby or pressure-groups in liberal political theory. Like the literature already surveyed, the book does not link efficient administration of the bureaucracy to the realization of both political and economic goals of the polity.

Also written in somewhat scholarly fashion, the 'End of Kaunda Era' is another synthesis of the process of political and economic issues in Zambia. The book - written by John Mwanakatwe - traces Kaunda's birth, parentage background, education, involvement in the struggle against colonialism and the contribution towards the liberation of southern Africa. The book examines the economic experiences of Zambia in

the First and Second Republic and the political ferment that led to the formation of the Movement for Multiparty Democracy (MMD) and the reintroduction of political and economic pluralism in Zambia.

A chapter on the electoral process sketches through the major events, including the holding of elections in October 1991 which saw the defeat of Kaunda and UNIP, the event termed the 'end of Kaunda's era' and the beginning of Chiluba's presidency.

The book suggests ways in which the Zambian inchoate democracy can be nurtured and consolidated. "To develop a culture of good winners and good losers."⁹ Mwanakatwe thinks, is the first thing to do in achieving that goal. Secondly he contends that "empty slogans unaccompanied by tangible material benefits do not assure unity and stability in society."¹⁰ In other words economic prosperity is a sine qua non of social stability.

The book's paradigm is not premised on the development administration bias which in this study stresses institutional competence in policy formulation and efficiency of the civil bureaucracy in implementing those policies as being dialectically linked in accomplishing both political and economic objectives.

In an autobiographical presentation similar to Mwanakatwe's writing about Kenneth Kaunda, Beatwell Chisala, in his 'The Downfall of President Kaunda,' provides a profile of the man who was the first president of Zambia. The book departs somewhat from Mwanakatwe's exposition by providing revelations of torture and mysterious deaths and disappearances allegedly perpetrated by Kaunda's intelligence organization.

The contribution of the labour movement to the political and economic development of Zambia is also examined in this book. It traces the origin of the movement before and after Fredrick Chiluba became the topmost leader of the Zambia Congress of Trade Unions (ZCTU) in 1974. It follows the trend of events when Chiluba became the foremost challenger of former president Kaunda until the formation of the Movement for the Multiparty Democracy and the dramatic ascendancy of Chiluba to the presidency in November, 1991.

The book comes close to the principles of development administration when it quotes Chiluba's complaint that things could not move in the right direction because Kaunda "intends to stick to the same supporting staff year in and year out even when he knows some clearly fail to perform their duties."¹¹ Otherwise the book is a narration of political and economic events and issues without looking at human capabilities to conceive and competently apply policies to achieve desired ends.

More literature on political and economic issues in Zambia is further contained in an article written by Stephen Rule (1996). Rule analysis the amended 1996 constitution "which effectively prevented Kenneth Kaunda from opposing incumbent Fredrick Chiluba in the presidential elections which were eventually called for 18th November 1991."¹² The writer observes international condemnation of the discriminatory clauses in

the constitution and further notes that although the MMD largely commanded support from almost the rest of the country in the 1991 presidential and parliamentary elections, Eastern province supported UNIP. Splinter political parties based on ethnic loyalties, especially in the First Republic, are also examined in the literature.

On economic performance, Rule notes that “Kaunda’s policy of Humanism failed to achieve material prosperity for the country.”¹³ The poor performance of the humanist ideology referred to by Michael Bratton as “Kaunda’s Welfarist Philosophy”¹⁴ led to the creation of patronage politics, particularly for the urban wage earning population. Unlike Stephen, Bratton looks at Kaunda’s government attempts at economic reforms such as liberalizing of markets for agricultural produce effected in 1982, removal of price controls and restrictions on non-essential commodities like wheat; the introduction of the auctioning system in foreign exchange and the on and off engagement of the International Monetary Fund in loan assistance to rescue Zambia from its economic depression.

The central thesis in Bratton’s view about political and economic change in Zambia is that “domestic rather than international factors”¹⁵ accounted more. He asserts that “Zambia’s international development partners never attached explicit political conditions to their assistance and hence were not major players in the transition to multiparty politics.”¹⁶ He says major social forces inside the country, as a result of the decline in the economy, began expressing discontent much earlier than the period in the run-up to the 1991 elections. He, however, acknowledges that political and economic changes in Eastern Europe had an effect of contagion in Zambia. But that effect, he argues, had only a secondary impact.

Both Rule and Bratton significantly attempt to clarify what has transpired in Zambia before and up to the day when UNIP lost power in the peaceful elections. UNIP lost the popular support because “MMD succeeded in making UNIP’s mismanagement of the economy the underlying theme of its successful 1991 election campaign.”¹⁷ In this study, it is the extent to which capabilities have been developed both to come up with sound policies and the efficiency and willingness to put the political and economic policies into effect by the new political and civil personnel in the MMD government that draws our interest.

Zambia’s economic development through industrial progress has lately been commented on by Vankatesh Seshamani, professor of economics at the University of Zambia. His focus is on economic strategies such as import substitution and regional cooperation. Seshamani argues that dynamic economic production can be sustained if all necessary linkages exist. The absence of these linkages, or the small extent to which they can be traced has accounted for the poor performance of Zambia’s economy under import substitution strategy.

In the parastatal sector which until the MMD privatization programme was implemented constituted a major economic segment in Zambia, Seshamani observes that political interference, poor management and overstaffing “militate against good performance of the industrial sector.”¹⁸ Seshamani does not tell us whether or not

political interference also means wrong economic policies or incapability to make acceptable economic policies. By poor management he does not say whether this relates to hierarchical arrangement of the bureaucracy, co-ordination of functions or irrational decision making. As noted elsewhere in the literature, the poor performance of parastatals in Zambia's economy was also observed by early writers such as William Todorff. But it is now known that parastatal organizations have almost ceased to exist due to the programme of privatization and their role in the economy has become insignificant. They were not included in this investigation. However, lessons drawn from them in analyzing Zambia's economic development are plausible, though gaps as identified by the approach used in this study still exist.

A development administration approach towards economic development in Zambia has been touched upon by Nathan Chilepa Deassis in his book 'The Quest for An enabling Environment for Development in Zambia'. "The key to achieving a sustainable and viable economy"¹⁹ he introduces the book, "is to ensure that all sectors of the economy operate with policies that will enhance development with the provision of a conducive environment - political and legal."²⁰ But Nathan does not make it clear who should make these policies. It is not known whether he is referring to private entrepreneurs formulating sectoral economic policies for production purposes or policies which are broad in nature and are conceived by the government. He does not look at the role of bureaucracy in determining the sustainability of the economy.

Within the public sector, William Nyirenda - a lawyer and council Mayor in Ndola at that time - looks at the role of local authorities in the political and economic development of Zambia. Among several constraints to development in local government, Nyirenda says: "The capacities of local authorities to meet the expectations of the residents in the provision of services and other amenities are lacking; and by so doing, the capacities of the local authorities in strategizing, planning and effectively controlling or managing its resources to the ultimate benefit of the residents are inadequate."²¹ Nyirenda has not directly linked lack of councillors' capacity to their inadequate formal education.

1.4 Lessons Drawn from the Literature

The foregoing literature provides only a sketchy nexus between development and administration. It gives some impression that foreign ideological factors such as socialism had an influence on Zambia's poor developmental performance. Humanism, the basis of Zambia's political and economic development planning in the Second Republic, is observed as an instance. The change from the socialist orientation to a liberal environment in the Third Republic is seen as a forward movement for development. But in this outlook structural reform to the political and administrative bureaucracies, erasure of political and official corruption are not treated as being contingent upon the realization of desirable development. Above all, the literature does not suggest any measure having been taken by both the Second and Third Republic governments to develop political institutional capacity in policy making. These gaps of knowledge in the existing literature evoke the investigative drive of this study.

1.5 Objectives

Since political, economic and social development largely depends on the institutional capabilities to make and implement appropriate policies, it is the objective of this study to investigate the extent to which these capabilities have been developed by the MMD government since assuming power.

As a result of changes in the political and civil personnel institutions, the study takes as a second objective the assessment of areas of political and economic development which have been realized under the policy-formulation and implementation command of the MMD government.

1.6 Theoretical Analysis and Clarification

The political actors associated with the advent of the Third Republic, just as their counterparts associated with the dawn of the First and the Second Republic, regarded development as the central concern of government. How to stimulate and expedite the pace of socio-economic development has been the problem of all political elites. There is, however, a general realization that development responds to the dynamics of political change. Political change that brings forth new policy-actors can also lead to those actors making changes in the administrative apparatus to meet their implementation needs. This is an eclectic process of change as men "choose among different changes according to a scale of values and priorities and select a particular path."²² The scale of values and priorities that men hold during a certain period of time make them examine the political, economic and administrative situation surrounding them. In the process they may "see things that are bad, situations that are wrong, conditions that affront and feel compelled to reflect upon the source of anomalies which distress their natural desire to inhabit a world that yields their own standard of desirability."²³ In this context, political change which in 1964 removed the British colonial regime and brought in African leaders under the government of the United National Independence party (UNIP) occurred because the oppressed African people had to provide a "response to perceived problems at all levels of government."²⁴ A similar political change occurred in 1991 when UNIP lost power to the Movement for Multi-Party Democracy (MMD). The spark causes of that change were largely economic "poverty, depression, devaluation of currency bankruptcy and redistribution of wealth."²⁵

Since the days of political campaign before the 1991 national elections, the emphasis of the MMD has been to predicate development on the virtues of maximum rationality and minimal waste in the use of public resources. The party is imbued with liberal views of managing the affairs of Zambia. The party's aims in the economy for example are, intended "to reduce government enterprises; to increase the amount of business going to private enterprise and help private enterprise at the expense of the state".²⁶ To achieve these aims, the new government has had to come to terms with varied limiting factors which in developing countries have been described as "lack of trained manpower, finance, logistics, information, participation and legitimate power."²⁷

Legitimate power is hinged on the support theory that any change or reform introduced by the new government in the form of policy may fail if the government cannot build adequate consensus among the participating elements in the political structure. Equally important, if the regime fails to garner enough support among the actors in the administrative bureaucracy, the implementation process of its policy changes should expect to meet obstacles. The support theory thus "holds that all organizations depend upon their environment for certain needed resources and that the capability of any organization is importantly a function of the extent to which it is able to capture such resources".²⁸ Inability to secure these resources - human, material, financial or otherwise can lead to slow or lack of development.

Slow development or lack of it has been attributed to varied other explanations by other development theorists of diverse backgrounds and ideological persuasions. Two major schools of thought have for a long time held contending views. First there is the modernization school and second the dependency school. Modernization theorists ascribe underdevelopment to the internal obstacles or limits on productive forces. They address themselves to the problem of how to rescue a country out of this dilemma and place it into a situation similar to that of the advanced countries. Most analysts of this theoretical paradigm feel that "the term modernization entails the development of capitalist relations of production and, in social political sphere, equate it with democracy and related social and political institutions."²⁹ Thus modernization is associated with Westernization. Based on the evolutionary paradigm which attempts to explain why the west developed faster than other countries these theorists make effort to identify developmental factors absent in the backward societies and assert that these missing factors account for the failures of these societies to achieve modernization. Among these factors are lack of capital and capital markets, absence of entrepreneurship, the survival of the traditional structures and the rapid population growth in the Third World. Further, underdevelopment in backward societies is explained by the theory of dualism where a modern sector and a traditional sector are juxtaposed - the two entities having little interrelations between them. This partly explains the diffusion theory which stresses the need for the leading sector to serve as an engine of development, stimulating the dispersal of modern productive activities through multiplier and demonstration effects.

The dependency school on the other hand focuses on the impact of the external context and tilting towards a one-sided stress on the determining role of the world capitalist system. This skewed perspective views development in Third World countries as a mere reflection, or response to, exogenous changes. Proponents of this theory take as their premise the assertion that underdevelopment is a product of capitalist penetration and that it is impossible to grasp the process of underdevelopment without viewing it within the historical socio-economic context of the penetration of Western capitalism. Dos Santos put it as follows: "The capitalist system arises like a central star which exploits an entire system of satellites and sub-satellites which in their turn exploit those lower down in the system. Within underdeveloped countries, therefore, we find a system of internal exploitation linked to the international system."³⁰

Within the dependency school, there are some theorists - Cardoso (1974) and Bill Warren (1973) who at the time assumed the middleroad stance. They argued then that "some Third World countries undergo rapid economic development within the context of dependency".³¹ Notwithstanding these opinion differences, socialist fundamentalists have for years held their stoic thesis that a socialist path to development brings in more solid benefits and that the capitalist alternative is prebendal and therefore abominable. It is noteworthy to observe that although global capitalism appears to have won the ideological contest, mainstream socialism is still being represented by enclaves such as China, North Korea and Cuba.

1.7 Integrating the Two Theories and Providing the Alternative

The rebuttals between the modernization and dependency schools have elements which converge in explaining the causes of underdevelopment in Third World countries. Their major weakness lies in their failure to capture the role of the administrative apparatus, procedures and the process of policy formulation and implementation to achieve intended development. Thus the alternative assertion advances a refutation that underdevelopment in Third World countries should not be explained only in the context of exogenous and endogenous factors. Administration - the facilitator and instrument of change - should also be seen as the provider of an additional imperative. This imperative is influenced by a trinity of theoretical strands. First is a social strand, emphasizing ecological considerations as determinants of administrative performance. The second is an organizational strand, stressing institutional development and "rational" resource use as ways of increasing administrative capacity. The third strand points to capability in policy formulation and implementation.

Noteworthy contribution on the ecological theory comes from Riggs (1967), who explains administrative behaviour in the light of the general social and cultural characteristic of a society, especially those undergoing rapid social, economic, political and administrative changes. A useful analytical framework for the organization theory has been conceived by Fesler (1968). He explains that "centralization and decentralization are best regarded as opposite tendencies on a single continuum whose poles are beyond the range of any real political system because extreme positions on the continuum would either require the withering away of the state or would imperil the state's capacity to perform its functions."³² In order to achieve rapid socio-economic development, "decentralization and popular participation are usually advocated as necessary preconditions - often done through the transfer of authority on a geographical basis, whether by deconcentration (i.e. delegation) of administrative functions to field units of the same department or level of government, or the political statutory bodies."³³

The centralization or decentralization thesis in political, economic or administrative development emanates from the structural functionalist theory which contends that changes in the structure will have an impact on performance. It fits in with Gabriel Almond's theory of political development which is made up of parts. These parts, in their interaction, constitute a system. A change in one or more parts will affect the performance of the whole political system. Political development, according to

Almond, occurs when these parts or components become differentiated and specialized. In this case offices and agencies tend to have their distinct and limited functions, and there is an equivalent division of labour within the realm of government.

The system's theory of political development is also touched upon by David Apter who looks at social groups or individuals participating in a political system as component parts. The participation function of these components is seen as "voting to select other activists, being active in pressure groups to influence government policy, government ministers making a decision or an MP debating issues in parliament."³⁴

The structural functionalist theory of development can also be applied to the economy. The economy in this respect is perceived to be a structure made up of several parts, for instance agriculture, tourism, mining, manufacturing and trade. A change in one of these parts is likely to affect operations in other parts.

In an administrative structure, efficiency - "the property of producing or acting with a minimum of expense, waste and effort"³⁵ in implementing developmental programmes can partly be achieved by altering institutional levels of hierarchy, span of control and chain of commands. These components of the structure can be reduced or increased either horizontally or vertically to try to meet the 'efficiency' needs of the organization. Alternatively, measures can be taken to place experts at every level of the hierarchy so that "decisions at every stratum of authority must be made by specialized experts. This leads to fewer mistakes being made and the right decisions are made at the right time, leading to the whole system working efficiently and effectively."³⁶ Multiple parts in a structure also provide conditions for wide dispersal of power and authority. Experts in each component institution can be allowed room for discretion in decision making. This becomes even easier in an institution where the "structural arrangement of authority makes clear job description."³⁷

The structural functionalist theory is used by many social scientists to explain the processes of development because within the theory "all important causal variables can be located."³⁸ Although seemingly the theory provides a plausible vision of the processes that take place in a system, the theory sounds to be more chimerical than empirical. Participation, for example, by some groups in a social structure regarding political development may not be voluntary or spontaneous but mobilisational. This may be demonstrated by expression of support or no support for any political party. As Ollawa notes, mobilizational participation can be used, for example, as "an instrument for legitimizing the political control of the ruling party."³⁹

The utility to this study of the preceding theories is that development should be seen not only through the prism of dynamics in the structural interactions of components in the political and economic domains, but also the realization that development administration, "the name often given to the way a developing country's government acts to fulfill its role in achieving development"⁴⁰ is a vital element for any intended national progress. In the past development has had reference only to quantitative aspects "of economic growth or increased production by a few."⁴¹ That perception has now been

extended to the qualitative facets which include “a decline in poverty, unemployment, inequality and an increase in the national institutional capacity.”⁴² That capacity to conceive appropriate policies and develop an administrative regime capable of delivering efficient services in implementing developmental ideas is the center piece of this thesis and on it hinges the research focus of this investigation on Zambia.

1.8 Hypotheses.

- 1.8.1 The MMD government in the Third Republic has introduced more measures which have led to greater capacity in institutional policy-making and policy-implementation than was the case under the UNIP government in the Second Republic.
- 1.8.2 Under the MMD policy-environment, more political and economic development has taken place than was the situation under UNIP in the Second Republic.

1.9 Methodology

The institutions included in the investigation of policy-making capacity of Zambia are of two categories. First examined are political institutions and second are civil institutions.

Selected Political Institutions are:

The Cabinet
Party Organs
Political Parties
The legislature and
District councils

Purposive or judgemental sampling criterion, rooted in the rationale of data availability easier or less costly access, as well as the critical roles played by these institutions in the policy-making process, was used for selection. To measure the scale of capacity in the preceding institutions the following parameters are used:

- **The size of the institutions.** The size of the cabinet, for instance, is quantified by the total number of its actors, the cabinet ministers and its chairman, the president, as well as the vice president. The size of the legislature is quantified in terms of whether it is unicameral-constituting a single chamber or bicameral, comprising two chambers. Total membership of the legislature also reflects its size. To further quantify other players in the policy making process, the study looks at the total number of established political parties in the Third Republic and compares with the single-party situation in the Second Republic. In the parameter of institutional size is also the number of party organs such as the National Executive committee (NEC) of the MMD and the Central Committee (CC) of

UNIP. Total membership in each of these organs also shows their size. These numbers have an effect on institutional performance.

- **The structure of institutions.** This parameter provides a qualitative element of measuring the capacity of policy-making in Zambia. It is used in two aspects. First the institutions are examined in terms of their internal structure, the hierarchical structure of the cabinet for example. In this respect the power and authority relations are examined – whose views on certain policy issues take precedence over those of others and why? Second the structure of institutions is considered in terms of their external relationship to each other, for instance the power and authority relationship between the cabinet, the legislature and district councils. How does this relationship, centralized or decentralized, influence policy-making? How does this relationship aid or impede national policy-making capability?
- **Levels of education and training.** This parameter measures the amount of knowledge and reasoning capacity of actors who participate in decision-making.
- **Availability and location of data banks.** The parameter portrays the quality of decisions made in the wake of adequate or inadequate presence of these institutions to provide policy-actors with researched facts.
- **Placement of actors.** This parameter measures capacity on the basis of general or expert knowledge actors have and use to make decisions in the institution in which they are placed.
- **Recruitment of actors.** Recruitment by appointment, into the cabinet for instance or by nomination into parliament, may stifle courage to voice out views which may be contrary to those of the appointing authority. Recruitment by election may strengthen that courage. This parameter assesses how these issues affect the quality of debate and hence the quality of ideas that factor into policy decisions by participating institutions.

Civic institutions constitute a second category whose actors influence the policy-making process in Zambia. Included in this investigation are the organizations listed as follows:

- The Print Media
- Zambia Congress of Trade Unions (ZCTU)
- The Law Association of Zambia (LAZ)
- The Church
- The International Monetary Fund (IMF) and the World Bank.

The frequency in the use of press censorship and pieces of legislation to impede or aid press freedom to publish data necessary for informed decision-making is one parameter used to measure the extent to which the print media are able to influence the policy-

making process. Other parameters are the financial status of the print-media to be able to publish large numbers of news papers to provide wide circulation to the readership. Newspaper ownership to decide what should be published and the total number of different print media organizations whose publications provide variety to the reading public for sources of information is another parameter. To gauge the effect of ZCTU, LAZ, the Church, the IMF and the World bank in providing policy-inputs, specific events or occasions used by these institutions to alter or maintain certain government policies are used as measuring criteria, for instance the opposition of the church against the UNIP government intended policy to introduce scientific socialism in schools, or certain occasions when the IMF withdrew or threatened to withdraw financial assistance in order to influence, persuade or force the government to adopt or abandon specific policy-issues.

1.10 Data Collection

The questionnaires in appendix V and VI were used to collect data for the cabinet ministers' and councillors' academic and professional qualifications and their placement. For reasons of confidentiality, some respondents at Cabinet Office and Local Government head office discretely filled in the questionnaires. For those cabinet ministers and councilors who have attained university education, the University of Zambia library – special collections – provided the required data. Past graduation brochures, MA and PhD theses, for instance, were perused. Other data were collected from the republican constitutions (First, Second and Third Republic), local government Acts, party manifestoes, documents from the Central Statistics office (CSO), documents from parliament, books and newspapers.

1.11 Implementation Capacity

To compare Zambia's bureaucracy's capacity to implement government policies in the Second and Third Republic, the parameters below are used.

- **The size of the Bureaucracy.** This is measured in terms of the total number of actors (civil servants) and the total number of departmental and ministerial establishments and how these numbers affect the performance of the bureaucracy.

The level of educational and professional background This relates to key players such as permanent secretaries, their deputies and heads of department. The ability to comprehend policy-issues, accuracy to interpret them, competence to issue appropriate orders and co-ordinate the implementation activities depend on the level of education and training of these actors.

- **In-service Training programmes.** The study analyses the content of the curricula at NIPA to see their relevance in improving administrative knowledge, skills and techniques for civil servants. Other programmes offered to the civil actors at other institutions are also examined to find out whether they enhance the performance of the bureaucracy.

- **Civil Servants Loyalty to the Incumbent Government.** Effective implementation also depends on whether from the civil servants the government is able to “obtain perfect obedience.”⁴³ This, however, depends on incentives to motivate the actors. Muyunda Mwanalushi’s paradigm (Questionnaires X and XI were used to test loyalty).
- **Incorruptible Bureaucracy.** Prevention or reduction of corruption improves the efficient performance of the bureaucracy. To compare the extent of corruption in both the second and Third Republic, the study looked for:
 - Cases of corruption.
 - Institutions established, expanded or refined to fight corruption.
 - Anti-Corruption pieces of legislation passed.
- **Structural Arrangements of Institutions.** The study examines the lines of communication between the central, provincial and district tiers of the bureaucracy and draws conclusion on how these affect performance of the bureaucracy. Structural changes of some line ministries are also analysed.

1.12 Political Development

In the contrast of policy-measures taken by political actors in the Second and Third Republic to attain certain levels of political development, the following criteria are used:

- Existence of several or many political parties permitting wider and free choice of political association.
- Existence of representative legislative membership.
- Existence of the news media to which political stakeholders are provided equal access for receiving and disseminating political message.
- Existence of an independent and non-partisan electoral commission having the trust of the wider society to conduct free and fair elections.
- Existence of an independent and non-partisan judiciary to interpret the law and regulations and uphold the principle and practice of the rule of law.

Where applicable, quantitative and qualitative approaches are used to measure the level of political development (see chapter five).

1.13 Economic Development

To assess the extent of economic development brought about by the policy environment of UNIP as contrasted with that of the MMD government, the UN economic measuring criteria stated below were used:

- A rapid increase in per capita income.
- A high level of employment.
- A relatively stable price level.
- A diversified economy.

As will be shown in chapter six, economic indicators tend to lend themselves very easily to quantifiable measurements. But they, too, are amenable to qualitative assessment.

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CHAPTER TWO

POLICY MAKING CAPACITY - POLITICAL INSTITUTIONS

2.1 Introduction

Policy-making capabilities which influence the range of development (political or economic) to be achieved by a country is an objective that ranks first among other objectives in this study. Part of the hypothesis also asserts that the change of political personnel in Zambia in 1991 brought about improved capabilities in policy-making.

Capacity in policy-making, which refers to expected performance to realise desired outcomes is anchored in institutions. This “involves offices and agencies which tend to have their distinct and limited functions and there is an equivalent division of labour within the realm of government”.¹ The quantitative approach towards attaining capacity in policy-making was also endorsed by Lindblom. He observed that “the more decision-makers of equal weight contributing to policy-choice, the greater the likelihood of arriving at effective policies which promote the interests of society.”²

Lindblom's stress on greater number of decision makers to be involved in making policy-choices also had the qualitative element linked to it. For instance one institution alone may not have all the human, financial and time resources required to examine adequately certain policy issues before decisions are made. By involving many institutional actors in policy-making, not only is error making reduced but also consensus could meaningfully be reached on touchy issues that often ignite disagreement in public policy.

This chapter, comparing the situation in the Second and Third Republic, provides empirical results on some political institutions in Zambia. One of these institutions is the cabinet.

2.2 The Cabinet

At the onset of independence in 1964, “Zambia inherited a cabinet modelled on the Cabinet of the Westminster system.”³ The system is characterised by ministerial responsibility to be legislature and has a collegiate policy-making body. This means that “the British Cabinet members are the Prime Minister's colleagues,”⁴ even though “the Prime Minister is *primus inter pares*, or first among equals.”⁵ In an independent Zambia, this cabinet had to be transformed to fit into the Presidential system in which executive power is vested into and exercised by the President. The major functional role of the British Cabinet has for generations been “the determination of the policy to be submitted to Parliament.”⁶ This legacy

was bequeathed to the sovereign Zambian Cabinet and the function was also enshrined into the constitution. Thus all the four constitutions - the 1964 Independence Order Constitution, "the 1973 Constitution which enshrined United National Independence Party as the only lawful political party"⁷ in the country thereby introducing the single-party political system and the 1991 Constitution which derogated one partyism, as well as the Amended 1996 constitution - uphold the function of the cabinet as an institution which "shall formulate the policy of the government and shall be responsible for advising the president with respect to such other matters as may be referred to it by the President."⁸

2.3 The Size Of The Cabinet

The Zambian Cabinet has evolved, growing steadily since the birth of independence in 1964. At that date, including the President and the Vice-President, the total composition of the Cabinet was sixteen (16). By December 1968, the total came to seventeen (17) and by the time the first general elections were held in January 1969, the number grew to nineteen (19). At the close of the First Republic in December 1972, the Cabinet's size had risen to twenty six," consisting in December 1972 of the President, Vice-President, Secretary General to the Government, one Minister leading each of the eight provinces, and fifteen in charge of central ministries."⁹

The dramatic rise of the Cabinet size from nineteen in 1969 to twenty six in 1972 was the result of the reform measures taken by President Kaunda in 1969. Among the changes he had introduced was the appointment of the Cabinet Minister in charge of each of the then existing eight administrative provinces. Whenever the Cabinet was meeting in Lusaka, the provincial Cabinet Ministers travelled from their respective stations to meet their Lusaka based colleagues. Taking power to the people, expediting decision-making on the spot nearer the people, planning various dimensions of development with the people and providing political leadership right there on the ground were among the arguments in the rationale for the 1969 decentralization. But twenty six was considered by others as very large a Cabinet for a country with then less than five million people. In a political culture such as that of Britain political analysts found problems with both a very large and a very small Cabinet. Punnett at one time observed that "if too many ministers are included in the cabinet, it will be an unwieldy body and will breach the general principle that the task of decision-making is most efficiently performed by a small group. If too few ministers are included it will be difficult for the Cabinet to keep in touch with the other members of the government and with the departments of state, back-bench MPs and the party outside parliament."¹⁰ In practical terms the real problem is to make a balance between the two poles on the continuum so that Cabinet decision-making capacity, in this case in Zambia, is strengthened.

The effectiveness in decision-making of the early Cabinet in an independent Zambia was reported to have been reduced by other factors, for instance in 1964 all

Cabinet Ministers “lacked ministerial experience. Between 1969 and 1970 eleven new ministers were appointed. University graduates constituted only half the Cabinet in 1964, and from January 1969 an even smaller proportion. Inexperience, inadequate formal education and unfamiliarity with economic and legal matters (which inevitably consume a large part of the Cabinet’s time) made it difficult for many ministers to play an active and constructive policy-making role in the Cabinet.”¹¹

During the period of the Second Republic - 1972 to 1990 - the numerical size of the Zambian Cabinet fluctuated as shown in table 1.

Table 1: **The Cabinet Size in the 2nd Republic**

<u>YEAR</u>	<u>NUMERICAL SIZE</u>
1978	16
1983	19
1988	16
1991	20

Source: Whitaker’s Almanack, 1979, 1984, 1989 and 1992.

The reduction of the Cabinet size from twenty six in 1972 to sixteen in 1978 was largely the result, in the intervening period, of the abolition of the position of the Provincial Cabinet Minister. In 1978 the number of Cabinet positions again rose from sixteen to nineteen, a figure which was brought down to sixteen in 1988. Using his constitutional powers, President Kaunda in November 1988 abolished the Ministry of Presidential Affairs by fusing it into the party institution then known as the Party Control commission. He also abolished the Ministry of National Guidance which was also merged with another party institution - the Political and Legal Committee of the Central Committee. Other abolished ministries were the Ministry of Decentralisation and the Ministry of Works and Supply.

Before the introduction of the Single-Party rule, “the Cabinet was very directly involved in decision-making.”¹² But after the birth of the 2nd Republic things changed.

Prior to the adoption of the single-party rule, the Chona Commission which was established to gather people’s opinions on whether or not to change from political pluralism to monopartism had realized the constraints that would plague Cabinet effective capacity in decision making if all the thinking was left to the brain of a single man, the Chief Executive. In its recommendation to government the Commission observed that “there was too much concentration of work and power in the hands of the Chief Executive”¹³ and therefore that was against “the interest of good Governance and the principle of checks and balances.”¹⁴ One central element of the principle of checks and balances is that qualitative decision-making occurs where the ideas of one contributor are checked by others. To off

load some of the Cabinet functions from the President who was the Chairman of the Cabinet meetings in the First Republic, the Chona Commission recommended that in the Second Republic the office of Prime-Minister should be established. The Prime Minister had "to be the Head of Cabinet and to preside over Cabinet meetings."¹⁵ This recommendation was accepted partially and partially rejected. The post of Prime Minister was established. But executive power remained in the hands of the President who continued to head the Cabinet. The Second Republican Constitution reads: "There shall be a Cabinet which shall consist of the Secretary-General of the Party ex-officio, the Prime Minister and the Ministers. There shall preside at meetings of the Cabinet - the President."¹⁶ And only in the absence of the President, could other actors below him in the order of the hierarchy be asked to chair Cabinet deliberations.

The single handedness of the President in the process of policy-making in the Cabinet during the Second Republic was given legal backing by the Constitution. Stipulating executive functions of the President, Article 53(2) of the constitution states: "In the exercise of any function conferred upon him by this constitution or any other law the President shall, unless it is otherwise provided, act in his own deliberate judgement and shall not be obliged to follow the advice tendered by any other person or authority."¹⁷ This constitutional provision made the President very powerful and "because of the strong position of the President, some ministers felt inhibited from criticising policy proposals initiated by the President or those proposals which the President endorsed."¹⁸ A Minister's courage to criticise Presidential initiatives would create conditions for his removal from the Cabinet.

2.4 Cabinet Ministers Appointment From Outside the Legislature

The American presidential system of appointing Cabinet members who should be knowledgeable, efficient and effective in carrying out their functions has had some influence on some Zambian citizens who noticed some weaknesses in the Zambian Cabinet set-up in the Second Republic. In the United States, "the selection of the heads of the executive departments is one of the first actions a President-elect takes before his inauguration."¹⁹ This process is similar to that of the Zambian Presidential system. In the making of appointments, "many American Cabinet Secretaries are selected for their specialist expertise or administrative capacity and may well have previously worked in industry, commerce, or the academic world."²⁰ Even in Britain it was found that Ministers combine the functions of policy-making and administration. They sometimes concentrate their energies on details and pre-occupations of administering their ministries rather than paying attention to nuances of broad policy. To resolve this limitation, between 1970 and 1979, under the Heath government, "a Central Policy Review Staff or Think Tank was set up as part of the Cabinet Office."²¹ The 'Think Tank' consisted of about a dozen administrators, economists, statisticians and sociologists. Its function: to undertake in-depth studies on particular aspects of

policy. This intellectual approach towards developing and invigorating policy-making capacity on and in the Cabinet was emulated by some Zambians who presented in October 1990 their ideas to the Mvunga Commission. The proponents argued that appointing Cabinet Ministers from outside Parliament "would allow the President a wide spectrum of choice which would include technocrats most of whom invariably shun politics although they have the calibre for government administration."²² In its recommendation to government, the Commission supported the proposal and observed that "the Commission finds the reasons advanced for a Cabinet outside Parliament are convincing in the light of experience of successive Cabinets."²³ Another reason was to try to prevent the fusion of powers between the Executive and the Legislature. The proposal was rejected. The President continued to appoint Cabinet Ministers, except eight (8) nominated ones, from among Members of Parliament.

Two principal reasons are adduced why many of those in government rejected the idea of a Cabinet outside Parliament. One is that such a provision in the constitution would influence the President to look for only the best educated and trained individuals to work with him in the Cabinet. Secondly the provision would kill the hope and expectation for the majority of less educated Members of Parliament expecting Cabinet positions which are exceedingly rewarding financially and in terms of prestige and high social status. The result of that situation was that the imperatives of many Members of Parliament pursuing a political career in the Cabinet took precedence over the rationale of developing a robust, secular policy-making cabinet.

2.5 Cabinet Ministers' Placement – Second Republic

The prophecy of appropriate personnel placement asserts that the absence of a strong theoretical construct in the field where one operates certain functions blurs vision, creates uncertainty, reduces confidence and leads to more mistake-making in the process of decision-making. The old adage goes: A firm and thorough theory, rooted in thorough education and training, is the basis of informed and more accurate practice. Petitioners to the Chona commission in 1972 upheld the preceding view. The Commission recorded that "most petitioners emphasised the need for Ministers to hold relevant professional qualifications."²⁴ Offering its opinion, the Commission recommended that "where possible some ministries should be headed by professionally qualified persons."²⁵ This concern was raised again seventeen years later in 1990. Those who presented to the Mvunga Commission suggestions for qualitative reform to the Zambian Cabinet stressed further that "in the Third Republic, Cabinet Ministers should only be appointed to port-folios that correspond with their qualification or profession. For example, a Minister of Health should be someone with qualifications in Medicine or related field."²⁶ These precepts to guide personnel placement at the Cabinet level were

not, in several instances, followed by the appointing authority, the President. The picture is illustrated in table 2.

Table 2: **Generalist Personnel in the Cabinet – Second Republic**

Name of Cabinet Minister	Qualification	Ministry Headed
Honourable M. Fumbelo	B.A. Education	Mines
Honourable E. Mwanang'onze (Dr)	Ph.D Mineral Science	Education
Honourable G. Chigaga	LLB	Finance
Honourable F. Hapunda	Dip. Ed.	Defence
Honourable E. Haimbe (Gen.)	Military	Power, Transport & Communication
Honourable L. Mulimba	LLB	Labour, Social Development and Culture

Although generalist actors in institutions have their own defence, for instance being good listeners to expert advice; treating with fairly equal attention and impartiality all the experts under their jurisdiction and being not suspected by those they lead as being prejudiced in favour of those that think like them, generalist players are often attacked as individuals who oscillate and tinker with proffered ideas. Final decisions coming out of the minds of such actors are likely to be fraught with errors. This was the reason why Gatian Lungu, writing about administrative decentralization in Zambia, expressed concern and said: "The President of the Republic, who is also the Chief Executive, had adopted a strange style of appointing senior personnel with professional qualifications in one area to an entirely different, if not unrelated job."²⁷ Cabinet policy-decisions made by the President were influenced not only by Cabinet Ministers who were inappropriately placed in ministerial functions, but they were also influenced by other Presidential advisors referred to as Special Assistants. It is to these actors that the study now turns its attention.

2.6 Presidential Special Assistants – Second Republic

During the Second Republic, many policy decisions made by the Chairman of the Cabinet-meetings, the President, were influenced more by the Presidential Special Assistants than by the Cabinet Ministers. Some of the actors who served in the Second Republic as President Kaunda's Special Assistants were as shown in table 3.

Table 3. Presidential Special Assistants

Name	Position Held
D. Mulaisho	Special Assistant - Economic Affairs
M. Chona	Special Assistant - Political Affairs
N. Nyalugwe	Special Assistant - Press

Source: Interview with Dr. Mable Milimo - Former Special Assistant - Press

When changes were made before the 1991 Presidential and Parliamentary elections, new Special Assistants as indicated in table 4 came to the fore:

Table 4: New Group of Special Assistants

Name	Position Held
J. Mapoma	Special Assistant - Economic Affairs
Milimo Punabantu	Special Assistant - Political Affairs
M. Milimo	Special Assistant - Press

Source: Interview with Dr. Mable Milimo - Former Special Assistant - Press

The position of Presidential Special Assistant is not constitutional. There is no provision in the Republican Constitution enunciating that there shall be the Office of the Special Assistant to the President. However, the constitution empowers the President to establish or abolish any office or institution, particularly in the public sector, which he considers suitable or inimical to the running of State affairs. Some social scientists observed that Presidential Special Assistants were an integral part of the powerful Presidential System which threatened the Cabinet system in issues cardinal to policy-making. Tordoff aptly put it as follows: "Collective policy-making by the Cabinet was increasingly undermined by the trend towards strong presidentialism and building up of a sizeable corps of personal advisers."²⁸ The policy on breaking away from the International Monetary Fund (IMF) and the World Bank is taken as an example where the President's Special Advisors made a recommendation upon which the President's decision was based. And a joint session of the Central Committee and the Cabinet was informed about the policy only an hour before the policy was announced on radio and television by the President. This policy-making behavioural trait of the President is a remnant of his approach used even in the First Republic. For instance, "from early 1968 onwards President Kaunda had taken and announced publicly, certain decisions on vitally important matters - such as the economic reforms of 1968 and the takeover by the State of a 51 percent capital share of the mines in 1969 - without the prior concurrence of his Cabinet."²⁹ Several other constraints reduced policy-making capacity of the Cabinet's sub-institutions - the committees.

2.7 The Committee System In The Second Republic

The subset of the total Cabinet is the committee. The total number of cabinet committees depends primarily on the general size of the cabinet and the specific, specialised subtopics or issues coming to the fore of the Cabinet for discussion. The rationale for the committee system is that thorough and critical examination of minute details that form the synthesis of Cabinet policies can be better accomplished not by a relatively large Cabinet sitting in a plenary session but by a relatively small subset comprising three to five people. The fragmentation of the Cabinet into smaller committees for purposes of careful discussion of policy issues in the Second Republic was acknowledged by former President Kaunda. At one occasion he said: "We have a Cabinet and within this Cabinet we have a number of Committees, several Cabinet Committees, some of them are headed by Ministers in accordance with their subject."³⁰

The internal operations of the Second Republican Cabinet committees could not easily be known because of the principle of confidentiality of the Cabinet's discussions and the decisions reached. The deliberations of the committees of the Cabinet were shrouded in such secrecy that former President Kaunda himself once explained. "I am in difficulty because I cannot explain these committees in detail because we are not allowed to speak about Cabinet Committees in public or to refer to them in detail but they are there. Some deal with cultural affairs, economic matters, foreign affairs, defence and other matters."³¹ These differentiated areas of Cabinet concern at least inform the reader about some degree of division of labour and specialisation that characterized the functions of the Cabinet in the Second Republic. But the ultimate policy-decisions emerging from the presentations of various specialized committees to the plenary sessions of the Cabinet principally depended on the responses of the Chief Executive and the Chairman of Cabinet meetings, at that time president Kenneth Kaunda. His desire to dominate the Cabinet and push through his unidimensional views for policy adoption has already been noted in the preceding parts of this thesis. That single conduit approach towards policy formation has always been criticised in policy-making literature as being anti-refining of ideas and therefore being anti-reduction, or anti-avoidance of error-making.

The performance of the Cabinet committees during the Second Republic was further affected by the quality of services that it received from the civil servants who also played a major role in that vitally important institution. The civil servants were officials in the Cabinet Office. Headed by the Secretary to the Cabinet, civil servants prepared memoranda and circulated these to all members of the Cabinet in advance of Cabinet meetings. Civil servants conducted research on factual data necessary for informed debate during Cabinet sessions. They co-ordinated policy-proposals from various ministries and provided alternative views for each proposal. To strengthen this area of policy-making capacity, a policy Co-ordination and Cabinet Secretariat Section in the Cabinet Operations Division was

established. Also developed was the Management Services Division. During the earlier part of the Second Republic, effective and efficient performance of these institutions of the Zambian Cabinet was hampered by the generally low levels of literacy and lack of advanced training of the civil actors, a negative legacy handed over to the sovereign Zambian government by the British Colonial Administration.

The additional inhibiting factor against an efficient delivery system of the Cabinet Secretariat was rooted in the archaic information-storage and perusal technology available at the time. Not available for a longer part of the Second Republic were modern computers. Collected information vital for policy consideration was stored in paper files which were cumbersome to carry from office to office. Hundreds of these files needed a huge room-space, in common administrative parlance referred to as the registry. Manual handling of these administrative aids was exceedingly slow and failure to locate a particular file containing certain specific information delayed Cabinet deliberation on some issues.

The weaknesses identified in the policy-making function of the Cabinet in the Second Republic were part of the package of caustic criticism in the political campaign mounted by the MMD against UNIP in the run-up to parliamentary and presidential elections in October 1991. With the MMD having convincingly won the political contest, radical reform for improvement was very much expected. The next part of the thesis looks at what has transpired in the Cabinet of the Third Republic.

2.8 The Cabinet In The Third Republic: Its Size

A week after the Movement for Multiparty Democracy (MMD) won the presidential and parliamentary elections in October 1991, President Chiluba, on November 8, 1991, announced the new cabinet which included the following individuals:

Table 5: 1991 Chiluba's Cabinet

1. President - Frederick Chiluba
2. Vice-President - Levy Mwanawasa
3. Defence Minister - Ben Mwila
4. Foreign Affairs - Vernon Mwaanga
5. Finance - Emmanuel Kasonde
6. Home Affairs - Newstead Zimba
7. Local Government - Michael Sata
8. Health - Boniface Kawimbe
9. Education - Arthur Wina
10. Community Development and Social Welfare - Gabriel Maka
11. Labour and Social Security - Ludwig Sondashi

12. Communications and Transport - Andrew Kashita.
13. Agriculture, Food and Fisheries - Guy Scott.
14. Lands - Dawson Lupunga.
15. Legal Affairs - Rodger Chongwe.
16. Information and Continuing Education - Stan Kristafor.
17. Mines - Humphrey Mulemba.
18. Science, Technology and Vocational Training - Akashambatwa Lewanika.
19. Minister Without Portfolio - Brig. General Godfrey Miyanda.
20. Environment and Natural Resources - Kely Walubita.
21. Tourism - Lt. Gen Christon Tembo
22. Energy and Water Development - Alufeyo Hambayi
23. Commerce and Industry - Ronald Penza.

Source: Daily Mail, 8th Nov. 1991.

Quantitatively, the figures show an increase of cabinet membership from twenty (20) in the Second Republic to twenty three (23) in the Third Republic. It is the pre-rogative of the incumbent president to “establish and dissolve such Government Ministries and departments subject to the approval of the National Assembly”.

In the intervening period of November 1991 and January 1999, the face of the MMD cabinet had radically changed. Some ministers resigned and joined the then newly formed National party. Others were dropped by president Chiluba and went into the private sector. By August 1995 the MMD Cabinet presented the following image:

Table 6: 1995 Chiluba’s Cabinet

1. President - F. Chiluba.
2. Vice-President - Brig. Gen. G. Miyanda.
3. Defence - Ben Mwila.
4. Foreign Affairs - Lt. Gen. C. Tembo.
5. Finance - Ronald Penza.
6. Home Affairs - Chitalu Sampa.
7. Local Government and Housing - Ben Mwiinga.
8. Health - Michael Sata.
9. Education - Alfeyo Hambayi.
10. Commerce, Trade & Industry - Dipak Patel.
11. Community Dev. & Social Welfare - Paul Kapinga.
12. Labour and Social Security - Newstead Zimba.
13. Communications and Transport - Dawson Lupunga.
14. Energy and Water Development - Edith Nawakwi.
15. Agriculture, Food & Fisheries - Sureshi Desai.
16. Lands - Luminzu Shimaponda.
17. Environment and Natural Resources - W. Harrington.

18. Information and Broadcasting - A. Mwanamwamba.
19. Mines and Mineral Development - K. Walubita.
20. Technical Education and Vocational Training - K. Kayongo.
21. Sport, Youth & Child Development - Lt. Col. Patrick Kafumukache.
22. Tourism - Gabriel Maka.
23. Works and Supply - Simon Zukas.

Source: Whitaker's Almanack (1996), J. Whitaker & Sons Ltd., London, p. 1068.

The above figures indicate that the MMD Cabinet's numerical size has not changed, at 23 ministers in all, from 1991 to 2000.

The debate about which number represents the right size for the Cabinet to conduct its functions efficiently rages on today for the MMD Cabinet as it did for UNIP during its twenty-seven-year rule. The 1995 Mwanakatwe Constitutional Review commission recommended for the Third Republic "a limited Cabinet of 18."³² In its recommendation, the Commission did not give reasons for that number of the Cabinet size. But the rationale of cost-reduction, quick consensus-building among fewer people and hence faster and correct decisions made can be deduced as criteria that influenced the Mwanakatwe commission to suggest and recommend 18 as the appropriate cabinet size. The recommendation was not accepted. President Chiluba's cabinet of 23 has been larger than 20 of Kaunda. Patronage appointments have exerted some irresistible influence on Chiluba as they did on Kaunda. There are many people who assisted Chiluba in his campaign to ascend to the Presidency - people he intended to reward but could not all be accommodated in a much smaller Cabinet. Equally attention-worthy and discussed below is the placement of Chiluba's Cabinet Ministers.

2.9 Cabinet Ministers' Placement – Third Republic

Recourse to the Mvunga Commission of 1991 provides the reminder of the petitioners' recommendation that in the Third Republic the President's appointments to Cabinet should take account of the appointee's educational or professional background. To a larger extent President Chiluba implemented that recommendation in the appointment of his first Cabinet in 1991 as is shown in table 7.

Table 7: Cabinet Ministers' Placement - 1991

Name	Ministry Appointed To	Professional Background
Boniface Kawimbe	Health	Medical Doctor
Roger Chongwe	Legal Affairs	Lawyer
Ronald Penza	Commerce and Industry	Economist/Accountant
Emmanuel Kasonde	Finance	Accountant
Andrew Kashita	Communications and Transport	Mechanical Engineer
Newstead Zimba	Labour & Social Security	Trade Unionist

Source: First MMD Cabinet - announced - Daily Mail, 8th Nov., 1997.

Five years later, as shown on the line-up of the August 1995 Cabinet, Chiluba continued to observe the precept of appointments guided largely by the individual's vocational background. A cursory look through the Cabinet line-up further reveals the following juxtaposition:

Table 8: August 1995 Chiluba's Cabinet Placement

Lt. Gen. C. Tembo	Foreign Affairs	Former Ambassador — Germany
Ronald Penza	Finance	Economist-Accountant
Newstead Zimba	Labour & Social Security	Former Trade Unionist
Edith Nawakwi	Energy & Water Development	Economist
Luminzu Shimaponda	Lands	Lawyer
Simon Zukas	Works and Supply	Civil Engineer

Because of the difficulty of having in the ruling party many members of parliament with specialist training in all the fields of presidential cabinet appointments, the rest of Cabinet Members in the Third Republic, very similar to the situation in the Second Republic, hold generalist positions. Generalist ministers tend to accumulate a wealth of knowledge and skills in ministries where they have no prior familiarity if they stay long enough in one ministry. Unlike Kaunda who frequently moved his Cabinet Ministers from one ministry to another, Chiluba, in the first term of his presidency never made frequent Cabinet reshuffles. He, however, relapsed into Kaunda's style of keeping his ministers on their toes in the second term of office. Mini and major Cabinet changes began to develop into platitude as Chiluba slowly became more confident of himself as president.

The preceding parts of the thesis have noted that President Kaunda enjoyed a domineering status over his Cabinet as a chairman and that his views formed the

edifice for policy-decisions. President Chiluba did not enjoy similar status as chairman of his first Cabinet. He was a novice in politics and began presiding over a Cabinet which comprised a good number of veteran politicians who served in the UNIP First and Second Republic. Notable illustrations are those of Arthur Wina, the First Finance Minister in the First Republic, Humphrey Mulemba, at one time Secretary General of UNIP's Central committee, Michael Sata, former Deputy Minister - Local Government and Vernon Mwaanga who served as Foreign Minister under Kaunda. This cluster of experienced Cabinet Ministers influenced President Chiluba to assume an initial withdrawal posture; to start by being an ardent-learning chairman, willing to learn from his senior ministers who went into the game of politics when he, Chiluba, was expected to be still at school in the nineteen fifties.

For policy-making capacity the membership of the first MMD Cabinet had some positive elements. A learning chairman President Chiluba allowed greater latitude for the free flow of ideas from his more experienced ministers. Those appointed to the Cabinet for the first time had the opportunity to learn from more experienced colleagues. The whole cabinet was obsessed by the then popular euphoria for a fresh start towards the development of democratic institutions after twenty-seven years of monopartism. That situation prevented Cabinet hegemony by one-man and so any policy synthesis was generated out of multiple opinions from Cabinet members.

By August, 1995, as evidenced by the preceding list of Cabinet Ministers, the membership of the MMD Cabinet had significantly changed. Nearly all the old actors associated with the First and Second Republic Cabinets, except Michael Sata, had left. President Chiluba had now gained more experience and confidence as chairman of Cabinet meetings and in him the feeling evolved that all Cabinet Ministers were the result of his appointments. Further, most of those he appointed could not claim seniority to him on the basis of an early debut into politics as was the case for some actors in the November 1991 Cabinet. This new development could have tempted him to gravitate into a monarchical posture of the chairman who felt that to have a firm grip over the Cabinet one had to ensure that what one said during Cabinet meetings, irrespective of rationality and consensus, had to culminate into policy-decisions.

2.10 Cabinet Appointments from Outside Legislature

The virtues of efficiency and effectiveness associated with the American political system in which Cabinet members are appointed from outside Congress primarily for their expertise and specialised areas of knowledge were stressed by proponents, as already observed, who presented their views to the Mvunga Constitutional Review Commission in 1990. Those views were repeated in 1995 when, headed by Mr. John Mwanakatwe, another Constitutional Review

Commission was established. After examining submissions from a wide range of petitioners, the commission unanimously recommended that:

“Ministers should be appointed from outside the National Assembly, from among the citizens of Zambia on the basis of ability, merit and experience.”³³

Just as the UNIP government rejected the recommendation, the MMD government did not accept it either. In their rejection the MMD government never commented on ability, merit and experience - attributes of ministers aimed at enhancing policy making capacity in the Cabinet - but dwelt on other issues as follows: This recommendation “is not accepted because in reality strict adherence to the doctrine of separation of powers is impracticable. It is, therefore, desirable that people who initiate policy should be able to defend it inside parliament and that Ministers should be appointed from inside Parliament.”³⁴ That government attitude could not and still cannot be regarded as a measure aimed at qualitative improvement of the Cabinet’s decision making capacity in the Third Republic. As earlier observed, appointing ministers from outside parliament would reduce the chance of Members of Parliament who nurse expectations of elevation to the Cabinet under the existing appointment guidelines. The Republican President also prefers to continue enjoying the loyalty and support of his backbench Members of the legislation who, by demonstrating appropriate decorum to him, envisage a possible reward coming in the form of appointment to Cabinet. Such a relationship between the President and his Party members in Parliament cannot lead the MPs to fearlessly question the reasonableness of the President’s ideas.

2.11 Use Of Special Assistants – Third Republic

The appointment of Special Assistants to the Republican President has become a convention in the Zambian political culture of governance. President Chiluba has upheld the practice he inherited from Kaunda. As earlier noted, Kaunda, on account of much longer stay in power, appointed and changed several special assistants. Chiluba has not done the same thing. The personnel that Chiluba appointed to assist him at State House to offer ideas and suggestions on diverse national and international issues shortly after he became president were:

Table 9: Special Assistants – Third Republic

Alexander Chikwanda - Chief of Staff - State House
Donald Chanda - Special Assistant - Economic Affairs
Richard Sakala - Special Assistant - Press.

Aside from Alexander Chikwanda who is reported to have been advising the President on a variety of issues including political affairs and retired from his

position towards the end of Chiluba's first term in office, the other two special assistants have remained in their positions since their appointment in 1991. Chiluba has given additional functions to Donald Chanda as Chairman of the Zambia Pensions Board and to Richard Sakala as Chairman of the Presidential Housing Initiative (PHI). Alexander Chikwanda served in various capacities during Kaunda's reign. His advice to Chiluba on political affairs must have been plausible. Donald Chanda taught Development Studies in the University before joining active politics. His advisory role to the President in economic affairs cannot be regarded to be completely without expertise. And Richard Sakala has background in journalism. He, therefore, is considered suitable for the position he holds as Presidential Assistant - Press.

What is of greater concern about these Special Assistants to the president is whether Chiluba has depended more on them for advice on issues leading to Cabinet decisions than he has been using Cabinet ministers. Some scholars like Gatian Lungu and William Tordoff wrote that in the Second Republic the Cabinet's strength to make policies was whittled down because Kaunda often avoided using his ministers but instead consulted more frequently his Special Assistants. In the Third Republic, particularly in his first term as President, Chiluba depended on and used his Cabinet ministers more than he took advice from his Special Assistants. As already observed Chiluba's first Cabinet of 1991 was composed of many veteran actors who served as Cabinet Ministers in the First and Second Republic. Chiluba respected the views of these people and to a larger extent Cabinet policy decisions crystallized around the opinions of those major actors.

Another way of looking at Presidential Special Assistants is that they add another stratum on the social hierarchy within State House to enrich the mind of the President before or after chairing Cabinet meetings. Although specially dubbed as Presidential Special Assistants, Cabinet Ministers seeking specific information necessary for Cabinet discussion can easily receive assistance from those experts. Seen in that light, Presidential Special Assistants both in the First and Third Republic have been playing the role of adding value to Cabinet decisions and hence invigorating its capacity for policy making.

2.12 The Cabinet Committee System – Third Republic

The rationale for using committees in order to upgrade the decision-making process in the Cabinet is as compelling in the Third Republic as it was for the Second Republic. In the Third Republic, Cabinet Committees are established to serve two main purposes:

To relieve the pressure on the Cabinet itself by:

- setting as much business as possible at a lower level before a final decision is made by Cabinet;

- ensuring that all technical details are fully considered and resolved;
- clarifying the issues and defining the points of disagreement; and
- formulating and submitting recommendations to Cabinet in a way that streamlines business and facilitates informed decisions; and
- to support the principle of collective responsibility by providing a forum for joint consideration of policy proposals and reducing areas of disagreement among Ministers before proposals go to Cabinet.

The comprehensive set-up of Cabinet Committees is given in Appendix IV.

Cabinet Committees are standing Committees. They discuss under terms of reference issues which keep busy the Cabinet throughout the year. Other issues such as Independence Anniversary celebrations and the conferment of honours and decorations are considered only once in a year. Special Committees such as the one looking at Independence Days and the other considering issues relating to prerogative of mercy are, hence, adhoc. Their actors are appointed only when the need arises although their structures are shown in the Cabinet Hand Book.

The line-up of the Cabinet Committees shows that three - Defence and Security committee, Foreign Affairs Committee and Economic Restructuring and Development Committee - are chaired by the President. Only one, Disaster and Drought Relief committee, is chaired by the Vice-President. The remaining three are chaired by ministers.

The structure and composition of the Committees are indicative of some measure of division of labour and specialisation which characterise the way the Cabinet conducts its functions. Division of labour and specialisation in modern social organisations are criteria for expert performance and error reduction. The other feature which comes out of the composition of each Cabinet committee is the admixture of membership. Since social policy is always a synthesis of interests drawn from many and varying social sectors, the representation in the membership of each committee reflects that composite picture.

For the three Cabinet Committees chaired by the President, propriety demands that subordinate members, the Vice-President and the Ministers, should show expected respect and honour to the Chairman. Such obligatory observances tend to enervate the spirit of free discussion and critical analysis of opinions held or supported by the chairman, himself enjoying constitutional discretion to appoint to and remove members from his Cabinet. Cabinet discussions impeded by fear of possible loss of some members' jobs are antithetical to refining ideas; they run counter to brain storming on the Cabinet and militate against error avoidance in the process of examining details which may be important for decision-making. Grant reinforces this assertion further as he observes: "There are some dangers inherent in a system that allows the President to hear advice principally from those people who owe their jobs to him."³⁵ Thus Cabinet decisions that led to wholesale

liberalisation of the economy in the Third Republic are understood to have been made under such constraining environment. That situation worsened by 1995 when most of the Cabinet Ministers claiming seniority as a result of their previous experience in the UNIP government had been purged out of the Chiluba Cabinet. New entrants into the Cabinet were those relatively young people whose political careers were to be determined by Chiluba the chairman, Chiluba the President and Chiluba the appointing authority. This atmosphere is similar to that which surrounded the Kaunda Cabinet during the Second Republic.

The development towards a stronger capacity in policy-making in the Cabinet is also determined by the kind of policy process and consultation process adopted by a particular government. When it came to power, the MMD government put in place the following policy-processes:

The Conceptualisation Stage, where the following activities occur:

- the problem to be addressed is identified and defined by the concerned Ministry. This involves consultation between the Minister, Permanent Secretary and technical staff in the Ministry;
- the Permanent Secretary informs the Ministry's Cabinet Liaison Officer of the policy matter in preparation for Cabinet;
- the Cabinet Liaison Officer communicates information on the forthcoming proposal to Cabinet or Cabinet Committee to the Policy Analysis and coordination Division;
- the Policy Analysis and Coordination Division, in consultation with the Ministry's Cabinet Liaison Officer, convenes an Inter-Ministerial committee of Officials (IMCO) involving all major stakeholders;
- the initiating Ministry prepares a Cabinet Memorandum and circulates it to all Ministers and the Policy Analysis and Coordination Division for comments;
- the Ministers submit their comments and these are incorporated in the Memorandum; and
- the initiating Ministry finalises the Memorandum and submits it to the Policy Analysis and Coordination Division.

The Adoption Stage, where the following activities occur:

- the Policy Analysis and Coordination Division includes the Cabinet Memorandum on the Agenda of the appropriate Cabinet Committee;
- the Cabinet committee debates the matter, makes a decision and recommends to Cabinet that the decision be approved; and
- Cabinet makes a decision.

The Implementation Stage, where the following activities occur:

- the Policy Analysis and Coordination Division prepares records of Cabinet decisions and conveys them to the initiating Ministry for implementation, and
- the Ministry implements the decision. In so doing the IMCO may be reconvened to plan the implementation; and

The Monitoring and Evaluation State, where the following activities occur:

- the Policy Analysis and Coordination Division requests a quarterly report on progress in the implementation of Cabinet decisions;
- the Ministry prepares and submits the implementation report in the form of an Agenda Cabinet Memorandum requesting Cabinet to adopt the report;
- Cabinet approves the report and the Policy Analysis and Coordination Division prepares and conveys the Cabinet decision.³⁶

On paper the above policy process sounds impressive. The process shows how other institutions such as the Policy Analysis and Coordination Division as well as the Liaison Offices play their role in decision-making. The cardinal status of the environment in policy formulation is strengthened by the already referred to second component of consultation. In this regard the MMD government thinks that:

“To facilitate decision making, Ministers should ensure that, in the development of any policy, adequate consultation takes place with all major stakeholders within and outside their respective Ministries. In this way, all relevant factors will be taken into account and any differences between stakeholders will be identified and resolved or clearly stated in advance of Cabinet consideration.

Ministers should also ensure that intra- and inter-Ministerial consultation takes place at Ministerial and Official levels on proposals that may impinge on the portfolios of other Ministries. Where this is the case, the Memorandum should be jointly prepared and submitted by all the Ministers concerned. Inter-Ministerial Committees of Officials, which are discussed in detail at paragraphs below, are the main fora through which such consultation takes place. A detailed description of the consultation process is contained in paragraphs 44 to 49 of the Guide to Writing Cabinet Memoranda, which is at Annexure 1 to this Handbook.

The following must always be consulted in preparing proposals for Cabinet consideration:

- the Policy Analysis and Coordination Division, on the preparation of all Cabinet and Cabinet committee Memoranda;
- the Minister of Finance and Economic Development, on all Memoranda with financial implications or involving expenditure by the government;
- the Attorney-General, on all Legislation Memoranda and Memoranda having legal implications;
- the Minister of Defence, on all Memoranda with implications on national defence and security;
- the Minister of Foreign Affairs, on all Memoranda with implications on international cooperation and agreements; and
- the Minister of Home Affairs, on all matters with implications on internal security.”³⁷

The preceding data have demonstrated greater effort made by the MMD government to improve Cabinet capacity in decision making. The Cabinet as such is an old institution which the MMD inherited from the UNIP government and UNIP inherited it from the British colonial regime. Both UNIP and MMD have altered its membership size and composition over stretches of time. Having learnt from the mistakes made by UNIP during its twenty-seven years in power, MMD has introduced alterations not only to the structure of the Cabinet, but also to its internal processes of operation. Institutions auxiliary to Cabinet such as Committees, Liaison Offices, the Policy Analysis and Coordination Division have been more clearly streamlined. The cycle system of Cabinet decision-making commencing with inputs from the environment leading to outputs has been well articulated. The researcher also had an opportunity to be shown round the computer facilities and equipment in the Cabinet ancillary offices of the Policy Analysis and Co-ordination Division. The computer system there can access data

on internet and make it available for the relevant Cabinet committee to deliberate on. This has widened the data-base for the Cabinet. The Policy Analyst the researcher interviewed at the Cabinet Office has a Bachelor's degree in administration acquired from the University of Zambia and a Master's degree in policy analysis from one university in Holland. She also holds a Postgraduate Diploma in the same field. All those interacting with computers have grade twelve school certificates with specialised training in computer operation. The computer age has revolutionised data compilation, storage and retrieval and the Zambian Cabinet in the Third Republics, unlike its counterpart in the Second Republic, is making good use of this technological advancement.

On the other hand, it is also incontrovertible that some of the measures taken by the MMD government to introduce reform to the Cabinet set-up were aimed at consolidating the President's leadership role. For instance, it is not democratically fair for one man to be chairman of three Cabinet committees in a Cabinet with the total membership of twenty three. He, the President, is not a polymath. He could have given up the chairmanship of committees such as the one on Economic Restructuring and Development to the expert, for instance the late Minister of Finance Ronald Penza. When in plenary session, he, Chiluba, would then chair the full Cabinet meeting. Both UNIP and MMD rejected the people's popular idea of appointing experts from outside Parliament as Cabinet Ministers. This would improve Ministers' knowledge of issues discussed in the Cabinet. However, in overall terms, the policy-making capacity of the Cabinet in the Third Republic has tended to surpass its counterpart in the Second Republic.

2.13 The Legislature

An important political institution that is cardinal in the policy-making process of democratic states is the legislature or Parliament. National policies are issued out in the form of Parliamentary Acts or pieces of legislation. Policies wearing the rubric of Parliamentary Acts "become the new law, the new enforceable standard backed by the majesty of the state."³⁸

Originally, the word 'Parliament' meant a talk, as derived from the French word "parler" which means "to speak" or "talk" and the Latin word "Parliamentum". In the latter form, it was applied to the after-dinner conversations held by monks. The term was also used to describe conferences held between Kings, particularly during the 11th Century. In 1239, and again in 1246, Matthew Paris used the term 'Parliament' to describe a great council of prelates, earls and barons. From this time on, it was used for such an assembly and was gradually transferred to a body of persons gathered for discussions. Thus, in contemporary usage, placed in political reality, "Parliament" is used to describe an institution of consultative government; an assembly of representatives of a political nation or people, often the supreme law-making authority and symbol of national sovereignty.

The evolution of Parliaments to the present status owes much to the British Parliament sometimes called the “Mother of Parliaments”.

2.13.1 Composition of Parliament

In Zambia, Parliament comprises the President and the National Assembly that consists of one hundred and fifty (150) elected members, not more than eight nominated members and the Speaker of the National Assembly as provided for under Articles 62-71 of the Constitution of Zambia (The Constitution of Zambia, 1996).

The Parliament of Zambia is constituted every five years after Presidential and General Elections. Each of the elected members represents a Parliamentary constituency, while the power of nominating members to the House is vested in the President. The Vice-President, who is the Leader of Government business in the House, Cabinet Ministers and Deputy Ministers are appointed from among Members of the House. They may be elected or nominated Members. Each member has a specific seat in the Chamber, and he or she may not speak from any other seat. The front row of the ruling Party, known as the Front Bench, is reserved for the vice-President who in the past was called the Prime Minister and the Cabinet Ministers. In the middle row sit Deputy Ministers. In the outer row, known as the back bench, sit the backbenchers or Private Members. The left side of the Speaker’s Chair is reserved for the opposition Members of Parliament.

2.14 Historical Development of the Zambian Parliament - 1924 To 1999

The historical development of the Legislature in Zambia dates as far back as 1924 when Northern Rhodesia was handed over by the British South African Company (BSAC) to the British Government, and became a protectorate under the direct control of the colonial office in London.

The Legislative Council was established in Northern Rhodesia, just as in other British colonies, as a central institution and the meeting place of imperial authority and local representation. It was also partly established as a follow up to the European demands for responsible government which were first raised during the period of BSAC rule. These demands had, first of all, culminated in the formation of an Advisory council in 1918 which was composed of five (5) elected members out of which one represented the Europeans of the former North-Western Rhodesia and one representing the Europeans of the former North-Eastern Rhodesia. This Council, however, provided the settlers with a limited voice in the territory’s administration, as it had no legislative or executive authority which remained vested in the BSAC’s Administrator. When Northern Rhodesia was placed under the direct administration of the British Government in 1924, the European settlers continued agitating for more political control in the ruling of the

territory. The Crown, therefore, replaced the Advisory Council by a Legislative council of the usual colonial type.

The creation of the Legislative council was, therefore, mainly to accord the white settlers a larger say in the running of their affairs than had been the case during BSAC rule. Constitutional provisions empowered the Council to establish such ordinances as were necessary for the administration of justice, the raising of revenue and generally for the peace, order and good governance of Northern Rhodesia.

2.15 Composition of the Legislative Council - 1924-1958

The first Legislative council which held its first meetings on 23rd May, 1924, in Livingstone, the then capital city of Northern Rhodesia, comprised the following:

Table 10: The Legislative Council – 1924-1958

- The President who was the Governor of the territory;
- nine official members who represented the Government and these were notably:
 - 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 Government, namely:
 - the Director of Development;
 - the Director of Medical Services; and
 - the Director of Agriculture; and
 - five (5) nominated members.

Until 1935, these were drawn with only one or two exceptions from the classes of white farmers representing the predominantly rural constituencies and small businessmen representing those dominated by one or other of the large settlements. Notably, all the above named members belonged to the White settler community. It is, therefore, not surprising that during the early years of the Legislative Council, native affairs were rarely discussed. This state of affairs was confirmed by Mr. Moore's remark in 1927 when he said:

"The natives (Africans) do not come into contact with this House, they are governed in the sense that they are legislated for by the people, but they are governed by the people who employ them."³⁹

A similar remark which showed the kind of representation and issues discussed in the Legislative Council was made by the same person twelve years later, when discussing native opposition to the amalgamation of the two Rhodesias' proposal: "The Natives have got no grounds for liking it or disliking it; we are running the show."⁴⁰

These remarks, therefore clearly indicate that the first Northern Rhodesian Legislative council was basically there to serve the interests of the white settlers in the territory. This political trend was, however, to gradually change due to various influential factors on British colonial rule.

After the 1959 election, the Legislative council's representation by party and by race was as follows:

Table 11: Legislative Council Representation after 1959 Elections

Party	No. of Members	Africans	Europeans
U.F.P.	13	2	11
C.A.F.	3	1	2
A.N.C.	1	1	0
D.P.	1	0	1
Independents	2	2	0
Total	20	6	14

N.B.: U.F.P.: United Federal Party

C.A.F.: The Central African party

A.N.C.: African National congress

D.P.: Dominion Party

Source: David Mulford, The Politics of Independence in Northern Rhodesia (1967).

As shown from the table above, three seats, one for the Africans and two for the Europeans, were left vacant.

It can further be seen from the above table that despite the main objective of the 1959 Constitution being the promotion of politics on non-racial lines but on party lines, Africans were still the minority in the Legislative council. Additionally, the franchise requirements limited the number of Africans who qualified as voters. Political events between 1959 and 1962 further led to more constitutional changes regarding the Legislative Council. For instance, proposals made by the Secretary of State for the Colonies, Ian McLeod, in February, 1961, recommended an increase in the number of elected members and such nominated members as the Governor might appoint on instructions from the British government. "Of those members elected, fifteen (15) would be returned from single member constituencies by upper

roll voters, fifteen (15) from members constituencies by lower roll voters and fifteen (15) from national constituencies by both rolls voting together.”⁴¹

After the 1962 elections in which various political parties contested, including the newly formed United National Independence Party (UNIP), the majority seats in the Legislative Council were won by two parties: UNIP and the African national congress (ANC). UNIP won fourteen (14) seats while the United Federal Party (UFP) won sixteen (16) and the remaining seven (7) by ANC.

The ANC held the balance of power. Both UFP and UNIP began negotiations with ANC to join them, but public opinion both at home and abroad prevailed over Mr. Harry Mwaanga Nkumbula to join UNIP in order to form a coalition Government to have the first ever black Government in Northern Rhodesia. “The result was that the two parties, namely, UNIP and ANC, agreed to form a coalition Government by combining their seats which lasted until January, 1964”⁴²

2.16 The First National Assembly 1964

The last Legislative Council before independence was formed after the elections of 28th January, 1964. This was under what was termed as self-governing constitution, which provided for a total of seventy-five (75) seats in the House. Of these, sixty-five (65) were elective on the main roll for African voters. The main political parties in the contest were the ANC, the Whites only National Progressive Party (NPP) and UNIP. The result of the elections was an overwhelming victory for UNIP which won fifty five (55) of the sixty-five (65) main roll seats. “The ANC filled the remaining ten (10) seats and NPP secured all the ten (10) reserved roll seats”⁴³ After those elections, the British Government called for a conference in May, 1964, at Malborough House in London, which was called the Northern Rhodesian Independence Conference. Representatives from all the political parties with seats in the Legislative Council attended that conference. After serious negotiations, the conference produced an Independence Constitution which provided for a Legislative Council made up of eighty (80) Members

On 24th October, 1964, Northern Rhodesia was declared an independent State of Zambia which became a Republic within the Commonwealth at the same time. The First Republic under an African Government was born and Kenneth David Kaunda became the first President. The Legislative Assembly was renamed the National Assembly of Zambia. It consisted of seventy-five (75) elected Members and five (5) nominated Members.

The first National Assembly in independent Zambia met on 14th December, 1964. On this day, the House elected its first Speaker, Mr. Wesley Pilsbury Nyirenda, who took over from Sir Thomas Williams, MP. The election of a Speaker was a very significant change in the procedure of the House because in the

colonial period, the Speaker was an appointee of the Northern Rhodesian Governor. Apart from Members of Parliament and the Hon. Mr. Speaker, the House also consisted of the Republican President, His Excellency, Dr. K.D. Kaunda, His Honour the Vice-President, Mr. R.C. Kamanga, the Deputy Speaker, the Honourable Humphrey Mulemba, MP and Leader of the Opposition, Mr. Harry Mwaanga Nkumbula, MP.

The achievement of independence brought an important turning point in the development of the Zambian Parliament. This is because Parliament was no longer a colonial central institution interpreted as the rendezvous of imperial authority and local representation, but an independent institution forming part of the three wings of Government, namely, the Executive, the Judiciary and the Legislature. The Legislative powers of the Republic were vested in the Zambian Parliament which consisted of the President and the National Assembly.

In 1967, Parliament moved from the old Secretariat at Cabinet Office to a more fitting building which had just been constructed on the crown of a low hill in Lusaka. This place was, at one time, the dwelling place of village Headman Lusaka, after whom the City of Lusaka is now named. In January, 1968, a Constitutional amendment was passed (Act No. 2 of 1968) and Assented to by the president on 10th January, 1968. This raised the membership of the House from eighty (80) to one hundred and ten (110) members.

2.17 The Second National Assembly

On 19th December, 1968, the Second National Assembly of Zambia was born after the Presidential and General elections. Dr. K.D. Kaunda was returned as President of the Republic. The newly elected Speaker was Mr. Robinson M. Nabulyato, MP, while the Deputy Speaker and Chairman of Committees was Mr. W. Nkanza, MP, from 1968 to 1971, and Mr. P. M. Muwowo, MP, from 1971 to 1973.

At this time, political developments in Zambia required some changes in the Zambian Constitution and this affected the operations of the Zambian parliament. This is because during the Second National Assembly, the dominant position UNIP enjoyed in the National Assembly misled many UNIP leaders into thinking that ANC would die a natural death. Therefore, the President, Dr. K.D. Kaunda and his colleagues thought that they could bring about a One-Party State in Zambia, by the voluntary liquidation of the ANC itself, leaving UNIP as the sole political party. This view was explicitly put by the President, Dr. K.D. Kaunda to the General conference of UNIP in August, 1967, when he stated that:

“UNIP was (sic) in favour of a One-Party State; that we do not believe in legislating against the Opposition; that by being honest to the cause of the common man, we would, through effective Party and Government

organisation paralyse and wipe out any Opposition thereby bring about the birth of a One-Party State; and we go further and declare that even when this comes about we would still not Legislate against the formation of Opposition parties because we might be bottling the feelings of certain people no matter how few.”⁴⁴

Despite the above pronouncements, inter-party rivalry between ANC and UNIP intensified. Rivalry within UNIP also intensified. ANC also steadily increased its seats in the Zambian Parliament from ten (10) in 1964 to twenty-three (23) in 1968. Hence, it became apparent that UNIP was not going to succeed in establishing a One-Party system of Government through the ballot box. It also became apparent to UNIP leaders that ANC had become an effective political party and was seen by the people as a party that could offer an alternative Government to UNIP.

In order to perpetuate themselves in power and prevent the democratic process from determining which party should govern Zambia, the UNIP leaders called for a constitutional change through the 17th June, 1969 Referendum. The leadership argued that it was necessary to change sections of the Constitution in order to make Parliament supreme. This is because under the inherited independence Constitution of 1964, the governing Party in Parliament had the power to make any laws it wished. This was done by simply getting the votes of nearly all the Members the people elected to the National Assembly as their representatives in the general elections. The constitution also empowered the governing party in Parliament to make amendments to large sections of the Constitution itself simply by obtaining a majority vote of the Members of the National Assembly. However, the 1964 Constitution stated that:

“No Governing party may make amendments to Chapter III, Chapter VII and Sections 71 (c), 72 and 73 of the Constitution without first obtaining the approval of the majority of the electorate through a Referendum.”⁴⁵

2.18 The Zambian Parliament Under A One-Party State Participatory Democracy - 1973-1991

Article 63 of the 1973 Zambian constitution which ushered in the single party political system states that in Zambia the “National Assembly shall consist of one hundred and twenty-five elected members”.⁴⁶ In addition to this, according to Article 66, “the president may appoint as nominated members of the National Assembly such persons, not exceeding ten in number, as he considers desirable in the public interest in order to enhance the representative character of the Assembly or to obtain the services as a member of the Assembly of any person, who by reason of his special qualifications, would be of special value as such a member.”⁴⁷ Although total membership of the Zambian legislature was made up of individuals from UNIP, the Commonwealth procedures of passing Bills through various stages was strictly followed by parliamentarians. These stages, such as the committee

stage, provided a mechanism for checking the correctness of government policies before the policies could be issued out in the form of Parliamentary Acts. Another mechanism that was used to put right the thinking of the government was Question Time. During Question Time, the role of Parliamentary backbenchers was very fundamental. The backbenchers are normally the watchdogs of the electorate over Government policies. Initially, backed and protected by the National Assembly Powers and privilege Act Cap 17 of the Laws of Zambia, backbenchers were free to criticise the Government or vote the way they wanted. On many occasions, Government Bills which were seen to be inimical to the interests of the majority of Zambians were thrown out. For this reason, Parliament was, over the years, seen by the Central committee of the United National Independence Party and its Government as a forum for an opposition party within a One-Party State system of Government. The Government consequently worked out an administrative mechanism which eventually eroded policy scrutiny in the Zambian parliament. This was done by the Republican President who appointed three quarters of the Members of parliament as District Governors, Ministers of State, Cabinet Ministers and Members of the Central Committee. Statistical figures given in table 12 indicate this trend and show clearly how the Government started eroding parliamentary democracy in Zambia.

Table 12: Front Bench and Back Bench MPs – 1974-1991

Selected Years	Number of Members of Parliament in the Front bench - Government	Number of Members of Parliament in the back-bench
1974	42	87
1977	45	86
1979	41	75
1985	39	64
July, 1991	77	46

National Assembly Parliamentary Debates 1974 to 1991)

By 1988, when the One-Party State Government commenced its last term of office, there was clear evidence that Parliamentary democracy in Zambia was being tampered with by the Executive. This partly explains the reason why Dr. R.M. Nabulyato, MP, resigned from his post as Speaker of the Zambian parliament.

By July, 1991, table 12 above demonstrates that the total number of Members of parliament who made up the Front Bench in the House was seventy-seven (77) and those who made up the back bench were forty-six (46). Therefore, the forty-six (46) members that remained in the back bench could not successfully defeat the Government on any Motion. This was because Honourable Ministers of

State, Governors and Parliamentary Secretaries who by Constitution were not allowed to attend Cabinet meetings where Government policy issues were discussed, were bound by the “Doctrine of collective Responsibility” to support the Government position on any issue when it was brought up in Parliament for discussion and approval. Thus in several instances the executive could even ignore the feelings of the legislature and could go ahead to make its own decisions. For instance the 1980 Local government Bill had been deferred by the legislature. The Chiyawa Land issue in 1985 had been defeated in Parliament. In the same vein, in the private member’s motion which urged the state to reduce the price of fertilizer, the government was defeated. In all these cases, the government went ahead to do contrary to the views of Parliament. The other weakening point in the capacity of the Zambian Parliament to make appropriate policies is encased in its structure. It is a unicameral legislature, “a legislative body comprising only one chamber.”⁴⁸ As such it has no screening second level, neither does it provide a mechanism for a second opinion as is the case in countries like Britain or the United States whose legislatures are bicameral.

2.19 Knowledge and Expertise in Parliament: 1st, 2nd and 3rd Republic

Like in many other developed and developing countries, the Zambian parliament is composed of generalist and specialist legislators. Generalist legislators are elected members of parliament serving on a parliamentary committee examining specific policy issues in whose field they have had no vocational training. On the other hand specialist legislators have had previous vocational training in specific policy-issues. In the Zambian parliament, about eight five (85%) of the elected representatives are non-specialists. Some – about seventy-five (75%) have had no university education.

What follows from the above situation is that a policy debate on a scientific issue such as ‘environmental pollution involving terminologies like ‘toxic substances’, ‘automobile emissions’, ‘hydrologic cycle’ etc. can only be meaningfully participated in by those elected representatives knowledgeable in the field of discussion. The ultimate policy-decision will be the work of those few specialist elected representatives.

The above constraint on policy-making capability was worse in the Zambian parliament during the First Republic and the middle part of the Second Republic. Most of the national educational institutions were not yet developed. The level of literacy of the majority of parliamentary representatives was very low. The Third Republican National Assembly has attracted a reasonable number of university and college graduates. Though generalist legislators, most of them use their high level of liberal education for easier adaptability and faster grasping of issues in fields unrelated to their areas of expertise.

The qualitative improvement in the level of literacy in the Third Republic is not a monopoly of legislators in the governing party alone. The development of the University of Zambia, Copperbelt University and a host of colleges in the country has given rise to the production of educated human resource that is now representative of opposition political parties in parliament. Though some are ‘independents’, in parliament they assume the role of checking the performance of the government, siding with the government on issues they consider to be just, rational and proper; criticising the government on the other issues regarded to be improper or adverse to the interests of their electorate. In general it is observed that while there are more generalist legislators in the Zambian parliament, the level of literacy of these elected representatives has tended to increase. This has in turn elevated decision-making capabilities in the legislature.

2.20 The Third and Fourth National Assembly - 1991 - 2001

The 1991 constitution which abolished the single-party system and reintroduced political pluralism raised the number of seats in parliament from one hundred and thirty five (135) to one hundred and fifty (150). Article 63 of that constitution states that “the National Assembly shall consist of one hundred and fifty elected members,”⁴⁹ including “not more than eight nominated members”.⁵⁰ This declaration is repeated in the Amended 1996 constitution.

After the polls of the 1991 election, individual party representation in the National Assembly was as shown in Table 13.

Table 13: Party Representation in Parliament – 1981.

PARTY	NUMBER OF SEATS
UNIP	26
MMD	124
Other Parties	0
Independents	0
Total	150

Source: Electoral Commission: 1991 Parliamentary and Presidential Elections.

Five years later, in 1996 the picture became even stronger for MMD in parliament. Largely because of UNIP boycott of the election, MMD increased its parliamentary representation as shown in table 14.

Table 14: Party Representation in Parliament – 1996.

PARTY	NUMBER OF SEATS
Movement of Multiparty Democracy (MMD)	131
National Party (NP)	5
Agenda for Zambia (AZ)	2
Zambia Democratic Party (ZDC)	2
Independents	10
National Total	150

Source: Electoral Commission: 1996 Presidential and Parliamentary Elections.

Following the birth of the United Party for National Development (UPND) and several by-elections held in the country, by January 2001, the political parties' standing in the Zambian legislature was as shown in Table 15.

Table 15: Party Representation in Parliament – 2001.

MMD	128
NP	5
AZ	1
UNIP	2
UPND	6
Independents	8

Source: Interview with a UPND official.

The overwhelming MMD majority in parliament after both the 1991 and 1996 parliamentary and presidential elections has created a situation where constitutionally the legislature has to have a multiparty representation. But in practice it is, infact, a single-party representation. While the ruling MMD has become stronger to legislate on almost everything within their interest, scrutiny and checking their actions has seriously been stifled. Opposition political parties have been more vocal outside rather than inside parliament. Since voting for or against a bill is the ultimate weapon for making a policy-decision in parliament, the overwhelming MMD majority has always been an irresistible force against a very small opposition membership present in parliament.

As already observed, dissenting views from members of the backbench in the governing party had tended to be benign and moderate. This means that opinions which culminate into policy-decisions are never subjected to a watchful and independent evaluation.

2.21.0 Question Time

During the Third Republic, as was the case in the Second Republic, the convention of parliamentary Question Time integrated within the realm of parliamentary procedure has always been observed. For purposes of improving the decision-making capacity of the Legislature, Question Time, as already noted, provides occasion for not only clarifying issues being debated, but also creates, through questions, an opportunity for some parliamentarians to introduce new ideas which may be contributory to the solution of the problem under debate. For purposes of Parliamentary procedure “there are three types of questions, namely:

Ordinary questions for oral answer: these are tabled with the intention that they should be given oral answers in the House; questions for written answers: these are questions usually requiring lengthy answers which are not given on the Floor of the House, but are printed directly in the Daily Parliamentary Debates; and
private notice questions: these are urgent questions for oral answers asked under Standing Order 29 and are only admissible if the subject matter is judged by the Speaker to be of immediate public importance.”⁵¹

In order to preserve the sequence and honour in the manner Parliamentary questions are asked, certain procedures have been laid down. Whatever procedures these are, this thesis derives its interest in the extent to which Parliamentary questions abate the legislature to strengthen its decision-making ability. Certain factors have favoured the Third Republican Legislature to partly achieve that desired goal. Firstly, the 1991 and 1996 Legislatures attracted a sizeable number of young and better educated members who surpassed the educational status of their founding fathers who legislated in the First and Second Republic. Secondly, the democratic catharsis of particularly the 1991 Legislature wanted to demonstrate right there in parliament that a new age of free speech and expression had been born after close to three decades of suppressed emotions under monopartism. That euphoria in the 1991 legislature instilled into the MMD back-benchers the courage to cross-examine the activities of the Executive and to ask the front-benchers tough questions to clarify government policy.

Things began to change in 1996 when MMD won a second mandate to run the state affairs of the country. That fresh mandate returned MMD to Parliament with a much bigger majority. However, many MMD parliamentarians have been in the backbench since 1991. Frustration has ignited in some of them loss of interest in parliamentary affairs. Some backbenchers have been asking questions not aimed at reaching the right decisions of Parliament as Ng’ona Chibesakunda notes. Questions may be used just to embarrass the Government. For example, questions like “How many leaders have been prosecuted for poaching?”⁵²

From the preceding figures on party representation in the Zambian Parliament, the opposition parties, including the independents', by January 2001, had a standing of 22, as against the overwhelming strength of 128 for the ruling MMD. The collective voice of this very small opposition, no matter how brilliant its questions are, has been ignored by the MMD. Questions from the opposition parliamentarians on the pace of privatisation, which parastatals should be privatised; questions on the eligibility for some one to stand and contest the republican presidency, the sale of government houses; questions on the electoral process which involved a foreign company, NIKUV, failed to change the attitude of the MMD.

The other component related to the significance of Question Time in the quest for improving the decision-making capacity of the Legislature is the role of the Speaker. Chibesakunda says the Speaker "regulates debates and enforces strict observance of rules which govern the orderly conduct in the House. He calls upon Members who wish to speak and selects them."⁵³ In Zambia, the individual to assume the position of Speaker has always been elected in Parliament from the group of Parliamentarians whose party has won the presidential and parliamentary elections. In the preceding paragraphs of this work, Chibesakunda has identified the following people who have held the position of Speaker.

Table 16: National Assembly Speakers in Zambia.

Name	Party Belonging To
Sir Thoman Williams	UFP
Mr. Wesley Pilsburg Nyirenda	UNIP First National Assembly
Mr. Robinson M. Nabulyato	UNIP Second National Assembly
Mr. Amusa Mwanamwambwa	MMD Fourth National Assembly

The partisan status of the Speaker either overtly or covertly compels him to favour, in the selection of people to rise to the Floor and speak, certain parliamentarians belonging to his party. As they constituted the majority in the House, the MMD MPs, voters in parliament, determined in the Fourth National Assembly, who the next Speaker had to be. Thus in a subtle manner the Speaker could not treat members of his party with a friendly attitude similar to that extended to opposition MPs who in the first place never wanted him to be in that post. The skewed behaviour in treating MPs sympathetic to different political parties in parliament augurs negatively for the serious scrutiny of ideas before final decisions are made.

2.22 Parliamentary Committees – 2nd and 3rd Republic

The role of Parliamentary committees in the process of policy-making during the Second Republic has already been commented on. It has been noted that Parliamentary committees are miniature parliaments that relieve the main National

Assembly of the heavier load to examine in detail all issues that come to its attention. In the National Assembly of Zambia the powers of these committees have been enhanced by Chapter 12, of the Laws of Zambia, the National Assembly (Powers and Privileges) Act. In particular Cap. 12, Part III, dealing with evidence, has given powers to the Assembly and any of its committees to order the attendance of witnesses. Section 14(3) of Cap. 12 deals specifically with exemption from attending or producing evidence before a committee or the whole House and Section 19 of Cap. 12 enumerates offences against the House or any of its committees. In addition to the provisions of the law, the powers of committees have further been enhanced by Standing Order 136 (2) of the Parliament of Zambia which states that: All sessional committees shall have power to send for persons, papers and records.

During the Second Republic, the following Sessional Committees existed:

Table 17: Sessional Committees – 2nd Republic.

- The Standing Orders Committee
- The Library Committee
- The House Committee
- The Parliamentary Procedures, Customs and Traditions Committee
- Committee on Absences of Members from Sitings of the House

Others were Select Committees and Watchdog or Investigatory Committees. The performance of the above committees in scrutinizing the policy-decisions of the Executive was stifled by their membership which was restricted to UNIP adherents. The rebirth of political liberalism in 1990 set sail new political and economic policies. The new MMD government, in its endeavour to bring about change in the conduct of the affairs of the legislature, introduced reform to the Parliamentary Committee system. To back up their reform initiative, the MMD government argued that the new image Committee System had to be born in order to:

- “- to enable members of Parliament to perform more effectively their functions of scrutinising Government ministries and departments;
- to introduce a degree of flexibility into the Committee system, so that it readily adapted to the changes in government and organisations;
- to have related Government ministries, departments and agencies that report to or through ministries examined by parallel departmental committees;
- to distribute the workload more evenly among committees so that members can participate more effectively;
- to allow more public participation in the legislative process and in the scrutiny of the activities and policies of the executive; and
- to consider petitions from the public.”⁵⁴

Following the above reasoning, eleven departmentally related Committees were created and came into operation in February, 1999 as indicated in table 18.

Table 18: Departmentally Related Committees.

- Committee on Agriculture and Lands
- Committee on Economic Affairs and Labour
- Committee on Communications, Transport, Works and Supply
- Committee on Energy, Environment and Tourism.
- Committee on Health, Community Development and Social Services.
- Committee on Information and Broadcasting.
- Committee on National Security and Foreign Affairs.
- Committee on Education, Science and Technology.
- Committee on Local Government, Housing and chiefs Affairs.
- Committee on Legal Affairs, Governance, Human Rights and Gender Matters.
- Committee on Sport, Youth and child Affairs.

In addition to the eleven departmentally related committees, the new committee system has also four General Purpose Committees whose mode of operation is not confined to any specific ministry. These committees are:

Table 19: General Purpose Committees.

- Committee on Public Accounts.
- Committee on Delegated Legislation.
- Committee on Government Assurances.
- Committee on Estimates.

After giving it a second thought, the MMD government re-established the committees they had once abolished as follows:

Table 20: Re-established General Purpose Committees

- Standing Orders Committee and
- Committee on Privileges, Absences and Support Services.

Empowered by the Standing Orders, the Speaker appoints members to the above various Committees. In a multiparty political environment, the constitutional obligation demands that the Speaker should take account of representation of all parties in the Committees as is the case in the main House. Other factors considered are gender balance, Members' qualifications and preferences.



2.23 Performance of the Committee System in the Third Republic.

Effective performance of the Parliamentary Committees in the Third Republic has been marred by the small presence in the legislature of the opposition groups. Recourse to the parties representation in Parliament reveals 22 seats for the combined opposition including independents and 128 seats for the ruling MMD. This means that most, if not all committees are dominated by members from the ruling party. Ideational input therefore into the Committee deliberations comes from an equally small opposition representation thinly spread through eleven to seventeen Committees. Infact the opposition presence in the Legislature is so small that some Committees are without members from the opposition parties. What this means is that the ruling party in parliament, through its committees, enjoys the same unifying voice under the principle of collective responsibility and cannot remove the perk from its eye when decisions are to be made.

On the contrary, there have been some aspects of qualitative improvement in the Committees. Many Third Republican parliamentarians belong to the young generation of men and women replete with reasonable levels of literacy. This has equipped them to understand socio-economic and socio-political issues much better than the majority of their founding fathers who served in the Legislature of the Second Republic. Standing Orders of the improved Legislature further permit individual committees to solicit for ideas from the general public through the press, or to invite certain experts to attend their discussions. In the Post Publication of December 4, 1998, the role of the Zambian Legislative Committees in checking the behaviour of the executive on financial matters was demonstrated. The paper carried a front page article which stated that “glaring financial irregularities in the government resurface again in a report by the Parliamentary Committee on Public Accounts which revealed the disappearance of two cheques totaling K7.67 billion from privatization proceeds in 1996.”⁵⁵ The publication of that article brought to the attention of the general public certain allegedly wrong aspects of behaviour by some members of the executive.

2.24 The Zambian Parliament and the International Environment

The perceptions of the Legislature in the modern world is shaped not only by the ideas of its elected actors, but also by influences coming from the external environment. For instance, issues like disarmament, environmental pollution, drug trafficking or general economic development have an international or global magnitude. To achieve desirable results in the fight against drug-trafficking for example requires that certain countries should have consensus to enact appropriate laws in their respective Legislatures. But prior to the passage of such laws representatives of the Legislatures from a group of concerned countries can meet in an international conference to debate a topic at issue. For this reason, “Parliaments all over the world belong to a number of international organisations. The Zambian

Parliament in particular belongs to a number of international Parliamentary organisations such as the Commonwealth Parliamentary Association (CPA), the Inter-Parliamentary Union (IPU), the Association of European Parliamentarians for Southern Africa (AWEPA), the African Caribbean Pacific/European Economic Community (ACP/EEC) Joint Community Parliamentary Forum (SADC Parliamentary Forum).”⁵⁶

For purposes of improving decision-making, the Zambian parliament has benefited from its membership of these organisations. For instance the majority of members of the CPA are multi-party democracies which for years have been preaching multi-racial and multi-party politics in order to obtain democracy. The CPA in this instance greatly influenced opinion in the Zambian legislature on the road to the reintroduction of political pluralism. As a result in October 1991, the CPA was represented by the group sent by Chief Emeka Anyaoku, then Commonwealth Secretary General, to monitor presidential and parliamentary elections in Zambia. The IPU in the past assisted Zambia “in terms of training which has been offered to a number of parliamentary officers to improve their efficiency in their executions of parliamentary work.”⁵⁷ On issues such as the Front Line States against apartheid, the hunger situation in Southern Africa and economic aid for Southern Africa “Zambia has been represented at several of these meetings”⁵⁸ discussed by these international institutions.

The above summarised picture of Zambia’s involvement in international parliamentary organisations lends credence on how both the Second and Third Republic Legislatures have benefited from their membership into the organisations. The exchange of ideas on the international scene broadened the horizons of the then serving Zambian legislators who had the opportunity to attend such fora and the continuing international interaction makes the incumbent parliamentarians in Zambia think more clearly and arrive at more accurate and wise policy decisions for the country, the region and the world.

2.25 Party Organs

Party organs that play an immense role in influencing the policy-making process in Zambia are the Central Committee of UNIP and the National Executive committee of MMD. Other political parties are still developing their organs yet to be credible enough to provide inputs into Zambia’s policy-making process.

During the Second Republic, “a strong one party system was in place in Zambia.”⁵⁹ No dispersal of power, often witnessed in a decentralised and fragmented multiparty system, was allowed. Instead fusion of power between and among state and party organs was a principle which was defended by the concept of the ‘party and its government’. Separation of power or functions between the cabinet and the Central Committee – both organs then chaired by the same state president – was unclear. When the two organs held similar views on certain policy

issues, no cause for alarm arose. But, while the Cabinet could deliberate on policy issues, the final decision-making authority resided in the party's Central Committee that remained the dominant political executive in the country. From 1975, the Central Committee was given far reaching political powers, including those of vetoing the decisions of the Cabinet especially when such decisions appeared to threaten the political survival of UNIP.⁶⁰ This observation is endorsed by Article 59 of the UNIP Constitution which states that among the functions of the Central Committee one is "to direct the activities of all organs of the party and the state."⁶¹

When in power, the UNIP Central Committee had "sixty-eight (68) members (inclusive of the President of the Party)."⁶² Twenty three of them operated on full-time basis.

As already noted in the preceding paragraphs, the coalescence of state and party organs created a monolithic, highly centralised decision-making machinery. The machinery militated against the spirit of inclusion and free participation by individual actors who were kept out of the system. Exclusion of individuals or institutions that held dissenting views quantitatively reduced the number of policy-formulating actors and qualitatively reduced ideas that would culminate into refining the views held by fewer dominant shapers of policy in Zambia at the time. Thus policy-making capabilities in that kind of environment were ultimately weakened.

Compared with the environment in the Third Republic, the Republican amended Constitution of 1996 declares "that Zambia shall for ever remain a unitary, indivisible, multiparty and democratic state".⁶³ The multi-party element of the declaration forbids the development of the concept of 'the Party and its Government'. Seen in that light, the National Executive Committee of the MMD and the Cabinet cannot be seen in close intertwined relationship. It is, however, also true to say that policy issues discussed by the Cabinet can emerge from meetings of the MMD's National Executive Committee (NEC). In theory it appears as if there is strict separation of policy functions between the state organ – the Cabinet – and the party organ, the National Executive Committee. But in practice the relationship between the two is organic. And in a country where more than eighty percent (80%) of parliamentary seats are held by the MMD, the party's sense of enjoying a high degree of legitimacy among the people makes its policy-making behaviour no different from that of UNIP during the single-party system.

The views expressed in the preceding paragraph are summarised by the concept of delinkage of the party and the state. "The introduction of multiparty elections meant that the 'party and its government' could no longer be considered a single entity. Before elections, UNIP attempted to initiate the delinking of party from state institutions. Cabinet directives gave UNIP employees and officials notice to vacate government houses and demanded the return of all government property on loan to UNIP."⁶⁴

Delinkage was primarily meant to create fairness for electoral competition among political parties. Its focus was on equitable distribution of state resources – finances, vehicles – among political contenders and emphasise that political parties should have their own resources obtained through party and not state efforts. In terms of emergence and transmission, as well as feedback of policy-ideas, delinkage in both the Second and Third Republics could and cannot hinder a conjunction of functions between state and party organs.

The MMD constitution, however, departs from the path followed by UNIP when UNIP was the only legally permitted party to exist in the country. Under Article 19 of its constitution, the MMD notes that the National Executive Committee shall have the following functions and powers:

- to be the chief political and organisational organ of the party;
- to be responsible for policy formulation”.⁶⁵

The constitution does not say that the National Executive Committee shall direct the activities of all organs of the party and the state, as was the case under UNIP in the Second Republic.

The MMD National Executive Committee has forty (40) members. The UNIP Central Committee, as already noted, had sixty eight (68) members. For purposes of policy-making, depending on how free individuals could be to speak their minds, UNIP was more inclusive than MMD. But as regards cost to the party, MMD has rationally reduced or kept its NEC membership at a moderate number of forty (40). Even for purposes of increasing policy-making capabilities, a smaller number of policy-actors may provide more time for each actor to speak and hence contribute more adequately to analyse, interpret and suggest possible workable alternatives to policy issues. Large numbers of actors in an institution, though credible for broad inclusion and wide participation, sometimes create problems of weak arguments. More time is spent on democratic attempts to accommodate each policy-actor's views, no matter how weak the arguments are. Policy-decisions can be made not on the strength and convincing reasoning of fewer actors in the committee, but on the basis of the democratic principle of majority views.

Another element which weakens policy-making capabilities in participating institutions relates to the nature of the actors' recruitment. Where membership of the committee is elective, it means that popular candidates hold greater chance of being elected into the institution. But the most popular candidates may not always be the most suitable to constitute a committee. Popularity may be derived from factors other than those of strong and appropriate training and experience. Policy-making capability is more a matter of widely read personnel brain versed in a wide ranging socio-economic, legal and socio-political issues, rather than sheer physical courage to mobilise support for or against other political contenders hankering for

certain positions in the country. For both the UNIP Central Committee and the MMD National Executive Committee, this scenario has not radically changed.

2.26 Political Parties

Political parties are other major institutions that provide inputs into the policy-making process of Zambia. A political party is "an organization designed to gain and control political power for purposes of regulating the activities of persons through government."⁶⁶ However, before political parties gain political power, they join forces with other opposition associations "in their common effort of participation in the decision-making process".⁶⁷ They perform that function by criticising government's intentions, or highlighting weaknesses in the current government policies. Individuals who resent certain policy issues in the country can raise their discontent through a political party with which they associate. Political parties therefore "represent the connecting link between government and public opinion".⁶⁸

In this country where it is declared that "Zambia will remain a multiparty and democratic sovereign state,"⁶⁹ political parties play "a major role in policy formulation".⁷⁰

During the Second Republic only one political party -- UNIP -- was constitutionally allowed to exist in the country. This is in contrast with the environment in the Third Republic where thirty four (34) registered parties existed at the time this thesis was being written. Fourteen (14) other political parties were recorded to have been deregistered as a result of failure to meet certain requirements.

From the above figures one can infer that policy-demands in the Second Republic had a single political conduit through which approval or censure could reach the Executive wing of the state. A single channel of communication suffered the adversity of 'overload of inputs' as well as feedback. Censorship of the message was another setback. UNIP, the only political party legally permitted to represent public opinion, was inadequate and could not be fair within itself to have a dual carriage way - one to ferret pro-government sentiments and the other to pass on anti-government policy views. And since the party was not in any way apprehensive of being replaced by another party its principal individual actors either never worried about exerting themselves to rigorous thought-process in planning for the country, or did not cautiously analyse the effects certain policy options would have on the country. Thus lack of competition for political office had a weakening effect to policy-making capacity in the Second Republic.

2.26.1 Active Parties

Although the number of political parties has proliferated in the Third Republic, their contribution to the process of policy-making is largely restricted to a few active players. The Committee For A Clear Campaign held a similar opinion when it wrote in its report about the 1996 presidential and parliamentary elections that “while in 1991 there were only a handful of political parties, in 1996, there were over thirty six registered parties. Of these, only about seven are active.”⁷¹ The active parties have been identified as:

Table 21: **Active Political Parties – 1996**

- Movement for Multi-party Democracy (MMD) founded on 21st July, 1990.
- United National Independence Party (UNIP) founded on 24th October, 1958.
- The Zambia Democratic Congress (ZDC).
- The National Party (NP) founded in 1993.
- Agenda for Zambia (AZ).
- Movement for Democratic Process (MDO) formed in 1991.
- Liberal Progressive Front (LPF).
- National Lima Party (NLP).

The effectiveness of the above parties in influencing the shaping of Zambia’s policy decisions partly depends on how widely active these political associations are in the country. The Registrar of Societies made the following assessment of the existence of seven opposition parties in the country:

Table 22: **Prevalence of Political Parties in Zambia**

Political Party	Leader	Comment
UNIP	K.D. Kaunda	Exists Country wide
Zambia Democratic congress	D. Mung’omba	Exists in some parts of Zambia
National Party	D.M. Lusulo	Exists in some parts of Zambia
Agenda for Zambia	A.M. Lewanika	Exists only in Western Province
Movement for Democratic Process	C. Chakomboka	Exists only in Lusaka
Liberal Progressive Front	R.M. Chongwe	Exists only in Lusaka
National Lima Party	B. Kapita	Exists in some parts of Zambia

From the above assessment, UNIP is the only opposition party that exists in every part of Zambia. Its party organs and hierarchy of authority around the

country can be used to support or criticise any government policy. Thus, although it was badly beaten in the 1991 parliamentary and presidential elections, its infrastructure throughout the country still remains. As a party that was in power for twenty seven years and had gained enormous international recognition and support, particularly in Southern Africa where it played a major role in the liberation struggle, what UNIP says is explicitly or implicitly listened to by the ruling MMD government.

The other aspect which determines the capability of a political party in contributing to the policy-making of the country is leadership. UNIP was led by the veteran former president who during his long term in office gained so much expertise, knowledge and courage to comment on policy issues that his pronouncements are taken seriously by the government.

Zambia Democratic Congress exists only in some parts of the country. Therefore its impact on the ruling party is also limited. But it has a sufficiently enlightened leader, Dean Mung'omba. He is an articulate speaker who served in the Chiluba government for some time. The National Party also exists in some parts of Zambia. However, Daniel Lisulo, its leader, was an astute political actor who once served as Prime Minister in the Second Republic. He has a legal background. Agenda for Zambia exists only in Western Province. It has Akashambatwa Lewanika as its president. He is a sufficiently informed leader. The Movement for Democratic Process is found only in Lusaka. Its leader, Chama Chakomboka, had little formal education and cannot mobilise public opinion against certain government policies. The Liberal Progressive Front has a sufficiently literate leader, Roger Chongwe. But the party is found only in Lusaka. Mr. B. Kapita has demonstrated that he is a knowledgeable man, particularly on issues relating to agriculture. When he features on radio or television to tell the Zambian people certain wrong policy options adopted by the government, he is a man the government cannot ignore. His Lima Party therefore has some influence in the process of policy-making in the country.

This description has shown that qualitatively the seven political parties identified as active opposition groups, except one, have enlightened leadership. This is a positive feature for strengthening national policy-making capacity, a feature which was non-existent in the Second Republic. A notable constraint on this capacity is lack of the national wide presence of most of these political parties. This means that only in those few parts of the country where membership is active in reviewing and voicing out opinions on government policies can one expect contribution towards national policy-making capabilities.

Additionally, capabilities in policy-making are reduced when leaders of the opposition parties are kept out of participation by government restrictive action. For instance, former President Kaunda had been detained and kept in prison, and

later under house arrest for sometime. Dean Mung'omba, leader of ZADECO, also faced detention. Roger Chongwe was on self-exile in Australia.

2.26.2 Opposition Alliance

When opposition political parties realise that individually they are incapable of exerting enough political pressure on the government to adopt or alter a certain policy, they try to form alliances. While maintaining their separate identities, they try to form a common, united front on certain agreed policy-issues in order to bring pressure to bear on the ruling party. The Zambian opposition parties have tried to use this approach in the past. For instance, the Alliance had “taken a consolidated legal action under Article 41 of the Republican Constitution against President Chiluba questioning his qualification for presidency.”⁷² “The civil disobedience action by the Opposition Alliance led by UNIP has been mounted in the post-Electoral period in an attempt to persuade the MMD government to engage in effective and meaningful inter-party dialogue and interaction with the opposition parties in order to amicably resolve the current and underlying political, economical and constitutional issues that have beset Zambia.”⁷³

The above efforts by the Opposition Alliance were made to try to change the government policy on the qualifications of individual candidates to contest the presidential elections. Although the government did not change the policy and won the case in a court of law when President Chiluba was declared to be a Zambian citizen, the Supreme Court ruling that any person “who belonged to Northern Rhodesia was a British protected person and by 1964 became a Zambian citizen”⁷⁴ was taken to be victory for the Opposition Alliance and that the general public was taught that the Government policy stance on presidential qualifications was wrong. In this case national policy-making capacity was strengthened.

2.27 The Legislator, Information And Communication Infrastructure

The need for relevant information to enable the Legislator make sound contributions to Parliamentary debates was made explicit by Chibesakunda. In his quoted work about the Zambian National Assembly, Chibesakunda contends that “a Member of Parliament as a representative needs information and action from the Government on the various issues that affect his constituency. Secondly, as a legislator, the member needs reliable information from the Executive to enable him make effective laws.” To be able to collect this information he or she has to be mobile, either in his or her constituency or between the constituency, the capital city and other parts of the country. This entails the need to develop the national communication infrastructure, part of which is the road network. The difficulties in movements in Zambia are illustrated in table 23.

2.27.1 Road Network

Table 23: **Road Network by Road Types and Total Estimated Length.**

	TOTAL DISTANCE
Paved	6,476
Gravel	2,260
Earth	28,025
Total	36,761

Source: Ministry of communications and Transport,
Lusaka: Road Sector Investment Programme
(ROADSIP-1997-2007).

The gravel and earth road types are more representative of undeveloped conditions in rural areas. The two categories add up to 30,285 Km. Even the paved road category estimated at 6,476 Km is not totally representative of the developed road network in urban areas. Part of that total length covers trunk roads such as the Great-East Road, Great North Road and others stretching from more urban areas to rural provinces. They still leave large expanses of land inhabited by high population densities untouched. Infact “a large part of the main road network was constructed between 1965 and 1975”.⁷⁵ For a long time, mainly due to lack of funding, routine and periodic maintenance had not been attended to. Thus by 1984, “the proportion of roads in good, fair and poor condition was 40%, 30% and 30% respectively.”⁷⁶ This condition worsened by 1995 and by 1998, nothing noteworthy in the rural environment could be referred to as significant improvement in road infrastructure conducive for easier human mobility.

Because of poor roads in rural areas, a legislator living in a village can not, during rain season, travel to a district or provincial centre to consult books or any sources of information not available in his village. The terrain of roads becomes muddy, porous and slippery, and very difficult even for four-wheel drive vehicles given to MPs by parliament to pass through. The situation becomes worse when a legislator fails or delays to attend parliamentary sessions because his or her vehicle gets stuck in the water logged road far afield in the rural Zambia.

Arising from the above communication difficulties, the mail system in rural areas is irregular. With the absence of electricity, telegraphic message from one place to another is non-existent. Many rural legislators live in villages where telephone facilities never exist. The resultant effect of this underdevelopment is that a legislator can consult or receive ideas for parliamentary debate only from those individuals living within accessible vicinity. The rest of the constituents can not write, telephone or send telegraphic message to their parliamentary representative.

As a result of this situation, whenever parliament is in session, legislators representing such difficult environments depend on their own conception of views and what they hear from fellow legislators for purposes of debate. Those who are sufficiently literate may have recourse to the National Assembly library – one of the data-banks in the country next to be analysed and discussed.

2.28 Absence Of Data Banks In Rural Areas

One of the main constraints against effective policy-making in Zambia today is inadequate information and data generation”.⁷⁷ Data-banks are facilities for collection and storage of documented information. They can refer to libraries, archives, museums or research centres. Modern parliamentary and informed debate, if it has to lead to national policy-decisions, highly depends on researched facts and ideas. Unfortunately most of these data-banks are scarcely existing in Zambia’s rural areas. And yet most of Zambia’s parliamentary representatives live in the countryside. Even those with a modicum of education wishing to prepare for parliamentary debate on specific issues find themselves crippled by the absence of information centres. This means that informed debate and reasoned decision making becomes the preserve of a minority group – largely Lusaka-based ministers who are assisted by their permanent secretaries and other departmental officials to collate information germane to specific issues. Also privileged are back-bench members who live along the line of rail where not only are some of the information centres available but improved transport and road network make them easily accessible.

The denial to rural members of parliament of vital information resulting from non-availability of data-banks militates against their effective participation in legislative deliberations. Discussion is based on scanty knowledge of issues and often very few individuals are gifted to have seminal minds able to originate novel ideas appropriate for policy-decisions relating to specific topics drawn from many and diverse subject areas. The fewer individuals’ ideas and facts are not subjected to rigorously extensive and intensive scrutiny by contrasting them with similarly researched views of many other House Representatives, as is the case in countries where development has occurred in establishing information centres throughout the nation.

Granted that quantitatively many participants in the debate assist to open up a new vision of looking at issues; granted that qualitatively ideas are refined by contributions and searching observations made by many other well informed House Representatives, the paucity of information centres in Zambia’s country-side becomes a fetter in the development of legislative policy-making capabilities.

The above situation has been the same both in the Second and Third Republic in Zambia. The Zambia Library Service Department of the Ministry of Education, for instance, portrays the picture that all schools – primary and

secondary – are library institutions in the country. Thus hundreds of primary and secondary schools are listed as having viable library facilities throughout Zambia. This picture is false. Primary schools are beset not only by the total absence of books suitable for learning purposes by the pupils, but are even seriously short of desks, classroom blocks, pieces of chalk and other teaching and learning aids. Some secondary schools are relatively well supplied with a certain number of books, most of them relating to educational curricula, and do not cover diverse political, economic and legal facets which are often sources of social problems requiring possible solutions through enacting certain pieces of legislation.

Zambia's nine provinces have each a teacher training college. Some, southern and Copperbelt provinces for example, have two and three respectively. Belonging to the category of higher institutions of learning and providing tertiary skills to their students, teacher training colleges are expected to have adequately stocked library facilities. Their situation, however, is not very different from that facing secondary schools. Their books have bias towards 'education' and do not relate to other subject areas which constitute topical issues for parliamentary debate. Many colleges are located at provincial centres and cannot easily be accessed by parliamentary representatives living in distant, remote parts of the region.

As already noted in the foregoing paragraphs, research centres are crucially important for strengthening institutional policy-making capabilities of Zambia's legislature. One such institution is the National Institute for Scientific and Industrial Research (NISIR). Its functions are stipulated under Section 13 of CAP 236 of the Laws of Zambia and are reported in appendix D. Under that citation, "the NISIR advises the government on policy and other issues relating to scientific and technological research. It co-ordinates research activities at national level."⁷⁸

Apart from the role played by the NISIR to prepare scientifically researched facts as a basis for policy-decisions by the government, the NISIR also has a functional library which is open for use by the general public. Its main centre is in Lusaka, along the road to the International Airport.

Aside from the fact that for a long time the NISIR has had the problem of "inadequacy in the numbers of qualified research personnel, capital development funds for infrastructural capacity building such as laboratory and pilot plant equipment, buildings and vehicles,"⁷⁹ the institution is not decentralised to regions in the country and hence its data-bank cannot be used by the rural-based parliamentary representatives when parliament is off session and the representatives are in their respective rural localities. At present the establishment of the NISIR are, apart from the main centre near the International Air Port, found at Mount Makulu, still in Lusaka, and at Kitwe on the Copperbelt. These establishments serve urbanite legislators living along the line of rail.

2.28.1 National Archives

Archives are another significantly valuable data-bank. They collect and store official records very much sought by economists, historians, demographers, geographers, legal experts, administrators – including anthropologists. Legislators of these disciplinary categories, when replete with the extremely important culture of perusing the relevant archival records, should find the archives to be indispensable data-banks capable of improving upon their capacity in decision-making. This is true of the observation made by one chief archivist that archives assist research enthusiasts, legislators being among them, “in their quest for knowledge.”⁸⁰

Similar to other information centres already discussed, archival institutions in Zambia are found along the line of rail. The principal centre is located near the school of medicine of the University of Zambia at Ridgeway Campus in Lusaka. The branches are in Chipata, Kabwe, Mufulira and Livingstone. Of these centres only Chipata is in the rural environment. The rest serve urban communities.

With the introduction of liberalism both in the economy and administration, information perusal at the archives has become prohibitively expensive for an ordinary ardent researcher. A sum – ranging from K15,000 to K30,000 – is demanded by archival authorities as a fee for permitting a researcher to gain entry into their data-bank to look for certain information. Probably legislators can afford such fees in their zest to acquire the information they need for reasoned parliamentary deliberations. Otherwise the fees have a disincentive element that contributes to the state actors’ reduction in policy-making capability.

2.28.2 Museums

Critical information sources for national decision-making are data-banks referred to as museums. They are institutions used as repositories for the preservation and exhibition of objects illustrative of antiquities. They cover natural history, fine and industrial arts, or some particular branch of any of these subjects, either generally or with reference to definite region or period.

In Zambia, museum centres are located in the following places:

Table 24: Museums in Zambia

Town	Name Of Museum	Location
Livingstone	Livingstone Museum	Musi-O-Tunya Road
Lusaka	Lusaka National Museum	74 Independence Avenue
Lusaka	Military and Police Museum of Zambia	74 Independence Avenue
Ndola	Copperbelt Museum	
Livingstone	Eastern Cataract Field Museum	

Mbala-Moto-Moto Museum

The Lusaka National Museum has a variety of data. It covers subject fields such as archaeology, history, ethnography, art and natural sciences. Art data are stored at the Lusaka Art-Centre Foundation, while the Lusaka Military and Police Museum has relics of police uniforms, documents and weapons, captured items during World War 1 against German forces in East Africa and the Far East. The Copperbelt Museum is also a general museum, keeping data on ecology, geology, mineralogy mining history of the Copperbelt and local history. The Eastern Catarat Field Museum in Livingstone is an archaeological and geological museum, illustrating the formation of the Victoria Falls and the stone-age sequence in the area.

Parliamentary representatives living close to these data banks can, when need arises, tap upon their information necessary for policy decisions in the cabinet or national assembly. Located along the line of rail, the museum centres are distantly accessible for the members of parliament dispersed in remote parts of Zambia, a situation that poses an obstacle to effective capacity in decision-making.

2.29 The Legislature And Major Appointments – 2nd and 3rd Republic

In the 1973 Republican Constitution that brought about the single-party rule, the power to appoint all principal non-political officers such as the Supreme Court and High Court judges, the Attorney General, Solicitor General, Director of Public Prosecutions, and the Auditor General was vested in the Presidency. Nowhere in that constitution is it stated that the president's appointments shall be subject to the ratification of the legislature.

The situation changed in 1991 when the Amended constitution provided that presidential appointments needed the approval of the legislature. This requirement is repeated in the 1996 Amended Constitution. What this means is that in the Second Republic, parliament was denied the opportunity to discuss presidential appointments. That aspect weakened parliament's position to participate in considering the suitability of candidates for public office. Denial of the legislature in the decision-making process relating to the choice and approval of certain candidates in certain public offices did not augur well for the legislative body's capabilities in policy-decision making.

The chance to debate and provide the inputs into the president's choice of candidates for some major public offices in the Third Republic does not only function as a check on executive power in Zambia, but also provides to the legislators an opportunity to thoroughly consider the merits and demerits of the nominated individuals. Instead of the decision being made by only one person, the president, a member of parliament by virtue of his assent that should be appended to bills before they become law, the whole legislature uses its superior numbers of

representatives to sharpen its rational process of decision-making. In the case of the Zambian legislature, a good example was one in 1992 when parliament avoided error making by rejecting the tentative choice of Mr. Rodger Chongwe who the president wanted to be both Attorney General and Minister of Legal Affairs.

2.30 The Councils

Another set of political institutions that constitute an important source of public policy in Zambia are local councils. Local councils are political institutions because their membership is elective. Making this position very clear, Article 109 of the Zambian constitution, as amended by Act No. 18 of 1996, declares that “the system of local government shall be based on democratically elected councils on the basis of universal adult suffrage.”⁸¹

During the Second Republic, there were sixty-three councils throughout the country. This number, in the Third Republic, has risen to seventy-two (4 cities, 12 municipalities and 56 rural/district councils). This is because several parts of the country have demanded that both administrative deconcentration of functions and political devolution of policy-making be extended to them. As a result many of these areas have been conferred the district status.

Policy-making activity in councils occurs at two levels. First it takes place at the national level, through the Central Government, where the Minister in-charge of Local Government is a member of the Cabinet and hence of the Executive. Councillors’ views about policy-decisions taken or about to be taken by the Executive are passed on to the Cabinet through the Local Government Minister.

Secondly, councils take policy-decisions within their areas of jurisdiction at the local level. As such they are body-corporates, capable of suing or being sued on various issues where they make policy-decisions. Cap 478 number 6 of the 1991 Local Government Act empowers councils to make policy-decisions on:

- (a) “acquiring land with the minister’s approval
- (b) selling, letting or otherwise disposing of any property of the council.
- (c) providing pensions for its employees.
- (d) appointing aldermen.
- (e) admitting persons to the status of honorary freemen.
- (f) collecting personal levy and other local taxes.
- (g) acting as licensing authorities.”⁸²

On other developmental issues, councils take decisions relating to feeder-roads construction and maintenance, safe water provision, provision of sewerage system, fire fighting services, markets, play-parks, etc. Since councils are parliaments in miniature, they are closest to the grassroots people, they need to have strong policy-

making capabilities to deal effectively and efficiently with sundry issues of development in their localities.

During the Second Republic, the institutional capability to make rational policy-decisions in the councils experienced some setback. Individuals with interest, drive or knowledge in local government politics could not become or stand for election to the council unless they first became “a member of the party,”⁸³ UNIP. This restriction kept out some intellectually gifted people whose ideas could have contributed to the better thinking of councils.

During the Third Republic, the new 1991 Local Government Act abolished all structures of local governance considered to be counter to modern democratic practice. The Act, unlike the Second Republic situation, empowers the Minister of Local Government to establish Councils in all districts and further prescribes delegated and devolved functions to be performed by these councils. An additional change in the administration of Councils is characterised by the Local Government (Amendment) Act No. 19 of 1992 which empowers Councils to appoint and discipline personnel without reference to the Minister in charge of Local Government. This Act has further abolished the Local Government Service Commission and replaced it with the Provincial Local Government Appeals Boards to facilitate decision-making regarding disciplinary cases at the provincial level. Similar powers are enshrined in the Local Government (Amendment) Act No. 30 of 1995.

2.30.1 Loyalty To One's Party

One advantage for the unity of councillors during the Second Republic was their compulsory membership to only one party, UNIP, then constitutionally permitted to exist in the country. Policy-issues to be debated were those arising from the manifesto of the only party – UNIP. Any cleavages among councillors were not attributed to divided loyalty as is the case in the third Republic. Consensus was then easier to achieve.

In the Third Republic, councillors belonging to different parties pursue values and ideas contained in the manifestos of their different political parties. Council debates sometimes are based not on serious substantive issues but purely on loyalty to one's own party and the attitude of frustrating councillors who belong to the ruling party. An atmosphere of party vengeance not guided by reasoned discussions impedes the development of policy-making capability.

In the plural political culture, councillors belonging to opposition political parties may be in majority in the council than councillors representing the ruling party. This has been the case in Eastern Province. This is because for a very long time local government elections have not been held, and since Eastern Province has been a traditional supporter of UNIP, councillors who won council elections on

UNIP auspices have continued to hold office. In such circumstances rationality in decision-making is an exercise in futility. The majority of councillors, loyal to an opposition political party, make decisions which are not backed or adopted by the central government made up by cabinet ministers from the ruling party. Such a relationship has been a fetter on decision-making development in some councils in Zambia.

Similar to the situation in parliament where representatives of both opposition parties and the ruling party sharpen their intellectual skills in analysing policy issues, councillors sympathetic to different political parties are expected to assume the same developmental attitude. This, however, has not been the case.

The conflictual relationship among councillors loyal to different political parties has been evident not only in the plenary sessions of councils in the Third Republic but also in the committees. This, as already noted, draws a parallel to what happens in the National Assembly. In this case pluralism, instead of being a multiple source of ideas to crystallize into a refined product – the final decision – has dissipated efforts and has influenced the ruling party to ignore dissenting views.

2.30.2 Councillors-Officials Relations

In the case of councillor-official relations, the causes for tension can be diverse. Firstly, councillor-official conflict arises because of the formal and rigid division of labour between and among officials. In most instances, official prescriptions place councillors in the policy-making and administrators in the policy-implementation roles. This councillor-official dichotomy can, and does, lead to unnecessary departmentalism of false perception of one group as encroaching on the sphere of the other. This, coupled with ineffective and unclear communication between the two groups, has led to many misconceptions likely to create the ‘we are right, they are wrong’ syndrome.

The other cause of councillor-officials’ conflict relates to differences in the orientations of the former as politicians enjoying an electoral mandate and the latter as appointed individuals. The psychodramatic world of politicians has tended to be emotive, value-laden and geared towards quick results or solutions to problems ‘now’. Ostensibly this has been done to impress the electorate during their tenure or office. On the other hand the technocratic approach by officials has mostly been construed by councillors as obstruction and redtapism. In turn, officials have often considered the ‘here and now get the results’ approach by councillors as being enmeshed in the skin of irrationality. Instead of leading to a creative and harmonious relationship between the two groups, conflict and cleavages have culminated into negative dissonance that has not fostered policy-making capacity in councils.

2.30.3 Calibre of Councillors

The generally low calibre of most councillors in both the Second and Third Republic has militated against sound capability of the institution in policy-making. The 1991 Local Government Act and the other legislation before it do not suggest or prescribe a certain general level of education aspirants for the councillorship should have. In 1994, the Local Government Electoral Commission had suggested grade eight certificate. Fierce opposition came from prospective candidates who did not possess that qualification which was later lowered to grade seven. Still many local people rejected the proposal. Five years later after the MMD ascent to political power, a report on local government administration revealed in parliament that the calibre of councillors is extremely low and has, in most cases, contributed to abuse of office.

Education and training cannot be ignored as pre-requisites for developing capability in decision-making. Formal education and training increase an individual's store of knowledge, extend his repertoire of competence and skills, and deepen his insights on values. The outcome of this is error elimination, personnel productiveness and overall systemic effectiveness."⁸⁴

A policy-decision by the central government to sell council houses at give-away prices was vehemently objected to by some council officials but not councillors themselves. The Kitwe Town Clerk for example questioned the president's rationale of assessing even the oldest council house at K1,000. He nearly lost his job.

One explanation for that courage to raise objections on the decisions of the Central Government by a council official was that top officials at the level of town clerk tend to be generally more adequately literate than their political bosses, the councillors. Council officials hence had a better vision of the adverse implications such a policy was going to have to the councils. The political actors – the councillors – remained mute, but within their circles: some argued out that by remaining quiet on the sale of council houses, councillors felt that they would, themselves, be the great beneficiaries. Being lowly educated, most of them with little or no prospect of getting a wage-employment here at home or abroad, and being members of the council that would decide on the sale transactions, the sale policy brightened their prospects of acquiring a house in town at an unbelievably low price. The courage, however, given by modern forms of education and training has vindicated its indispensability for the development of policy-making capabilities in councils.

2.30.4 Belated Councillors' Orientation

Oral interviews with authorities at Local Government Head Quarters and the National Institute for Public Administration (NIPA) revealed that since the birth of Zambia's self-rule in 1964, no planned training programme had been organised for councillors. For this oversight, both UNIP and MMD share the blame. Realizing the low level of general education that most councillors possess, seminars, workshops or symposia on local government issues could have been organized as attempts to increase councillors' knowledge and skills for decision-making.

For the first time, however, between 15th and 17th January 1999, two weeks after local government elections were conducted in Zambia, a national councillors' orientation workshop was organized by the Ministry of Local Government. Held at the Great East Road Campus of the University of Zambia, the workshop was attended by more than one thousand (1,000) councillors. Lectures covered topics ranging from 'Standing Orders' in councils to human resources development, council functions and an overview of the August 1991 Local Government Act. To ensure trainability and effective information and skilful assimilation by councillors in future workshops, the Local Government Act should prescribe a certain level of formal or professional qualification candidates should have before their adoption to contest local government elections.

One area of criticism against the organization of the workshop held at the University of Zambia was that 1,000 or more councillors assembled in one sports hall was too large a number for effective interaction. Serious educational workshops should be differentiated from political mass rallies where lecturing is unstructured. Decentralization of the workshop, where nine (9) provincial centres should have each become a centre in the region, would have narrowed down the number of councillors in attendance. Selected resource persons would have more ably delivered lectures to numerically manageable audiences. Additionally decentralization would have been more cost-effective in terms of transportation of candidates to the workshops. These shortfalls put aside, the workshop was a landmark historical record, never before attempted, to enhance the policy-making capacity of councillors in Zambia.

2.30.5 Training of Technocrats

Putting council personnel into the dichotomy of councillors as policy-makers and technocrats as implementers of policy does not, in many cases, portray a correct picture. The two categories of personnel -- just as is sometimes the case between cabinet ministers and civil servants -- are dialectically linked and share an elective affinity in both policy-formulation and implementation. But technocrats in councils, occupying offices based on educational and professional criteria, have

been exposed to more inservice training programmes than their superiors – the councillors. Both in the Second and Third Republic the National Institute for Public Administration (NIPA) in Lusaka and its branch at Chalimbana have been conducting certificate and diploma courses in various fields of management. Sampled training programmes reviewed at NIPA include management and administration courses, financial and accounting courses, secretarial courses, legal courses and recently, computer courses. Based on similar curricula, non-certificate courses of much shorter duration are conducted at the institution almost throughout the year.

Aside from government organized and sponsored training programmes for council technocrats, similar courses have been sponsored by the British council. Provided under the British Aid to Zambia to strengthen bureaucratic efficiency and democracy at the rural-grassroots level, these course programmes have been conducted, not at NIPA, but in various provincial and district centres. The merit already noted with the system is that most technocrats have benefited from these training programmes since most of them tend to be appointed to particular positions on the basis of proven academic and professional criteria and hence tend to be more trainable than their superiors – the councillors.

The other element contributing to technocrats' capacity to assist elected councillors in policy-decision capability lies in their long and secure tenure of office. Once appointed, and as long as they remain competent, loyal and do not violate any of the rules or standing orders or regulations governing their employment agreement, technocrats can remain in their positions until they retire. Meanwhile they accumulate immense, valuable experience in the conduct and operations of council affairs, and become very knowledgeable and skilful co-operating partners of elected councillors. On the contrary, councillors have a limited tenure of office lasting only three years. If adopted again by respective political parties, incumbent councillors can seek fresh electoral mandate for the second term. If they lose the election, they are out of office. This shortens the period during which they could acquire and polish upon their competencies in decision-making.

Deficiencies in knowledge, skill and experience in decision-making can be strengthened by appointing aldermen. Article 73 of the August 1991 Local Government Act provides that "a city council or municipal council may appoint to the dignity of alderman any person who has held office as a councillor of that council for a period amounting in the aggregate of not less than ten years."⁸⁵ To state that a person can be appointed to the dignity of alderman only for a council where such a person previously held office is a restriction that prevents experienced and knowledgeable individuals from assisting other councils where previously they have not been members. Although aldermen are disenfranchised, they participate in discussing council issues. In doing so, they help to change the attitudes of some members in the council, thereby influencing the decision-making process.

Oral interviews with authorities at the Lusaka Civic Centre and Local Government Head Office revealed that local councils, urban and rural, have not been using this provision of aldermen. The egotism and apprehension of being seen to be incapable, hence the need to reinforce the council with outsiders, were alluded to as possible explanations for failure to use the facility. Some councillors, it was explained, view aldermen as potential electoral contenders for council positions and as such some councillors view them with aversion.

2.31 Other Obstacles to Councils Policy-Making Capacity

Under the above subheading, the study argues that where the central government frequently interferes with issues upon which councils are supposed to make decisions, or cases where the central government decentralizes and centralizes at the same time, ambivalences arise which are inimical to the development of local councils' capabilities in policy-making. Empirical results to support the above view point was found to be consistent with the following cases:

- Parliamentary control of councils.
- Central Government Financial control of councils.
- Control through auditing.
- Control through approval or confirmation.
- Administrative control.
- Judicial control.

2.31.1 Parliamentary Control

Local councils are creatures of the central government. They are born out of pieces of legislation passed by parliament. They can also be abolished by derogation of certain provisions in the Act by parliament. Parliament therefore makes and unmakes councils. The councils' principal representative in parliament is the Minister of Local Government. He also represents them on the Cabinet.

Councils can make decisions only in those areas where parliament – through a specific Local Government Act – has devolved to them power. For instance to state, as it is provided for under Cap 478 number 6 of the 1991 Local Government Act, that councils shall make decisions on “acquiring land with the minister’s approval,”⁸⁶ is an ambivalence which at the same time gives and takes away power of decision making.

2.31.2 Financial control

All local authorities are, according to Article 45 of the Amended 1995 Local Government Act, dependent on grants and loans for over half of their expenditure for the realisation of their capital projects. In addition the government has a battery

of reserve powers which ensure that local authorities comply with its wishes in the last resort.

The power to reduce or stop the payment of general grants does undoubtedly put the central government into a position of being able to apply great pressure on a local authority. It is indeed hard to see how a local authority in receipt of a substantial amount of grants could stand out against a threat that if it persisted in its conduct it would incur loss of that grant. This erodes local councils' autonomy and discretion in decision-making.

2.31.3 Control through confirmation

Although local councils are corporate bodies enjoying some degree of autonomy, their latitude as final decision-makers is seriously enervated by the central government intervention to give assent, approval, or confirmation to all important decisions. Local authorities cannot borrow money from financial institutions, both at home and abroad, without the consent of the Minister of Local government. These restrictions are contained in Article 48 of the 1995 Amended Local Government Act.

2.31.4 Administrative control

From time to time the Minister of Local Government issues oral or written directives to all councils in the country. The abolition of councils in Samfya, Livingstone and elsewhere in the country are directives and decisions taken by the central government to demonstrate its control over local authorities. Town clerks and council secretaries are transferred at will by the Minister of Local Government.

As regards local autonomy and opportunity to exercise decision-making "central control falls short of complete dictatorship over local authorities."⁸⁷ The councillors, fearing the strong hand of and possible punitive sanctions from the central government, remain indecisive on many policy-issues. "The weight of central control and the enforcement of central policy is destroying local initiative"⁸⁸ in decision-making. Coupled with the adverse working conditions in many councils, lack of latitude to decide on many local issues contributes to the poorer class of councillor and employee, as persons of ability are less likely to be attracted owing to the lack of discretion permitted to them.

The obstacles to policy-making capabilities dealt with in the preceding paragraphs have been a feature in the councils both during the Second and Third Republics. In both cases the central government has been jealous of its sovereignty over the whole country. During both the Second and Third Republic local authorities have complained of too much intervention from the central government.

2.32 Conclusion

Empirical data in chapter two have shown that President Kaunda, during the 2nd Republic, tried to strengthen the capacity of the cabinet in policy making by reducing its size. To do that, he abolished several ministries. But Article 53[2] which legalized the single centre for decision making was not removed, although he accepted partially the Chona Commission's recommendation to increase decision making centres by creating the position of Prime Minister, leaving under his control executive powers. In contrast, President Chiluba in the 3rd Republic did not reduce the size of the cabinet, for instance from 23 to 18, as recommended by the Mwanakatwe Constitutional Review Commission. He, like Kaunda, left intact Article 53[2] that empowered him to make decisions alone.

As regards policy relevant information storage and perusal, the UNIP government began reorganising the Policy Analysis and Co-ordination Division (PAC) during the 2nd Republic by equipping it with modern computers, a reform measure which was improved upon by the Chiluba government in the 3rd Republic. In relation to strengthening the cabinet's capacity by appointing specialist ministers from outside the legislature, both Kaunda and Chiluba rejected that recommendation by the Mvunga Constitutional Review Commission. Personnel placement showed the tendency of Kaunda to use generalists rather than specialists, the style which was the opposite of Chiluba. The legislature's capacity to rationally influence policy making in both the 2nd and 3rd republics suffered reversals which were compounded by the presence of less developed communication network, less developed information centres, legislative representation that was skewed in favour of UNIP in the 2nd Republic and in favour of MMD in the 3rd Republic under Chiluba. There were, of course, gains in legislative capacity resulting from training programmes arranged by the international community for both legislators and National Assembly administrative staff. The picture in the councils was the same for both the 2nd and 3rd Republic where legal constraints reduced local autonomy in decision making and, lack of training programmes for councillors weakened their ability to analyse policy issues appropriately.

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CHAPTER THREE

POLICY-MAKING CAPACITY: NON POLITICAL INSTITUTIONS

3.1 Introduction

Political institutions thus far dealt with in chapter two are not the only social organizations whose actors' ideas factor into the synthesis of policy-decisions in Zambia. Non-political organizations are, likewise, crucially important in assisting to mould or alter the decisions made by the Executive or Legislative branches of the State. These institutions are embedded in the realm of 'civil society'. Defined as the "realm of organized social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state and bound by a legal order or set of shared rules,"¹ civil society has been a Western idea for a long time, but is now "no longer confined to a few economically advanced and privileged countries. It is a global phenomenon."² Among its functions, according to Diamond, "civil society acts to strengthen democracy by:

- scrutinising the power of the state through public debate;
- stimulating political participation by citizens;
- developing such democratic norms as tolerance and compromise;
- creating ways of articulating, aggregating and representing interests outside political parties, especially at the local level;
- mitigating conflict through cross-cutting, or overlapping, interests;
- recruiting and training political leaders;
- questioning and reforming existing democratic institutions and procedures; and
- disseminating information."³

The range that civil society encompasses is vast. It includes "groups that are: economic (productive and commercial associations and networks; cultural (religious, ethnic, communal, and other institutions and associations that defend collective rights, values, faiths, beliefs, and symbols); informational and educational (devoted to the production and dissemination -- whether for profit or not -- of public knowledge, ideas, news, and information); interest-based (designed to advance or defend the common functional or material interests of their members, whether workers, veterans, pensioners, professionals, or the like); developmental (organizations that combine individual resources to improve the infrastructure, institutions, and quality of life of the community); issue-oriented (movements for environmental protection, women's rights, land reform or consumer protection); and civic (seeking in non-partisan fashion to improve the political system and make it more democratic through human rights monitoring, anti-corruption efforts, and so on)."⁴

This broad array of civil society institutions embraces the purview of this study. Since the range is almost infinite, only a few of them were selected for study in this thesis. As indicated in chapter one, the selected institutions are:

- The Print Media
- Zambia Congress of Trade Unions (ZCTU)

- The Law Association of Zambia (LAZ)
- The Church

Multilateral financial organisations which are not civil society organisations but are included in the investigation are:

- The International Monetary Fund (IMF) and, the World Bank

3.2 The Print Media

The Print-Media, interchangeably referred to as the press, means – in this study – news papers, whether government owned and controlled, or privately owned. For purposes of developing or strengthening capacity in policy-making, the press “enables the people to make informed choices.”⁵ In a plural political culture such as Zambia is in now, the press serves “as a watchdog against the government of the day.”⁶ These objectives are achieved through public communication. The word ‘public’ has two strands of meaning. The first refers to it as an adjective, indicating “what is open rather than closed, what is freely available rather than private in terms of access and ownership, what is collective and held in common rather than what is individual and personal.”⁷ The second strand refers to the word ‘public’ as a noun which, in political theory, means “an informal, voluntary, autonomous and interacting set of citizens who share and pursue objectives and interests, especially in respect of forming opinion and policy.”⁸ It is therefore conclusive as a necessary condition that the existence and activity of a public requires the availability of adequate means of communication.

Communication, as it carries the public connotation, indicates an intricate web of informational, expressive, and solidaristic transactions which take place in the public sphere, or public space of any society. The meaning of public communication can be expanded to refer to the channels and networks of communication and to the time and space reserved in the media for attention to matters of general public concern, policy issues being one of those concerns. Since public policy is one of the topics within the domain of public interest, there is, among the Zambian society, like in any other society, “a legitimate claim to a right to receive information and also to publish it.”⁹

In Zambia, the role to collect and publish information has been and is still being played by the media institutions in table 1.

Table 25: Media Institutions in Zambia

Media Status	Media	Ownership
Dailies	<ul style="list-style-type: none"> • Times of Zambia • Zambia Daily Mail • The Post 	Government Government Private
Weeklies	<ul style="list-style-type: none"> • Sunday Times • Sunday Mail • Business Mail • National Mirror • Weekly Express • Zambia Crime News • The Chronicle • The Sun • Sport on Monday 	Government “ “ Private “ “ “ “ “
Monthlies	<ul style="list-style-type: none"> • Ichengelo • Tsopano (Eastern) • Imbila (Northern, Luapula and Copper Belt) • Ngoma (Southern) • Liseli (Western) • Lukanga (Central) • Intanda (N/Western) 	Church Government “ “ “ “ “
Magazines	<ul style="list-style-type: none"> • Profit • Search • ‘Z’ Magazine 	Private “ “

Source: Ministry of Information and Broadcasting - 1998.

The preceding print-media institutions have a history which dates back to the year 1906, when the first local newspaper, Livingstone Pioneer, later renamed Livingstone Mail, was launched in Livingstone. Between 1944 and 1971, Zambia witnessed a proliferation of news papers owned by government, companies and the church. The period between 1964 and 1972, i.e. the First Republic, was a period when “the newspapers reflected the new government’s thinking and articles published focused on nation-building and spreading government propaganda.”¹⁰ Much as this prelude to the establishment of the print-media in Zambia is significant, this study concerns itself with the Second and Third Republic and the extent to which the print-media influenced the retardation or development of Zambia’s policy-making capacity as a result of the polity’s behaviour towards media during those two periods.

3.2.1 The Print-Media in the Second Republic

The ability of the press to publish and communicate information which might have been suitable for decision-making by the cabinet or the legislature had been affected in the Second Republic by press-censorship. There are, according to Kasoma, “two forms of press censorship: pre-publication censorship and post-

publication censorship.”¹¹ The first occurs when “state functionaries known as censors remove parts of posted up copy from the news paper before it is printed,”¹² or “newspapers are forbidden from gathering certain information for publication.”¹³ Pre-publication censorship can also be done through “self-censorship,”¹⁴ when “editors, because of past experiences, and for fear of certain repercussions, decide on their own, not to publish certain information.”¹⁵

Failure by the press to publish certain information in the Second Republic made it very difficult for the public to reasonably criticise or support certain government policies. The government made certain decisions based on its own understanding of problem-issues at hand. Public participation that constantly provides legitimacy to the state players, after the initial electoral mandate, to make policy-decisions on behalf of the nation could not contribute a screening mechanism that often refines ideas before decisions are made.

Of the various forms of censorship, pre-publication censorship, according to Kasoma, was used more often by editors. Kasoma notes that “editors of newspapers (the Times of Zambia and the Zambia Daily Mail were appointed by the President”¹⁶ during the Second Republic. They had to be removed from their positions by the same authority. This is the reason why they exercised extra care to examine all news items to gauge which ones, if published, could infuriate or offend the appointing authority and those items deemed so never found space in the government-owned papers.

The second type of censorship, post-publication censorship, takes place, for instance, in the form of “a simple reprimand to the editor”¹⁷ not to repeat what the appointing authority considers wrong doing. The range of punitive action can include “persecution of all forms, including dismissal.”¹⁸ In the Second Republic, the government exercised this form of censorship and sometimes publicly dismissed some editors because of what they had written or caused to be published.

At the disposal of the government during the Second Republic was the legal system which was effectively used against the privately owned print media not to publish anything considered undesirable by the UNIP government of the time. This assertion is rendered testimony by Leepile and Mwape who, in their ‘southern Africa Media Directory’ observe that former president Kenneth Kaunda inherited from the colonial British regime many “oppressive laws.”¹⁹ One of the repressive pieces of legislation against the print-media during Kaunda’s era was the Official Secrets Act. It forbade the giving of information by civil servants to reporters. It came in the work of the intensified freedom struggle in Zambia’s neighbouring countries. Zambia supported those freedom struggle efforts and the government viewed as offensive any published information considered then to endanger national security. With that kind of restriction, the government kept out of public sight some forms of information, even if such information never prejudiced national security.

The Penal Code, Chapter 146 of the Laws of Zambia was another legal legacy bequeathed on to Kaunda by the British regime. Left intact, Kaunda had used it, particularly section 53(1), which gave the President absolute power to ban any publication or publications within or outside Zambia. The Code further stipulated that

any person who imported, published, sold, offered, distributed or reproduced any prohibited publication was liable to imprisonment for up to three years. And to protect the president from personal criticism, officially referred to as the President's reputation and dignity of his office, the Code promised imprisonment of up to three years against any person who, with intent, brought the President into hatred, ridicule or contempt by publishing any defamatory or insulting matter, whether by writing, print, word of mouth or any other manner. This piece of legislation was considered to have been anticriticism of the president's ideas even about public policy -- a matter that effectively impeded state or government development of capacity in policy-decisions.

Lack of adequate funds adversely affected publication of privately owned newspapers during the Second Republic. Of all the newspapers established after the birth of self-rule in 1964, none lasted for more than two years. Kasoma cites the Weekend (1978-1979), the Sunday Post (1982-1983), which either died or "were sold because of lack of money".²⁰ The only privately owned newspaper that endured until 1983 was Times of Zambia, then owned by Lonrho, together with its Sunday version, the Sunday Times of Zambia. Northern News, a newspaper for whites, had circulation which survived until the period of the Second Republic. Its ownership changed hands from individual owners to a large conglomerate, Argus Group, which in 1983 sold the paper to UNIP, the only political party then in the country.

Among the church newspapers established during the colonial period but continued to survive until the Second Republic was the National Mirror. It had the courage that other church newspapers did not have, for instance offering criticism against state policies. Infact by 1970s and 1980s the National Mirror, this time published by Multimedia Publications, was imbued with secular culture in the content of its stories. Secularism in news reportage is guided by "rationality and utilitarianism rather than reverence and veneration,"²¹ very strong elements in religious philosophy and ethics. Secular news reportage hinges on socially or scientifically planned and experimented developmental issues affecting man in his daily endeavours. These are issues of significance to national policy problems, issues requiring criticism and offering of alternative proposals as possible solutions. The National Mirror published these issues and by doing so contributed to Zambia's process in building local capacity in policy-making. Kasoma, a renowned authority on media issues in Zambia, summarised it all as follows: "The church had now become interested in development issues and wanted its press to treat them fully with the full knowledge that the human body was as important in evangelisation as the human soul."²²

Kasoma and other authors on the Zambian media have written a great deal about mining company newspapers, political party newspapers, labour union newspapers and national news papers. Most of this coverage relates to publications that served Zambia's colonial period and the period between 1964 and 1972, referred to as the First Republic. It is a good background that traces the origin of Zambia's press, but discusses the period that is not the focus of this study.

There is, however, in Kasoma's literature a kind of capsule summary of labour union newspapers such as the Workers Voice published by the Zambia Congress of Trade Unions and the Civil Servants, published by the Civil Servants Union of

Zambia. These papers were being published between 1972 and 1986, thus covering part of the Second Republic period that is of interest to this study.

Labour union newspapers often highlight the workers' interests which include improving wages, conditions of service and industrial relations. During the Second Republic, eighty percent of Zambia's economy was state-run, leaving only twenty percent to the private sector. That meant the government became the largest employer and the biggest target of the workers' criticism in terms of economic and political policies. Government adoption of International Monetary Fund (IMF) structural adjustment policies met the most vehement resistance from "organised labour."²³ Apart from workers' rallies at which labour leaders ferreted out their discontent against wage freezes, privatization, retrenchment, price increases in essential commodities -- all by-products of SAP -- labour union newspapers also became an alternative conduit for expressing workers' opposition against such state-supported economic policies. An article, for instance, written by Fredrick Chiluba as ZCTU Chairman General and published in the 'Civil Servant' in 1977 warned workers to be wary of some policies of some employers who made certain decisions "without regard to employees' welfare."²⁴ In the same publication, Elijah Mudenda, then Zambia's Prime Minister, urged civil servants to contribute to the development of local capacity in policy efforts, not only by being seen "to implement policies."²⁵ but also by cultivating interest to "participate fully in their formulation."²⁶

Political party newspapers, according to Kasoma's inventory, and spanning the colonial and post-colonial period up to 1983, numbered around nineteen (19). Those shown to have been published between 1976 and 1983 were largely newspapers belonging to Southern African liberation Movements that had sanctuary in Zambia. The majority of the rest were owned by UNIP. Some were published in local Zambian languages during the sixties and carried independence struggle news against colonialists. For purposes of their contribution towards building Zambia's local capacity in policy-decision process in the Second Republic, the newspapers are out of relevance, but can be identified in this study in the section for appendices.

National papers, the majority of them, were in circulation between 1906 and 1967. The period between 1972 and 1983 for Kasoma's records lists only four national newspapers. Kasoma himself notes that by 1986 only four national newspapers "were still being published."²⁷ Thus for a country of 752,618 square kilometres and a population estimated at 9,196,000, the four papers -- church Mirror, the Weekender, Week-end World, Zambia Financial Review and Sunday Post -- did not adequately play the expected role of influencing the process of policy-decision making in the country. Although referred to as national newspapers, they had "no national circulation."²⁸ Further, they "did not cover rural areas as such. The so called rural stories they published were mainly speeches which politicians made on the few occasions when they visited rural areas."²⁹

Kasoma lists sixty-three (63) magazines which he says were published in Zambia between 1948 and 1986. Thirty-five (35) of these cover the colonial and First Republic time and twenty eight (28) were published during the period of the Second Republic. Magazines mostly sold better than newspapers. This is because most of them dealt in entertainment such as sport which many individuals, particularly the

young generation, very much like. The older generation obsessed with business drives like magazines for their abundant space for advertizing. Yesterday, as for today, magazines were and still are not usual avenues for serious views checking government political or administrative behaviour. [As such they have had on the government no scrutizing influence and persuasion very much necessary for decision-making.]

This section of the thesis has generally shown that the role of the print media in national decision-making in Zambia during the Second Republic was, as testified by factual data, affected by both pre-publication censorship and post-publication censorship. State laws existing at the time also stood in the way of press freedom, particularly against privately owned newspapers. While urban residents had easier access to the inadequate newspapers available at that time, their circulation never reached the country's rural parts. Thus the objective of the press as a source of information to educate the populace on varied policy issues of the state had impact only on a smaller section of the literate urban community.

3.3 The Print-Media in the Third Republic

The print-media environment in the Third Republic has been a little different from that experienced in the Second Republic. Its role in developing or strengthening local capacity in policy-making through publishing researched facts, criticising or reminding the state to adopt certain policies, drop, reject or alter current ones has been impeded by some obstacles very much reminiscent of the Second Republic. This is because "after the 1991 multiparty elections, President Fredrick Chiluba followed closely in Kaunda's footsteps, dismissing critical journalists from the public media. He has not only retained all the restrictive media laws, but has also been keen to invoke them against his critics, particularly journalists from the private media."³⁰ Leepile and Mwape cite the State Security Act, Defamation and Licensing of Public Assembly and Speech, and the Parliamentary Privileges Act which they say gives the Speaker judicial powers to imprison journalists. This is evidenced by the action taken by Parliament during the first quarter of 1996 to send to prison for an indefinite period the Post managing director, M'Membe, managing editor, Bright Mwape and columnist Lucy Sichone. Recommended by the Standing Orders committee of the National Assembly, this sentence followed the publication of a number of articles which in the judgement of parliamentary representatives debased the dignity and honour of the house. For sometime, the three accused persons' whereabouts could not be traced and the government offered a reward of K2 million to anyone with information leading to their arrest. Later, on 4th March 1996, after voluntary surrender to the police, M'Membe Mwape, and Sichone were imprisoned, only to be released on 27th March 1996 by a Lusaka High Court verdict.

Other measures taken by government to prevent transparency and free expression in the print-media in the Third Republic have included the prohibition of civil servants to write in the press articles or letters about government work before being granted permission by the Secretary to the Cabinet. "That requirement was in compliance with Section Nos. 72-76 of the government General Orders."³¹ Prohibition of certain newspaper circulation is another measure that has been typical of the Third Republic. On 5th February 1996, President Chiluba banned the Post issue

No. 401 under Section 53 of the Penal Code Cap 146. Following that action, police and intelligence personnel, for ten hours, searched the premises of the Post newspaper.

On 11th February 1995, the Sun Newspaper's reporter, Aston Kuseka, was abducted at gunpoint. The reason: "The gunman claimed Kuseka knew where all Sun reporters lived and referred to a story Kuseka, whilst at ZANA, on 6 December 1993 had written about Zambian soldiers on peace-keeping mission abroad complaining about being on half-pay."³² On 25th April 1995, Lwendo Hamusankwa, the Sun's new editor, was picked up by police. He was interrogated for his published article "New Constitution Shatters Kaunda's Dream" which appeared on April 18th, 1995. All these government actions were condemned as being counter to the ideals of democracy. For this study the criticism from the Board of Directors of the Post Newspapers Limited that the government was perpetrating wrong doing by harassing the press since it was the "only vehicle through which government policy and action was fundamentally questioned"³³ in a country where opposition parties were weak is pertinent.

There are other more subtle methods of government prevention of information dissemination to the general public, for instance buying up the whole bundle of a particular newspaper production in order to reduce circulation, if in that day's paper production there is an article or information considered prejudicial to the interest of the organisation. In the Third Republic, the government, while advocating the general policy of liberalism, has steadfastly refused to privatise the print-media under its charge. The Principal Editors of the Times of Zambia and Zambia Daily Mail are still being appointed and removed from their posts by the Zambian Government as was the case during Kaunda's era. This means that self-censorship by editors of the state owned print-media has continued unabated in the Third Republic.

3.4 Some Positive Developments

The birth of the Third Republic in the early nineties came with it the emergence of newspapers hitherto unknown in the country. "The first of these, The Daily Express which became the Weekly Post, and is now The Post, was established by a consortium of twenty-seven business men in 1992."³⁴ Later arrivals included The Sun, Crime News which subsequently became The Confidential, The Chronicle, Sport on Monday and The Monitor. Although the Chiluba government has demonstrated negative attitude towards independent print-media, the multiplication of these institutions, which have resisted government repressive measures, has provided a variety of information sources to the general public. The greater part of these newspapers' readership, however, is found not in Zambia's rural areas but along the line of rail. Thus their contribution to Zambia policy-decision making process is, again, confined to the urban areas.

3.5 Information Technology – 2nd and 3rd Republic

During the Second Republic, efficient production of newspapers was handicapped by the manual technology for page layout and publication design. With the emergence of the Third Republic, that technology has been improved upon. The computer techniques, previously confined to the developed world's news paper

production, are now part of the features in Zambia's print-media operations. "The independent Post newspaper was the first in Zambia to computerise its operations. Today, 95% of Zambian media, including all the state owned and private media, are computerised."³⁵

Unlike in the Second Republic, most Zambian media organisations now have access to internet and many newspapers are linked to the World Wide Web. This means that for legislators, Cabinet Ministers, councillors and members of the general public who are computer literate, their data-base has widened. Information relating to international economics, international relations, tourism, global weather, which may be required for parliamentary debate or for cabinet deliberations can now be accessed on the internet. "Zambia has had full internet connectivity since 1995 when the University of Zambia opened a public internet service provider called ZAMNET."³⁶ Its subscription, estimated around 1800 subscribers, is reported to be fast growing. The second internet service provider in Zambia was launched in early 1997 by the state owned Zambia Telecommunications company (ZAMTEL). At the regional level ZAMTEL intends to broaden its communication network by joining the COMESA Telecommunication Project (Comtel Project). The Comtel company, already "registered in Mauritius, will be owned by various national telecommunication companies and a selected equity partner. The Comtel project is free even to non-COMESA FTA countries because the benefits of improved communication facility will be for all"³⁷

Computer services, particularly those linked to internet, are very expensive. Infact computers themselves are expensive items not owned yet by very many people in individual households even in urban situations. Computer operations are dependent on the availability of electricity. In rural areas where this form of energy has not yet been extended adequately, computers are unthinkable information sources to consult.

3.5.1 Printing Services and Paper Making

Newspaper production is linked to the availability of printing services and also the availability of paper in large quantities. By 1986, as observed by Kasoma, "Zambia did not have a newsprint factory. All the country's newsprint was, therefore, imported, mainly from the Scandinavian countries and South Africa."³⁸ The costs of those foreign print services were enormous and ultimately affected the price of each copy of the newspapers.

For instance the price of The Times of Zambia and The Sunday Times of Zambia in 1987 was K1.00, while that of Zambia Daily Mail was K0.80n. Considering the high value of the Kwacha at that time, newspaper prices could not be afforded by many ordinary people. The situation is about the same in the Third Republic when as a result of the depreciated Kwacha, The Times of Zambia and the Zambia Daily Mail each costs K1,000.

The absence of a press in Zambia in the Second Republic was worsened by the country's inability to produce most of the paper required for newsprint purposes. "This had to be imported,"³⁹ with a few brands, which, through recycling used paper,

were produced locally. These factors restricted newspaper production and circulation and therefore reduced information flow to the general public.

The situation has improved in the Third Republic. Three major newspapers in the country have their own printing establishments. "The Zambia Daily mail prints all its materials, including those of its sister papers, The Financial Mail and Sunday Mail. The Times of Zambia has a printing wing, Printpak, which also prints Sunday Times. The Post has its own printing press."⁴⁰ Multimedia Zambia prints materials for the National Mirror, one of the oldest independent newspapers surviving to-date.

The data collected have shown in this section that the print-media institutions, similar to data banks such as libraries, archives and museums discussed in chapter two, are important information sources. As such they assist in confirming the basic rational approach towards decision making which contends that to find a correct solution to a problem, thoroughly researched information, sometimes found in the print-media, clarifies the problem and maximises the instrumental means for its solution. Many policy-issues need detailed information about a wide range of policy-options, as well as probable implications of their implementation or non-implementation. These views, coming from observers and analysts, are periodically published by the print-media, and do assist the policy-makers in understanding or exploring in advance the probability of certain effects that certain policy-decisions are likely to have on the general public.

Empirical data have shown that both in the Second and Third Republic in Zambia, the print-media have faced diverse setbacks that have stood in their way for effective contribution to the decision-making process. However, with improved computer technology and the advent of several private newspapers and printing factories in the Third Republic, both decision-makers and members of the general public have a broader information base and can circumvent deliberately placed barriers against information acquisition.

3.6 The Zambia Congress of Trade Unions – The 2nd Republic

As an interest group, the Zambia congress of Trade Unions falls within the inclusion of the civil society as defined by Hyden in the first paragraph of this chapter. According to him, the labour movement is an organization "designed to advance or defend the common functional or material interests of its members, whether workers, veterans, pensioners, professionals or the like."⁴¹ Reinhold Plate, former Resident Representative of the Friedrich Ebert Stiftung in Zambia, declared that his organisation "promotes institutions of civil society such as trade unions, womens' organisation, human rights organisations and environmental organisations."⁴² Reinhold believes that trade union organisations "promote dialogue on economic and social policies and contribute to the solution of certain social problems in Zambia."⁴³ This thesis is reinforced by Skalmes who further observes that, as interest groups, trade unions, upon discovery that on their own cannot obtain the anticipated ends, "form alliances for the purpose of inducing change in public policy."⁴⁴ Inducing change in public policy means "ability to effectively influence the decisions of public bodies"⁴⁵ such as the cabinet or the legislature. In this section of the study, the thesis argues that Zambia Congress of Trade Unions, among other interest groups in Zambia, has had

greater influence and persuasion on the polity in adopting, formulating, abandoning, altering or postponing the adoption of certain policies. ZCTU has met resistance from the government in its attempts to even implement certain policies. However, in the process, ZCTU has had an effect on the capacity building of the state in decision-making as shown in the following pages.

The work of ZCTU as the leading labour organisation to keep in check the policies of the government was eclipsed by the birth in the Second Republic of Works Councils. First formed in 1976, their aim was to foster and “maintain participation of workers in management decisions, industrial peace as well as increasing productivity and efficiency.”⁴⁶

During the Second Republic, about 80% of the economy was state managed and the parastatal sector was, then, the major business agent of the government. Works Councils, hence, became a common feature in parastatal organizations. All organizations, except the armed forces, and police, the civil service and district councils, “employing 100 and more full-time workers had to form works councils.”⁴⁷ For purposes of improving the decision-making capacity of parastatals, it looked as if the plurality of ideas from parastatal authorities, trade union representatives on parastatal Boards and representatives from works councils served as a positive factor. However, Machungwa argues that “overlap in the functions of works councils, trade unions and insufficient understanding of the specific roles for each of those groups of officials, and poor communication among the committees, gave rise to rivalry, suspicion and conflict.”⁴⁸ Gradually, the labour movement, led by ZCTU, began to view works councils as an early attempt by the UNIP government to gradually marginalize ZCTU’s role in criticising the policies of the state executive and slowly transferring those functions to the more friendly, state-sponsored works councils.

3.7 ZCTU and Economic Decline in Zambia – 2nd and 3rd Republic

As copper prices began to fall at the world metal market around the mid seventies and the oil bill went up for the imported fuel in the eighties, the Zambian economy began to seriously decline. Multilateral organizations such as the International Monetary fund (IMF) and the World Bank started to put pressure on the Zambian government to restructure the economy. Measures included removal of food subsidies, devaluation and decontrol of prices, public sector cuts, wage freezes and privatization. These measures brought about untold suffering among the workers who either lost their jobs or their dwindling incomes could not sustain normal life. ZCTU, the vanguard of the labour movement, stoutly opposed these measures and sometimes forced the government to delay or abandon the implementation of these reform policies. On May 1, 1987, for example “Kaunda announced government’s unilateral decision to abandon SAP and replacement with the home grown New Economic Recovery programme.”⁴⁹ In 1980 and 1981, the ZCTU leader, Chiluba, threatened to call a nation-wide strike. This and other similar actions by the labour movement made some observers to regard ZCTU as the only quasi, credible opposition party in Zambia during the Kaunda era. Burdette, for instance, once noted that “the deteriorating economic situation of the workers in Zambia seriously affected the relationship between the trade unions and the state, and “led the unions assuming the role of an official opposition to the government.”⁵⁰

In 1988, trade unions opposed the Local Administration Act of 1980. The unions argued that the Act was intended to take away the democratic rights of the Zambian people. The miners, in 1981, went on a strike, demanding that the mining township councils should not be integrated into the new structure suggested in the Act. During the same period trade unions became critical of corruption and mismanagement in the public service. They called on the government to reduce government budget deficit by reducing the number of political posts paid for by the state.

In 1990, trade unions, in their campaign to demand for democratisation, attacked the single-party political system and put pressure on the government for the reintroduction of political pluralism. In most of these demand inputs UNIP obliged. On 17th December, 1990, Kaunda repealed Article 4 of the 1973 constitution and with it reintroduced political liberalism. These were some of the major government policy shifts brought about by the influence and pressure from civil society, including ZCTU.

The attitude of the government towards the labour movement has not markedly changed for the better in the Third Republic than was the situation in the Second Republic. However, the conditions in the Third Republic are different from those that prevailed in the Second Republic. The liberalisation of the economy has reversed the economic scene. Around 80% of the economy is now run by private entrepreneurs. The Public Sector Reform Programme, through retrenchments, has reduced the workforce and privatization has increased the size of the private sector. This means that, unlike in the Second Republic, the government now is no longer the largest employer. Trade unions are more in conflict with employers in private enterprises than they are with the government. The government still guides the private sector through enacting certain pieces of legislation, and it has used legislation to control the behaviours of the labour movement.

3.8 The 1990 industrial Relations Act

The 1990 Industrial Relations Act was introduced by former president Kaunda but has been retained by the Chiluba government. It was designed to produce the labour movement “organisational structure based on the multiplicity of unions.”⁵¹ It was argued out that with the spirit of liberalisation, “the law should allow the proliferation of trade unions within industries.”⁵² This entailed that trade unions had “to compete for membership.”⁵³ This law was perceived to be divisive of the labour movement and “weakened its capability to influence change of policy by the government.”⁵⁴

3.9 The 1993 Industrial and Labour Relations Act

While leaving almost intact the provisions of the Kaunda 1990 Industrial Relations Act, the MMD, in 1993, introduced their own Industrial and Labour Relations Act. Among other things, the Act states that “no union could be registered within an industry where another union exists unless it is shown that such a union is intended to represent a specific trade or profession.”⁵⁵ The 1993 legislation “also

makes affiliation to the ZCTU optional.”⁵⁶ As a result of this provision in the law, five unions had “disaffiliated from the ZCTU, making the labour movement today more divided than ever in the history of the country.”⁵⁷ The reduction in the numerical strength of the ZCTU meant a reduction in its financial position since the financial standing of the organization depends on the contributions from members whose unions are affiliated to the ZCTU. Interestingly, President Chiluba, Minister of Defence Chitalu Sampa and Minister of Information and Broadcasting Newstead Zimba, were the top three in the previous administration of the ZCTU. When they headed the labour movement, they demanded removal or abrogation of laws that impeded the participation of the labour movement in public policy decision making. Now that they are the principal state actors themselves, they are promoting pieces of legislation that enervate the position of unions to have a real impact in influencing the state in the process of public policy-making. This is in spite of the involvement of the trade unions in the campaign for the return to multiparty democracy. Thus in the Third Republic, the “change of the political regime has not worked to the benefit of organised labour,”⁵⁸ and ZCTU, as a civil society institution, has experienced a diminishing role in assisting to shape Zambia’s public policy.

Also compromising ZCTU’s role in checking state policies in the Third Republic has been the President’s appointment of some former ZCTU’s officials to state positions. Alex Chirwa, former ZCTU General Secretary, was appointed by President Chiluba as Permanent Secretary in the Ministry of Labour and Social Services. If incumbent holders of key positions in the ZCTU began to expect major appointments from the President before or after losing their jobs in the labour movement, it becomes difficult for the labour movement to assume a detached role in examining state policies.

For a very long time, the labour movement has been one of the major input providers to Zambia’s policy-making process. It has, through ZCTU, attacked government policies considered detrimental to its interests. Since organized workers live in close proximity with each other and most of them work for organizations along the line of rail, worker mobilization for industrial action has been easy. Industrial demonstrations have on occasions forced the government to abandon certain policies.

Confrontation and conflict between the government and the labour movement took a heightened relationship partly because the government was the largest employer during the Second Republic when about 80% of the economy was state-managed. Secondly, the declining economy and the government measures taken to restore its health ended up in social hardships which ultimately evoked workers’ protests.

With a single-party system in place and the introduction of works councils in employing organizations, the labour movement experienced difficulties to operate its functions in the Second Republic. The situation has not improved in the Third Republic. The MMD government has introduced its own restrictive measures against the labour movement, while retaining those inherited from UNIP, and making attempts to weaken ZCTU.

3.10 The Law Association of Zambia – 2nd and 3rd Republic

Within the broad definition of civil society, the Law Association of Zambia is “a voluntary, self-supporting and autonomous”⁵⁹ organization. It is bound by a legal order because it was “established by an Act of Parliament in 1973”⁶⁰ and its operations are within the precincts permitted by the law. While its function as a civil institution involves “containing the power of the state through public scrutiny,”⁶¹ Shamwana felt that the aim of the Law Association of Zambia (LAZ), is to “seek to understand the problems of the society within which we operate and to seek to improve the institutions of our country by constant searching into, and questioning their functions, and by candid and constructive criticisms of their performance.”⁶² LAZ is interested not only in criticism, but also in the right legal decisions when opportunity is provided “to participate in drafting legislation”⁶³ which is the premise of decision-making in law. Verdicts in law carry the legitimacy and credibility when the same law treats every one the same. The Law Association of Zambia therefore strives to ensure that appropriate capacity in decision making is developed in Zambia by influencing, persuading and encouraging the state to observe and promote “the advancement of the Rule of Law and of the rights and liberties of the individual.”⁶⁴

Since the judiciary has actors such as the High Court and Supreme Court judges who are “appointed by the President,”⁶⁵ its independence is sometimes doubted when that institution becomes an arbiter in cases involving state personnel and ordinary citizens. The Law Association of Zambia whose membership is voluntary and does not depend on presidential appointments is viewed by the general public as an independent and hence impartial learned legal institution that always takes the middle road in guarding against power abuses resulting from wrong decisions. By reminding the state and educating the general public about what the law says regarding certain issues in the country, LAZ influences state authorities to make appropriate decisions. It is in this respect that this study investigated the LAZ’s role in both the Second and Third Republic.

The Law Association of Zambia was, in 1973, born into a political environment that allowed “only one political party or organization, namely, the United National Independence Party.”⁶⁶ With that constitution – the principal law of the land having been put in place, no person could lawfully be permitted “to form or attempt to form any political party or organization other than the Party”⁶⁷ (UNIP), “or express opinion or do any other thing in sympathy with, such political party or organization.” That political environment made UNIP extremely powerful. Its party organs such as the Central Committee became more supreme than state institutions such as parliament, the cabinet, and, in some instances even the judiciary. The monopoly of political power made or tempted UNIP to gravitate towards failure to observe the Rule of Law. Fusion rather than dispersal of power characterized the obsession of the polity. Given that kind of power structure in the country, the Law Association of Zambia regarded itself as the guarantor of citizens’ basic human rights and a quasi opposition group that had to hold in check the behavioural excesses of the government.

In 1980, for instance, the Law Association of Zambia joined other civil society institutions such as the labour movement to criticise rampant corruption in the nation. Prompted by such criticisms, “the government introduced a bill in august 1980 to replace the seemingly ineffective provisions of the Penal Code which dealt with corruption and the Prevention of Corruption Act of 1916 of the United Kingdom inherited from the colonial government.”⁶⁸

During the run-up to the presidential and parliamentary elections in 1991, the Law Association of Zambia noticed many behavioural traits of electoral illegality among political parties that had emerged and were to participate in the electoral contest. To forestall many cases of election petition and contribute to the process of a clean campaign, prevent political violence resulting from rejection of election results by some contenders, the Law Association of Zambia advertized the warning in the print-media as follows:

“Warning all presidential and Parliamentary candidates.
Dear Candidate,

The High Court for Zambia has unlimited jurisdiction to nullify any election result if it is proved that a candidate used Illegal and Corrupt practices. Therefore, don’t expose yourself to the risk of an Election Petition by engaging yourself in ILLEGAL or CORRUPT practices such as buying voters cards, giving gifts e.g. chitenge materials, money, bicycles, mealie-meal, motor vehicles, etc.”⁶⁹

The main contest for presidential and parliamentary seats in 1991 was between the United National Independence party (UNIP) and the Movement for Multiparty Democracy (MMD). With the advantages of incumbency, UNIP was expected by many institutions – LAZ included – to use most of the activities that in the preceding paragraph have been referred to as illegal. The Law Association of Zambia therefore felt the need to expand the warning in order to cover other areas of electoral illegality. The warning continued:

“Refrain from using inflammatory, derogatory language or resorting to character assassination as this will only expose you to both criminal and civil action by the High Court for defamation of character.

Yours in national Service,

Law Association of Zambia.”⁷⁰

When election results were announced, MMD emerged the winner and the loser, UNIP, gracefully accepted defeat. What is of special interest to this study is that the Law Association of Zambia used its influence for all contenders in the 1991 elections to make the legally correct decisions that not only enhanced democratic behaviour but also prevented political violence that has ensued disputed election results in some parts of Africa and the developing world.

The role of the Law Association of Zambia as a local non-governmental civil society institution was described as having operated in a closed political system during

the Second Republic. But practical evidence available shows that political pluralism in the Third Republic has not in any way opened the doors and that in some cases regime repression on civil society institutions has become even more pronounced. For instance when the Zambia Independent Election Monitoring Team (ZIMT) and the Committee for the Clean Campaign (CCC) declared the 1996 Presidential and Parliamentary elections not free and fair, police detained the leaders of these organizations. The Times of Zambia of Tuesday, November 26, 1996, under the heading "Now Police Seize ZIMT documents," reported that "police yesterday seized more computer discs and a mass of documents in the continued search at the offices of ZIMT and the Committee for Clean Campaign in Lusaka. At 14:00 hours when the search ended, police seized a total of 83 documents from ZIMT, CCC and the Inter Africa Network for Human Rights and Development (Afronet) offices"⁷¹. The Law Association of Zambia, along with other non-governmental organizations in the country, condemned that police action.

The Law Association of Zambia has in the Third Republic also criticised the Public Order Act which came into force on 27th February, 1996. The Act provided that 14 days notice had to be given to police prior to holding any public meeting, assembly or demonstration. The Act was thought to be discriminatory against political organizations other than MMD.

When Remmy Mushota, at one time Legal Affairs Minister and now late and reportedly then enjoying good relations with the President, "attacked some Supreme Court judges of working in league with UNIP to destroy his political career,"⁷² the Law Association of Zambia warned that "the current public attacks on the judiciary will grossly undermine its integrity and independence,"⁷³ and further "called for immediate stop to the trend".⁷⁴ LAZ has not only criticised the government for hiring the services of the Israel NIKUV Computers Ltd. to update the voters' register, but it has also criticised government's position from May to September 1996 to reject calls for dialogue with representatives from the churches, LAZ itself and other interested players. The MMD Land Policy, ushered in under the Land Act, No. 29 of 1995 came into force on 6th September, 1995, and its scope includes the vesting provision, power of alienation, conferment of value, land control, the development fund and the machinery for redress of grievances through the Land Tribunal. The policy was rejected and criticised by the traditional rulers, members of parliament and the Law Association of Zambia.

As a result of strong opposition from various interest groups in the country, the government temporarily put the debate of the policy in abeyance and reintroduced it after a certain time interval, believing that at that time the emotional virulence of the people against the policy had significantly subsided and the bill could receive, as it did, the required backing from most MMD legislators.

The Law Association of Zambia has further opposed President Chiluba's intention to alter the Republican Constitution to pave the way for him to run for the third term of office. After the meeting held on Wednesday, 21st February 2001 at the Oasis Restaurant in Lusaka, the LAZ issued the following statement: "The people's representatives in the National Assembly are called upon to summon the courage that was exhibited by their predecessors in the 6th National Assembly when they, through

the Haimbe Parliamentary Select Committee, defied the establishment of the day by upholding and respecting the will of the Zambian people to limit the tenure of office for the presidency to two (2) terms of five years each.”⁷⁵ The legal expertise of LAZ has continued to help refine the thinking of many other political and non-political institutions in Zambia, thereby leading these institutions to make the right decisions for the country.

3.11 The Church and its Historical Root in Zambia’s Public Policy

Recourse to Hyden’s condensed explanation of civil society shows that he puts the Church into “the cultural domain of voluntary associations that defend collective rights, values, faiths, beliefs and symbols.”⁷⁶ John Taylor is in alliance with this explanation when he notes that “the Church, is a voluntary association or a number of associations, embracing only a particular group within the community”.⁷⁷

Among the functions of the Church one is to ensure that the State carries out its ordained task of promoting welfare correctly, and that “the supreme thing in all its legislation and administration is that it should be guided not by popular approval but by justice”.⁷⁸ Taylor additionally observes that State power “should be used to legislate for righteousness, not for popularity.”⁷⁹ In other words when the state does something objectionable to the people, the Church should “be called to criticize or even to oppose those in authority.”⁸⁰ Another writer on the role of the Church in today’s world, J. Wand, asks: “What for instance would even an earthly state be without justice but a band of robbers?”⁸¹ He further asserts that “no reader of the Bible has any excuse for failing to recognize the influence exercised by the Church in the political sphere.”⁸² Public policy is one area of political sphere, and it is in this sphere that this investigation studied the role of the Church in the Second and Third Republic in Zambia.

3.12 The Lumpa Church and Watch Tower Sect

The twin relationship between the state and the church in Zambia’s local politics dates back to the colonial period when some church organizations abated and others opposed colonial oppression and exploitation of Zambia’s (then Northern Rhodesia) natural resources for the benefit and development of the British people in Europe. But when organized political agitation gained currency in Northern Rhodesia, the British colonial government faced, for the first time, a major challenge from one religious organization: the Lumpa church. Led by Alice Lenshina, the woman who attended the same primary school with the first Zambian President Kenneth Kaunda, the Lumpa church burnt houses for people who refused to join its membership or supported political parties. The level of violence, particularly in Northern Province and some parts of Eastern Province, prompted the governor in July 1964 to declare the state of emergence.

Three months later, on October 24th 1964, Zambia became a sovereign nation and Kenneth Kaunda became its first Head of State. He inherited the political turbulence caused by Lenshina’s syncretistic church. The Lumpa Church began its aversion against political parties shortly before the advent of self-rule, in fact during the time when the African National Congress was the only prominent political party

representing African interests. According to Calmettes, the relations between the Lumpa Church and the ANC “were first class, so good that the ANC was supposed to have promised the Lumpas to establish them as the national church.”⁸³ However, James Fernandez says things changed when UNIP stepped in and that the “Christianity of Kenneth Kaunda was too universal and ecumenical to even think of doing such a thing.”⁸⁴

Prior to major confrontations between the Lumpa Church and UNIP, there was rivalry “between the Catholics and Lenshinites.”⁸⁵ The two church organizations fought for membership among the people. The government’s reaction to the brawls “was to incarcerate a few Lenshinites.”⁸⁶ That infuriated Lenshina adherents. When in 1963 UNIP began preparing for the January 1964 general elections, the Prophetess battled energetically against UNIP’s propaganda aimed at gaining the membership from the Lumpists. “She went as far as publicly burning the membership cards of the party belonging to her followers.”⁸⁷ The bellicosity of the Lumpists worsened when it became clear that “UNIP was certain to win elections.”⁸⁸ When UNIP finally won the elections, Kaunda outlawed the Lumpa Church and banned it.

Another early challenge to the authority of a nascent Zambian state shortly after independence came from the Watchtower Sect. Its adherents refused to register as voters, rejected “to buy party cards or honour the Zambian flag and National Anthem.”⁸⁹ The challenge to the young Zambian state posed by the Lumpa Church and the Watchtower Sect served only as a prelude to the more articulated demands made by other church organizations to influence the policy-decisions of the government. These threats, combined with those from the proliferating political parties of the First Republic, prompted UNIP to drift towards the introduction of the single-party system which in 1973 ushered in the Second Republic – part of the major focus of this study.

3.13 The Church Groupings

Apart from the Jehova’s Witnesses and the Lumpa Church – both classified as African Independent Churches, and already discussed in the preceding parts of this investigation, three other classifications have been cardinal in their role of participation in Zambia’s public policy process. The classifications are as follows: The Zambian Episcopal Conference; The Christian Council of Zambia; and the Evangelical Fellowship of Zambia. Taking the three in tandem the picture unfolds as below:

3.13.1 Zambia Episcopal Conference (ZEC)

Established in the 1930s, this is the administrative body of all religious orders of the Roman Catholic Church in the country. All the activities ranging from corporal works of mercy to securing work permits for the missionaries are co-ordinated by the Catholic Secretariat based in the capital city of the country. It is estimated that in 1980 Catholics constituted 30% of the country’s Christian population. The Protestants accounted for another 30%. These figures are based on the 1980 census after which there has not been one yet.

3.13.2 The Christian Council of Zambia (CCZ)

This is the umbrella body of the Christian denominations that are ecumenical. It was formed in 1945. The CCZ is organised very much on the lines of ZEC. It has a Secretariat in Lusaka for the purpose of co-ordinating activities. The Christian Council of Zambia also forms the link between the World Council of Churches and its member churches in the country. The core member churches of the CCZ are the Reformed Church in Zambia, The African Methodist Episcopal Church, The Anglican Church, the Salvation Army and the Lutheran Church. However, even a cursory look at the membership data at the appendix reveals the fact that some churches in this group belong to the EFZ also. These are churches that are not too fundamentalist. They had come into the country before the formation of the EFZ and allied themselves to their protestant family, the CCZ.

3.13.3 The Evangelical Fellowship of Zambia (EFZ)

In this group we find Protestant Evangelical churches. There are two groups within the EFZ. There is the group of churches that came as missionary churches in the early years of independence or earlier, and the group of churches that came after independence. It is hoped that as the Zambian Society gradually becomes more open politically, the membership of the above church organizations will rapidly multiply. Since their existence in Zambia will be affected by the actions of the government, Samuel Huntington believes, they will all “in one way or another aspire to play, a role in the formulation of public policy”⁹⁰ which impinges on their interests. The numerical strength of the church classifications so far presented does not portray the picture of regional or urban-rural representation. Civil society institutions resident along the line of rail, close to the seat of government, tend to have easier and faster access to the legislative and executive branches of the state. This makes it easier for them to influence decision-making there. The strength of church membership in urban rural dichotomy – taking account of other variables already discussed such as the nature and state of communication infrastructure and data banks – can also have a telling effect on the level of influence or persuasion religious organizations can exert on the government to address certain policy concerns. On table 2 the data collected by Likando Kalaluka for his Master of Arts Degree, refer to church organizations operating in Zambia but originated in countries beyond Zambia’s frontiers as service transnational organizations (TNOs). Among them are the United Church of Zambia; the Roman Catholic Church of Zambia; Jehova’s Witness’ New Apostolic Church; Reformed Church of Zambia; Seventh Day Adventist Church and the Anglican Church. This study used Likando’s abbreviation of TNOs to refer to church transnational organisations.

Table 26: Church TNOs in Zambia according to the Location and Membership of Churches by Urban and Rural Political Provinces

PROVINCE ^a (Urban) ^b	CATHOLIC		ANGLICAN		REFORMED		S.D.A.		APOSTOLIC		JEHOVA'S	
	Churches	Members	Churches	Members	Churches	Members	Churches	Members	Churches	Members	Churches	Members
Copperbelt	53	500,00	30	10,000	12	9,00	11	2,309	32	5,655	35	3,500
Lusaka	9	189,930	26	6,500	6	6,000	7	1,461	21	3,861	8	2,500
Central	29		40	4,500	6	5,00	13	2,128	28	4,934	15	3,00
Subtotal	91	689,930	96	21,000	22	20,000	31	5,898	81	14,450	58	9,000
(Rural) ^b												
Southern	26	87,151	30	3,000	3	3,000	93	11,361	43	8,621	24	5,500
Eastern	17	102,615	90	3,500	20	24,000	31	6,089	49	9,319	28	5,000
Northern	30	236,572	2	300	-	-	15	3,273	44	7,123	33	7,000
Luapula	13	124,775	21	2,500	-	-	12	1,438	29	6,903	55	10,000
Western	15	23,169	-	50	-	-	13	2,558	37	5,909	44	5,000
North Western	9	10,000	1	150	-	-	10	2,305	35	5,392	53	8,500
Total	201	1,274,212	240	30,500	45	47,000	205	32,928	318	57,717	295	50,000
Urban												
Churches as percent of the Total	45.3%	54.1%	40.0%	68.9%	48.9%	42.6%	15.1%	17.9%	25.5%	25.0%	19.7%	18.0%

Source: Based on interviews with church administrators at their headquarters offices in Lusaka from May 22nd to May 28th, 1979 by Kalaluka.

In terms of membership, during the Second Republic, the major churches were the United Church of Zambia and the Roman Catholic Church of Zambia. "Other minor churches were the Reformed Church of Zambia, the Jehova's Witnesses, New Apostolic Church, Seventh Day Adventist Church and the Anglican Church."⁹¹ Since the United Church of Zambia, however, was not a TNO, it was not included in the study except when it had acted in association with a church TNO. All of the other churches were TNOs. The largest church TNO was the Roman Catholic Church which comprised a membership of about 38.8 percent of the total church affiliated population of Zambia.

The church TNOs which were favoured by the government were the Roman Catholic Church of Zambia and the Anglican Church, while the smaller churches did not have a close relationship with government. The important role which the Catholic church of Zambia along with the Anglican Church have played in public policy-making in the country is unique.

The other churches were not favoured with access to governmental decision-making partly because of problems they have had with their image. For example, "the Jehova's Witnesses, the Seventh Day Adventist and the New Apostolic church doctrines proscribe the symbolic demonstration of their members support for the government through the salute of the national flag and the singing of the national anthem."⁹² In government thinking, this was a sign of the churches' questionable allegiance to the government. Likewise, the Reformed Church of Zambia which had financial and organizational links with the Dutch Reformed Church of South Africa was not in favour with the government. The fact is that the Reformed Church of Zambia was connected, even if peripherally, "with an Afrikaner-based church of South Africa which practised apartheid, and, hence, tended to taint the Reformed Church's image."⁹³ The government's attitude toward the Reformed Church, therefore, was unrelated to the actual activities of the Reformed Church in Zambia which had been actively engaged in missionary work in the Eastern Province of the country for more than half a century.

The Roman Catholic church and the Anglican Church were favoured by the government. This was evident in their ability to gain access to public policy-making circles and has enabled them to exert some impact upon governmental policy. In order to understand the role which these two church TNOs have performed in public policy-making, it is necessary to examine the political framework which the government had set for its relationship with the churches in Zambia.

The Zambian government's official ideology was "Humanism". The governmental handbook on Humanism prescribed the following role for religious leaders:

"Religion must continue to play an important part in our national life. We need religious leaders to give us guidelines. But moral and spiritual development must also be part and parcel of the party and government programme. Hence, it is seriously proposed that the Party's programme include moral and spiritual teaching."⁹⁴

An indication that the party had taken this injunction seriously was evident in the fact that, for example, leaders of the favoured church TNOs, occupied positions in the highest policy-making body of the party -- the Central Committee of UNIP. "The Catholic's Archbishop Emmanuel Milingo was a member of the Cultural and Social Subcommittee of the Central Committee and the Anglican Archbishop Elias Mutale was on the rural Development Sub-committee of the Central Committee."⁹⁵ This had guaranteed the Roman Catholic church and the Anglican Church continued access to party policy-making circles.

3.14 Presidential Petition by Church Leaders

An illustration of the churches' active involvement in governmental policy-making at the highest level was their "petition to see President Kaunda in 1978 concerning two sensitive political issues affecting the Party."⁹⁶

In early April 1978, the church leaders sought a meeting with the President to warn him of the dangers to his government of pursuing two policies. The first was "the President's public rejection of a highly controversial proposal by a special Parliamentary Select Committee of the Zambian National Assembly, popularly known by the name of the chairman of the committee -- Mwanakatwe, then Minister of Finance."⁹⁷

In connection with the recommendations of the Mwanakatwe Report, were three areas of concern expressed by the church leaders in their meeting with the President. The first was that the use of coercion in redirecting government employees, including youths, in the Zambia National Service, (a military service training for post secondary school leavers) into "productive farming" in the rural areas of the country should cease. Church leaders took the position that "secondary school leaders and government employees should not be forced to go into farming without their consent and that civil servants should not be prematurely retired and forced to undertake farming."⁹⁸

The second area of concern had to do with what the churches felt was a costly and ineffective duplication of Party officials and offices. Consistent with the Mwanakatwe Report, therefore, the religious leaders recommended that members of the Central Committee should be part-time rather than full-time members. Church leaders also recommended that the posts of Provincial Political Secretaries should be abolished throughout the country and that the offices of the Member of the Central Committee for the Provinces should be eliminated. In the place of Provincial Secretaries they recommended that only a Cabinet Minister for each Province be retained. In other words, the church leaders recommended that the party organization be removed from the provincial level of governmental administration and that only a Cabinet-level government official remain to represent the provinces. This proposal was clearly directed at reducing the numbers of party officials in the capital and in the provinces.

According to the church leaders' letter to President Kaunda, the reason for the recommendation was that the Mwanakatwe report contained recommendations which

may be beneficial in the restoration of the popular confidence people have in UNIP leadership.

The third area of the church leaders' concern, as expressed to the President, was the nature of the Presidential and Parliamentary election campaign in early 1978. The church leaders criticized Central Committee members for campaigning on the basis of Kaunda's popularity as the only national leader capable of uniting the competing tribal groups and regions of the country. Central committee members were criticized for emphasizing the symbolic importance of retaining Kaunda as President rather than explaining the current economic crisis to the electorate and setting out proposals for resolving the crisis. The religious leaders were particularly incensed by analogies made by certain central committee members between the religious qualities of Jesus and President Kaunda.

What was behind the third area of the Church leaders' grievances was the untoward nature of the campaign for the Presidential and Parliamentary general elections which were scheduled for December 1978. The ruling Party -- UNIP -- was, in fact, putting pressure upon the President to defer the election for fear that Kaunda might lose the election. The serious decline in the economy and the widespread food shortages had inevitably led to popular dissatisfaction. The Party leaders felt that action had to be taken by the government to either alleviate the shortages, or at least change Kaunda's policy of prohibiting trade between Zambia and the White South by re-opening the Rhodesian boarder to trade with South Africa. Since Kaunda had resisted the pressure to re-open the border to the South, the Party was placed in a dilemma. They felt that they either had to have a concrete change in the government's economic policy or they had to postpone the forthcoming elections. Both options, however, were ruled out by Kaunda. "This put UNIP in the position of attempting to avoid the issue of the country's economic problems altogether."⁹⁹ Party leaders began, instead, to emphasize the leadership qualities of the President almost to the extent of defying him. For example, one popular UNIP campaign slogan in Bemba which was used on the Copperbelt in 1978 was: "Kumulu, Lesa; Panshi Kaunda" which translated: "God in Heaven and on Earth is Kaunda". Predictably the reaction of the church leaders was outrage. They felt that the members of the Central Committee and Provincial Party Secretaries as well as Cabinet Ministers had overstepped themselves. The church leaders argued that the country would be cursed as a result of this type of behaviour. They pointed out that such campaigning violated the Humanist philosophy of Zambia. The Humanist ideal forbade any human being from being made into a demigod or from being held to be equal to God.

The President's reaction to the church leaders' petition against what they regarded as unethical and immoral political campaigning, was immediate. Shortly after the church leaders' meeting with the President on April 6th, 1978, Kaunda issued a directive to the Members of the Central Committee and to other party officials and Ministers.

In Kaunda's communication to party leaders, he pointed out the fact that the exaggerated emphasis upon his personal role in Zambian politics was a personal embarrassment and was degrading to his office. He eschewed any efforts to make him a "life President" and felt that it was unnecessary for party officials to personalise the

election campaigning to such an extent. Kaunda pointed out to the MCCs that since the balloting was in secret, any public display by them of the President's indispensability and his angelic qualities, might not have the effect which the party officials wished. Instead of focussing upon Kaunda's personal qualities, he said that party leaders should concentrate upon educating the electorate on the importance of giving their support to the party and that leaders should explain the party's efforts to solve Zambia's economic difficulties.

Another policy-issue which caused great concern among the Zambian clergy in the Second Republic was the then government intention to introduce in the schools' curriculum the teaching of scientific socialism. Many religious organizations regarded scientific socialism not only as profane but atheistic. The clergy wondered why Kenneth Kaunda, a man born into a family imbued with fervent piety and himself a devout Christian, could entertain an idea of allowing the teaching of a doctrine that was anti-Christian faith. Thus the leaders of the Evangelical Fellowship of Zambia -- EFZ, the Episcopal Conference -- EEC, and the Christian Council of Zambia -- CCZ became worried and "quickly initiated dialogue with the Head of State on the advisability of introducing scientific socialism."¹⁰⁰

In a pastoral letter to their followers, the UCZ had this to say: "The UNIP party claims that believers of Marxism/Leninism or Communism are allies of those who believe in Humanism. We do not accept believers in Marxism/Leninism or communism as our allies because of their treatment of Christians. While this does not mean that UNIP will automatically follow the example of the Marxist parties, it is not foolish of the church to worry that this might become true in some future time."¹⁰¹ That the government ultimately abandoned its intentions was a major feat by the church to persuade the executive branch of the state to drop the intended policy-idea.

The church also played a plausible role of mediation and re-conciliation during the volatile situation in the run-up to the 1991 presidential and parliamentary elections. Using its position of non-partisan image, the church succeeded to bring together adversary political parties that held divergent views about the then existing Republican Constitution. Bishop Stephen Mumba of the Anglican Church was chosen by representatives from the Zambia Episcopal Conference, the Evangelical Fellowship of Zambia and the Christian Council of Zambia to bring the ruling party, UNIP together with the opposition parties to amicably discuss the constitution and to agree on changes and new inclusions. On 24th and 25th July, 1991 Bishop Mumba chaired the Constitution Meeting in the Anglican Cathedral in Lusaka. The results of that meeting were consensus, peaceful elections and smooth hand over of power to the victorious MMD party. The church, again, managed to change the stance of UNIP government to accept new demands and conceded defeat.

3.15 Urban "Constituencies" of the Catholic and Anglican Churches

The access which the Roman Catholic Church of Zambia and the Anglican Church had to the highest policy-making circles in the country on highly sensitive political issues underscored the success which these two church TNOs have had in their relationship with the government. They not only had representatives on the

highest party organ of the country, but they had direct access to the President on matters of the most delicate political nature.

In attempting to explain why the Anglican and Catholic churches were successful in gaining entry to governmental policy-making circles while the Seventh Day Adventists, the Reformed Church of Zambia, New Apostolic Church and Jehova's Witnesses, did not have entry, it is necessary to go beyond the question of images, personalities, issues and even church doctrine. The major reason for the differing success which the various churches appeared to have had in their relationships with government lies in the nature of the constituencies in Zambia which the churches serve. The Roman Catholic and Anglican Churches have concentrated their organizational efforts mainly in the urban centres of the country. The other church TNOs, on the other hand, have established their religious organizations primarily in the rural areas of the country. The table on page 21 shows the memberships of two successful church TNOs -- Catholic and Anglican churches and three relatively unsuccessful church TNOs -- the Seventh Day Adventists, Jehova's Witnesses, and the New Apostolic Church, according to rural-urban location. The Reformed Church lies somewhere between the successful and unsuccessful churches in terms of the urban and rural bias of the church memberships. The data on the location and memberships of the various church TNOs indicates that the most successful churches in terms of their access to public policy-makers tended to concentrate their activities in the urban areas of Zambia. About 51 percent of the total membership of the Catholic Church was located in the urban centres whereas about 68 percent of the membership of the Anglican Church was in the cities. By contrast, comparable figures for the less successful church TNOs were about 18 percent for the SDA, 18 percent for the Jehovah's Witnesses and 25 percent for the Apostolic Church. Among the politically unsuccessful church TNOs, the Reformed Church had a membership pattern closest to the Catholic and Anglican Churches. About 42 percent of the Reformed Church's membership was urban.

While the Reformed Church was not favoured by the Zambian government, the Reformed Church appeared to be favoured over the politically unsuccessful churches -- viz the SDA, Apostolic, and Jehovah's Witnesses. One indication of this was the representation of the Reformed Church at the April 1978 meeting between the church leaders and President Kaunda. In fact, the Reformed Church was the only church TNO in addition to the Catholic and Anglican churches which was represented at the meeting. It is also significant that the Reformed Church and the Catholic Church were the only ones which had special offices to politically represent their TNOs with the government.

3.16 The Church and Policy-Making Role in the Third Republic

Unlike the Second Republic which had a time span of seventeen years, the Third Republic (1999) has lasted for only about nine years. Coupled up with some of the policy-issues as legacy-cascades from the First Republic, the Second Republic was more laden with cases involving the church than what has transpired in the short duration so far of the existence of the Third Republic. It is also important to note that UNIP exercised and controlled the reigns of power in both the First and Second Republic, giving it, by 1991, a total of twenty seven years as a government.

The MMD, however, has had its own experience with the civil society, in particular the church. The major policy-issues that have animated the air in the Third Republic are the Land Act of 1996, the Public Order Act of 1996, the Updating of the Voters' Register by NIKUV Computers of Israel, the Declaration of Zambia as a Christian Nation, and the 1999 National Budget.

The Land Act of 1995 was objected to by many civil society institutions, including the church. As a result of this the MMD government postponed its debate and passage into law until 6th September, 1996 when it went into force. The church, together with other non-governmental organizations, felt that the Land Act was inconsistent with the Bill of Rights because it gave to the President "all power over land."¹⁰² The Land Act embraced the "vesting provision, power of alienation, conferment of value, land control, the development fund and the machinery for redress of grievances through the Land Tribunal,"¹⁰³ which Chanda says "had many adversities."¹⁰⁴ The government never yielded to the demands of the church and other NGOs.

Further pre-occupied with the need for peace to continue prevailing in the country, the church saw in the newly introduced Public Order Act of 1996 a possible source of trouble, especially from opposition political parties. The 27th February, 1996 Public Order Act demanded that "14 days notice be given to police prior to any public meeting, assembly or demonstration."¹⁰⁵ The party in power, the MMD, did not need -- according to complaints from opposition parties -- 14 days notice to the police in order to be permitted to hold public meetings. These government acts of behaviour were perceived as potential threats to national peace and their removal was an aspect "that churches promoted"¹⁰⁶ because religious institutions also felt it was their duty to enhance "the observance and respect for human rights which are key to the sustenance of democracy and good governance."¹⁰⁷

The religious institutions' frustration over the MMD government's unyielding stance towards reform reached the highest peak over the MMD decision to employ a foreign company -- NIKUV Computers Ltd of Israel - to update the voters' Register. Many civil society organizations suspected certain computer-fed tactics tailored to enable the MMD to win the 1996 presidential and parliamentary elections that had to give them fresh mandate for the second term of office. "From May to September 1996, the government rejected all calls for dialogue with the opposition from the churches."¹⁰⁸ There is no doubt therefore that pressure from NGOs somewhat enraged the government and at one time precipitated a situation where the government had warned that it would "soon pass legislation to regulate NGOs, in particular to control their source of funding."¹⁰⁹

The MMD government has not been at odds with all NGOs in terms of criticism or putting pressure to bear on the government in order to alter its policies. Some NGOs, amongst which are church organizations, have endorsed some policy declarations made by the government. When President Chiluba enunciated that Zambia was a Christian Nation, certain church organizations heralded the declaration and pledged support to implement it. Among the supporting religious groupings were the Evangelical Fellowship of Zambia (EFZ), the Christian Council of Zambia (CCZ),

and the Zambia Episcopal Conference (EEC). The three representatives: Reverend Joseph Imakando (EFZ), Reverend Saapa Bredt (CCZ) and Father Calmettes (ECZ), on 16th January, 1992 ratified President Chiluba's State House proclamation of Zambia being a Christian Nation. The proclamation, however, was not preceded by parliamentary legislation and was hence considered to be devoid of any legal backing, and as such was not binding on other non-Christian religious organisations. All the same Hindus, Buddhists and Muslims representing countries like India, Sudan, Yemen, Iran, Afghanistan, Egypt, Libya, etc. felt offended by the declaration. Going by the precepts of regulatory conventions, presidential declarations, though unsupported by specific pieces of legislation, do go down to the members of the general public as constructs upon which to base day-to-day practical behaviour. Very few individual members of the general public ever know that government pronouncements have to enjoy the majesty of the state only after pieces of legislation to support the pronouncements have been enacted. Thus for the majority of the people living in Zambia and outside it, President Chiluba's declaration of Zambia being a Christian Nation is perceived as a law.

The 1996 budget presented to parliament by Finance Minister Edith Nawakwi in January was debated, not only by parliament, but also by many independent associations. The Catholic Commission for Justice and Peace, abbreviated as CCJP, is one among a multiplicity of civil society institutions that met to review the national budget. In the paper presented to the CCJP discussion group Father Joe Kamakoma, CCJP's Executive Secretary, criticised government's failure to democratise budgetary allocations. He said his organisation "wanted to see the budget process democratised with citizen participation as the key term."¹¹⁰ The government, through Newton Ng'uni, the Deputy Minister in charge of finance, retorted that the CCJP could, if it wished, transform itself into a political party instead of making "blanket criticism of government policies."¹¹¹ Father Kamakoma parried the retort by pointing out that "CCJP's critical approach was positive way of ensuring the government acted responsibly."¹¹² In recent times, the Christian Council of Zambia has criticised President Chiluba's intention to run for the third term.

These and other uncited practical examples of the church involvement in providing inputs into the state Executive machinery to aggregate demands and produce outputs have been typical of the Third Republic. Supportive inputs have buttressed the aggregation process of the state Executive machinery and outputs have tended to favour those religious institutions that initially rendered favourable inputs.

The role of the church in influencing government policy and hence contribute to Zambia's local capacity in decision-making in the Second Republic faced a number of limiting factors. Some of them arose from the fear UNIP cultivated from interactions with the Lumpa church and the Watch Tower Sect in the First Republic.

The church operated its functions in a single-party political system where UNIP was apprehensive of the proliferation of, not only other political parties, but also of the multiplication of other non-political associations that were suspected to be religious in self-portrayal, and yet quasi political in intent and behaviour. UNIP therefore became unfriendly to such church organizations; at one time Kaunda nearly deported Bishop Mambo to Malawi or Mozambique where he was suspected to

originate from. Bishop Mambo had intensified his attack against the Kaunda regime's propensity to over-stay in power, state corruption and the deterioration of the economy.

During the Second Republic, church organizations found along the line of rail - the urban areas -- because of easier communication and proximity to state actors making decisions -- contributed more to local capability in policy-decisions than their counterparts away in the countryside. Numerical membership also showed that both big and small church organizations in the Second Republic had more members in urban than in the rural areas. Generally the church managed to contribute towards change of government policy concerning scientific socialism not to be introduced in schools. The change from single-party multipartism also had the contribution from the church, of course with strong resistance from the UNIP government.

The birth of MMD in 1990 and its ascendancy to state power in 1991, bringing about the start of the Third Republic, has not appreciably introduced reform to increase participation of the church in decision-making. Its fear and aversion for the clergy and their institutions that have criticised the MMD policies have drawn a parallel with the undemocratic behaviour of UNIP in the Second Republic. In some cases, MMD has come up with legislative measures far worse off than those introduced by UNIP to curb opposition to its policies.

3.17 The International Monetary Fund (IMF), The World Bank And Other Donors

The systems theory of policy-making admits not only local actors in the transactions of decision-making but also includes international players. In other writers' language, international players in the policy process are referred to as transnationals. In that light goes the assertion that "when transnational activists direct their effort towards the state, they are influencing national policies".¹¹³ Among these transnationals are donor agencies. The range of their concerns touches on not only the need or attempt to "change state policies or create conditions in the international system that enhance or diminish cooperation",¹¹⁴ but also "push the democratic agenda in developing countries".¹¹⁵

Bilateral and multilateral donor transnationals have made proof of democratization measures as one of their conditionalities for granting aid to emergent countries. The International Monetary Fund (IMF) and the World Bank are the two financial multilateral transnationals whose influence and, sometimes dictates to developing countries have been irresistible. Faced with that influence to its policies has been Zambia. In this part of the study, similar to the foregoing approach, the role of the International Monetary Fund and the World Bank in Zambia was investigated in terms of what transpired first in the Second Republic and then in the Third Republic. The contrast was made because, in the words of Saasa and Carlsson, the Second Republic state actors provided to the IMF and the World bank "an interface"¹¹⁶ totally different from that created by the MMD government in the Third Republic. In order to appreciate the functions of the IMF and its sister agency, the World bank, in world politics and Zambia in particular a capsule summary of their genesis now commands our attention.

3.17.1 The Origin of the IMF and the World Bank

The International Monetary Fund (IMF) was formed “at the juncture of the Second World War, when the fighting in Europe had been stepped up decisively and when hostilities in Asia and certain parts of Africa were still carried on by the opposing belligerents with fierce determination on many fronts.”¹¹⁷ As the war began drawing towards the end, it became clear in the minds of the major protagonists in the fighting that the assignment of re-constructing the devastated economies, especially of the nations of Europe, the principal theatre of the confrontation, was going to be mammoth and would require huge financial resources. The realization prompted western powers to establish an international fund from which member states, or signatories to the agreement would borrow. The meeting to discuss the basis for discussion relating to the financial issues took place in Bretton Woods in New England, USA, from July 1st to July 22nd, 1944. The conference debated “the Articles of Agreement for the setting up of the International Monetary Fund and of the International Bank for Reconstruction and Development,”¹¹⁸ alternatively known as the World Bank.

Initially, none of the African countries was a signatory to the Agreement, meaning none of them was a member. However, when the war completely halted, membership of the two sister world financial institutions became open and was extended to any other country which would accept the institutions rules and regulations. Most African countries, including Zambia, achieved political sovereignty in the sixties and they attained admission into the IMF and World Bank membership upon application.

The voting power in these global financial institutions has been asymmetrical. The interface relations regarding decision-making always tilted in favour of member countries with great financial contribution to the fund. The United States, whose economic infrastructure had never suffered the hazards of the Second World War, emerged as the strongest contributor and the most influential member in terms of decision-making. This position, 55 years after the establishment of the Fund, appears not to have changed. The relationship between Zambia and the Fund, both in the Second and Third Republic, has to be understood from this background.

3.17.2 The IMF and the World Bank in the Second Republic

The poor performance of the Zambian economy which was signalled by the plummeting copper prices in the seventies and the rising cost of fuel which pushed up the oil bill in the seventies and eighties forced the UNIP government in the Second Republic to turn its attention to bilateral and multilateral donors for loans to resuscitate the economy. The economic hardships faced by Zambia around that time naturally increased its dependence on external aid. The international aid suppliers were, hence, in an advantageous position of “exerting considerable power and influence in the country’s economic policy-making process”.¹¹⁹

The role of the IMF in shaping Zambia’s policies was in response not only to government’s requests for financial assistance but also, as Ben Turok aptly put it, a

response to try "to block tendencies to a centrally planned economy which UNIP was determined to put in place in the Second Republic".¹²⁰ Democratisation and good governance to Western societies does not end at adopting their plural political culture, for instance multipartism or dispersal of political power through institutional structures such as the cabinet, the legislature, local councils and the judiciary. For them democracy means both plural politics and plural economics. Privalization of the means of production allows western firms to participate in local economies, make profits and remit them to their home countries. This is another area of focus by both bilateral and multilateral financial agencies such as the IMF and the World Bank. Attendant to privatizing the economy is a myriad of other prescriptions which, explained in the paragraphs that follow, Zambia had to abide with in order to receive international aid. These prescriptions added on to the demands (inputs) from the external environment -- inputs which the Zambia executive branch of government through the process of conversion had to aggregate into outputs (policy-decisions). Through the feedback conveyer system, the external environment (the IMF and the World Bank) received Zambia's response to aid- ,prescriptions and either gave more aid if prescriptions were adhered to or withdrew assistance if Zambia behaved to the contrary.

Based on the foregoing systemic construct, as a result of economic doldrums of the early and mid seventies which continued into the eighties, Zambia, in 1978, "concluded its first two-year stabilisation programme with the IMF."¹²¹ Aimed at restraining the growth of domestic demand, reducing payment of debt arrears and discouraging imports through devaluation of the Kwacha the programme, in 1981, "'obtained a three-year extended fund facility from the IMF under which Zambia was to receive SDR800 million."¹²²

By 1983 and 1985, Zambia signed more agreements with the IMF and attached to these agreements were prescriptions (conditionalities) such as the "reduction or removal of subsidies on consumer goods; the reduction in government expenditure, especially on services; the reduction in public sector employment; the freezing of wages and salaries; the devaluation of the local currency and decontrol of prices and interest rates and the rationalisation of the performance of public enterprises, through privatization and re-organisation of others to make them efficient and profitable."¹²³

In an agreement of 1983 in which Zambia -- from the IMF -- was to receive SDR212 million, the government had first to devalue its currency, limit wage increase to 10% per annum, decontrol prices of essential commodities, and remove subsidies on maize and fertilizers. Adhering to these prescriptions, Zambia, in October 1985, implemented the most comprehensive adjustment policies. The 1983 programme features put aside, the 1985 measures included the public sector reform, reduction in the civil service employment and foreign exchange auction system meant to streamline the allocation of foreign exchange.

Towards the end of 1986, the Zambian people began to feel the results flowing from the structural adjustment changes. GNP per capita dropped from \$560 in 1980 to \$250 in 1987. Income declined, resulting from reduction in employment, and the formal sector employment which then represented about 15% of the total labour force, went down considerably by 1986 primarily due to the exercise of retrenchment in the

state enterprises and the civil service. Price increases reduced workers' income and for the low and middle income earners, their real incomes fell by an average of 55 percent between 1980 and 1988.

What followed these developments was a high level of inflation hitherto inexperienced in the country. The worst hit were the low income earners. The restrictions imposed on wage and salary increases in 1983 as part of the adjustment programme caused wages to lag behind inflation rates. The fall in formal sector employment and incomes also militated against the incomes of those engaged in the informal sector since they too, depended on the purchasing power of formal sector workers. By 1985, the average real earnings in manufacturing in Zambia was the lowest in the Southern sub-region. Real earnings had declined by about fifty percent between 1975 and 1985. This was close to half their 1975 level and compares with Malawi's 38% decline and Tanzania's 30% and Zimbabwe's 7.6% increase during the same time.

Unable to endure the consequences of the structural adjustment programme, Zambia broke with the IMF in May, 1987 and implemented its own economic reform programme called the Interim National Economic Recovery Programme. Based on the use of local resources, the programme was expected to provide the answer to the economic malaise Zambia was facing. However, local resources were extremely inadequate and could not sustain the home grown economic programme. Rejection of the IMF's prescribed economic adjustments meant that Zambia had to lose support efforts from that multilateral financial institution. Meanwhile the economic dilemma worsened and with no solution insight, the Zambian government was forced to have recourse to the IMF. Thus in June, 1989 Zambia re-opened negotiations with the IMF but only to be told to observe and implement the same conditionalities: decontrolling prices on consumer goods, removal of subsidies, etc.

Another multilateral financial institution, the World bank, is very akin to its sister institution -- the IMF -- in prescribing conditionalities for offering its credit support to countries in economic distress. When Zambia failed to adhere to the agreed structural reform measures and cancelled the adjustment programme in May 1987, the "World Bank withdrew its assistance immediately."¹²⁴ The Bank, however, acknowledged the adverse social impact brought about by economic adjustment programmes and in 1990 worked with the government to put up Zambia's Social Action Programme. The programme never achieved its intended objectives because of "a) the evident absence of priorities to guide project identification and sequencing; (b) absence of clear criteria in the selection of intervention projects; and (c) poor record of proper targeting of the vulnerable groups."¹²⁵ Put differently, the programme never focused on the prime issue of poverty.

The heightened poverty situation in the country burst into food riots of December 1986 and the workers' strike actions which ensued thereafter. With the failed coup plot announced by Mwamba Luchembe in the intervening period and the rising crescendo of demands from a combination of civil-society institutions for the return to political pluralism, the ground became porous for the electoral defeat of UNIP in October, 1991.

3.18 The IMF, The World Bank and other Donors in the Third Republic

The multilaterals' conditionalities for giving aid to Zambia remained intact after the change of government in 1991. The Chiluba MMD government concluded an agreement with the IMF early in 1992 and adopted the same economic policies which led to the downfall of Kaunda. Surprisingly, Chiluba never met hostility to his policies when, for example, the price for the maize meal went up twice in December 1991. The aggressive and comprehensive adjustment programme pursued by the new government included "liberalizing foreign trade and exchange rates, lowering fiscal deficit through expenditure cuts, controlling liquidity through strict cash budgeting and government securities, and privatizing maize and agricultural input marketing."¹²⁶

The influence of other donors on both economic and political policies in Zambia has been evident even in the Third Republic. The Paris Consultative Group, meeting in December 1993, "expressed concern on issues of good governance emphasising the continuing importance of transparency and accountability in the use of public funds and the need for establishing democratic and effective institutions for dealing with good governance issues."¹²⁷

Resulting from that concern, Zambia's donors at the Paris Consultative Group meeting "withheld \$300 million of the total \$1.1 billion support requested by the country on condition that the government took steps to stem corruption in high offices."¹²⁸ It appeared that as a result of that pressure two cabinet ministers were dismissed and two others resigned shortly after the above demands of the Paris Club. Further, the government drafted a new Code of Ethics for political leaders in early 1994. Somewhat pleased by these measures, in March 1994, the Consultative Group agreed to pledge \$1.1 billion requested by the government. In the same vein, the 1996 constitutional reforms and the subsequent barring from the November elections of the president of the main opposition party (and the former head of state) on grounds that he is allegedly non-Zambian attracted considerable resentment from a good number of donors who subsequently cut off aid. Thus the condemnation of the constitutional amendment was voiced by "Norway, Denmark, Japan, the United Kingdom, the Netherlands and the United States",¹²⁹ who all threatened to cut aid. At the time, Norway, the largest donor to Zambia, was a "source of over \$40 million each year."¹³⁰

The Committee for the Clean Campaign also endorses the inputs from the global environment in Zambia's process of policy-making. It observes that the donor community "funded a large part of the Constitution Review exercise, provided assistance to NGOs for good governance and civic education projects and institutional capacity building, such as the legislature and judicial reforms."¹³¹ When UNIP and six other political parties announced their boycott of the 1996 presidential and parliamentary elections as a result of failure to reach consensus on critical issues of "the electoral process, equal access to the media, the Constitution, etc, the Presidency of the European Union, at that time held by Ireland, issued the following declaration:

"The European Union is monitoring closely the forthcoming presidential and Parliamentary elections in Zambia. The Union hopes that, even at this late

stage, it will still be possible to hold elections which are free and fair and acceptable to all parties, including UNIP.”¹³²

The MMD never changed its position about the electoral regime and the Amended 1996 constitution. The elections were held and as predicted the MMD government was returned with even a bigger parliamentary majority. Several election monitoring organizations declared the elections to have been not free and fair and a number of international donor agencies suspended aid to Zambia.

The European Union (EU) and other individual Western countries like the United States have continued pressurizing the Zambian government to change any policies considered to be impinging on universal human rights. When, in February 1998, the Zambian National Assembly decided to renew for a further 90 days the state of emergency which was declared after the abortive coup of 28th October 1997, the EU and the United States deplored the action. They thought the action continued to suspend basic human rights. They warned that resumption of practical international involvement in the Zambian economic reform programme was dependent on the government lifting the state of emergency.

During the Second Republic in Zambia the IMF, the World Bank and other donors put pressure on the UNIP government to change its policies of central planning of the economy and removal of the single-party political system. Lack of good governance, characterized by absence of the rule of law and non-observance of human rights, was believed to be inherently imbedded in the fabric of the single-party political system. To that effect external aid was contingent upon the removal of the perceived vices in governance. The relationship between UNIP and Multilaterals was on and off, very much influenced by the conditionalities of aid and the effects of their implementation. As the economy continued to depress, reaching irresistible proportions towards the end of eighties and the early start of nineties, civil society institutions – both local and foreign – forced UNIP to abandon its socialist approach towards running the economy. UNIP reintroduced political pluralism and lost the presidential and parliamentary elections in October, 1991.

Apart from the contribution to the rebirth of political pluralism and the liberalization of the economy, the MMD government has stoically resisted pressure from the global financial institutions and other donor agencies to democratize its behaviour. The measures – legal, administrative or otherwise conceived by the MMD have been designed to do the very negative practice that UNIP was censured for and led to its removal from power. That, however, has not deterred the donor agencies to continue linking aid to what they consider to be credible economic reforms and propriety in governance.

3.19 CONCLUSION

Chapter three demonstrates the significant role of civil society organizations in the policy environment as providers of policy inputs. That role was weakened when both in the 2nd and 3rd Republics the state enacted restrictive media laws, dismissed some media personnel, particularly those who worked in the state media institutions, and banned the circulation of certain newspaper production. However, the passage in

the 3rd Republic of the legislation that led to the proliferation of private print and electronic news media created other avenues for information flow and keeping in check state policies.

Other measures adopted by the state to constrain the role of non political policy players was the formation in the 2nd Republic of works councils at places of work, labour organizations that were perceived as counterweights to the Zambia Congress of Trade Unions. In another light, the appointment to the Central Committee of some top clergymen from church organizations friendly to UNIP was not regarded as a measure for capacity building but one which compromised the role of the church in scrutinizing state policies. Similarly, the declaration by the government of Zambia as a Christian Nation could be interpreted as having been counter to state policies which were supposed to be predicated on secularism rather than reverence or religious piety. For the World Bank and the International Monetary Fund, because of their strong financial lending ability, their external influence in Zambia's policy process had always been of great impact.

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CHAPTER FOUR

IMPLEMENTATION CAPACITY OF THE ZAMBIAN BUREAUCRACY

4.1 Introduction

Chapters two and three investigated Zambia's policy-making process and issues which either fostered or impeded its capability in the Second and Third Republic. Chapter four deals with the policy-making corollary: policy-implementation. 'Development Administration' asserts that among the diverse factors that determine the realization of very well conceived policy-goals is the presence of an efficient implementing machinery, the bureaucracy. A renowned German sociologist, Max Weber, hailed bureaucracy as "an administrative organisation for promoting clean, healthy and efficient public administration."¹ In more polite parlance, bureaucracy is alternatively referred to as civil service. The term came into use in the middle of the 19th century when British colonial administrators decided to hold competitive examinations to select candidates for higher posts. It was called civil to differentiate it from the military, which had its own separate identity and establishment. Commenting on the varied functions of the bureaucracy, R.K. Saprú highlighted one which he thought was core, and that is "to carry on the day to day functions of the state, including implementing the state laws."²

In this chapter, the investigation is guided by the assumption made by the Movement for Multiparty Democracy (MMD), that Zambia's development - political and economic - was retarded partly because "the public service was huge, ill-structured, inefficient, costly and poorly placed to provide an enabling environment for economic and social development of Zambia. The inefficient and ineffective public service was not results-oriented and generally had low capacity to implement policies and programmes effectively."³

After the re-introduction of political pluralism in 1990, the MMD campaigned on the platform of seeking a political mandate in order to introduce reform measures that would serve as remedies to improve the performance of the bureaucracy. This study investigates the extent to which the assumed bureaucratic pathologies associated with the Second Republic were identified and remedied by the MMD in the Third Republic.

Administrative reform, according to experts, occurs in many ways. It can involve, not only complete obliteration of existing institutions, but even "reshaping them, transforming existing habits and attitudes",⁴ of course, against considerable resistance from those benefiting from the status quo. It can extend to designing new, formal working codes, laws, physical layout, communications, and authority patterns."⁵

Within this broad range of reform of the bureaucracy, this study uses the criteria here under to determine the extent to which the MMD government has attempted to streamline Zambia's civil service:

- The size of the bureaucracy.
- Education and training.

- Placement of personnel.
- Loyalty of civil servants to the incumbent government.
- Structural changes to the bureaucracy.
- Cases of corruption in the bureaucracy.

4.2 **The size of Zambia’s Bureaucracy - Historical Basis and Second Republic Situation.**

The origin and growth of Zambia’s bureaucracy date back to the colonial period when the civil service was tailored to meet the needs of the colonial regime, for instance the administration of tax collection. The dual civil service - one for Africans and the other for Europeans - was “racially stratified”.⁶ Thus to begin with “eight Africans gained appointment to the new intermediate posts; by 1960 there were still only fifty in this grade (another forty-five positions were vacant through lack of qualified candidates. The first African was appointed to a European post in 1958; There were nine Blacks in the European Service by 1960, nearly all in departments especially concerned with African affairs.”⁷ By 1959 a decision was made to introduce a unified civil service. Northern Rhodesia was, however, an integral part of the Federation of Rhodesia and Nyasaland which was established in 1953, and by 1963, the year of the dissolution of the Federation, the numerical racial composition of the civil service was as follows:

Table 27. Northern Rhodesia civil Service Composition

	European	Africans	Others	Totals
Division I	1256	39	3	1298
Division II	2696	1882	11	4585
Totals	3948	1921	14	5883

Note: Others refers to the Asian and Coloured communities.

Source: Report of the Commission appointed to review the salaries and conditions of service of the Northern Rhodesia public and teaching services and of the Northern Rhodesia army and airforce (The Hadow Report) (Lusaka, 1964), Part 1, p. 4.

With a population of about 3.5 to 4 million between 1953 and 1963, the size of the Northern Rhodesia bureaucracy quantified in the above table could have been adequate to provide the colonial government with the services they needed to realize their goals. The greater segment of the African population was in the countryside and using the system of indirect rule in which local chiefs and headmen implemented the commands of colonial administrators - provincial and district commissioners - the civil service proper did not need to be very large. The lean bureaucracy then was cheaper to maintain.

After the advent of self-rule in 1964, the civil service grew at a rapid rate. Around 1969, the civil service “more than doubled in size - from 22561 to 51497”.⁸ The policy of Zambianisation to replace Europeans who were unwilling to serve under an African government explained the rapid pace at which localization was being conducted.

The good performance of the economy between 1964 and 1974, two years after the introduction of the Second Republic, also acted as an impellent force behind the Zambian government policy of Zambianisation. For example “copper production increased from 644,000 metric tons in 1964 to 709,000 in 1974”.⁹ That was a period of rising copper prices on the London Metal Market and oil price stability. The Zambian government therefore had the financial muscle to raise a wage bill for a quantitatively large bureaucracy.

The same year, 1974, became a watershed year for Zambia’s meteoric dive into recession. Copper production dwindled from 709,000 metric tons to around 609,000 tons in 1980. “By 1984, production hit an all time low of 551,000 tons, a drop of 14.4 percent of its 1964 level. Since the mid-1980s copper production has been 500,000 tons.”¹⁰ Compounded by the closure of the southern route following the Unilateral Declaration of Independence by the White community in Southern Rhodesia (now Zimbabwe) in November 1965, the drop in copper prices and the dramatic rise in the oil prices of the 1980s, the economy put the Zambian government’s erstwhile potent financial position into a state of atrophy. Faced with this crisis, the government sought recourse to the international financial institution - the IMF - for aid. Among the conditionalities for providing that aid was “the reduction in public sector employment.”¹¹ That meant trimming down not only the parastatal sector, a component of the public sector in a mixed economy, but also the scaling down of the civil service, including reducing personnel in the local government branch of the central government. By mid 1980s and towards the end of the eighties the declining economy worsened, forcing the Zambian government’s re-union with the IMF after a lull of approximately two years of delinkage in 1987. Thus in 1989 the IMF, after fresh negotiations with the Zambian government, accepted to grant a loan based on previous conditionalities. That, when implemented, ignited nation-wide protests which threatened the political careers of the government leadership. It therefore stands to reason that the down-sizing and right-sizing of Zambia’s bureaucracy began in the eighties, primarily forced by economic imperatives of the moment. Thus before the re-introduction of plural political and economic culture in 1990, the Zambian bureaucracy for the central government was estimated at about 140,000 and 24,000 for local government. The total number of ministries had grown from fifteen in October 1964 to sixteen in 1989. Under the constitution, the president has power to establish or abolish a ministry. The president is, himself, the Chief Executive of the civil service.

4.3 Education and Training

The crucial role of education and training to develop and improve efficiency in the delivery system of the bureaucracy is incontestable. Efficiency - the quality of “acting with a minimum of expense, waste, and effort”¹² - is attained to a certain extent through education and training. For a competent bureaucracy, training has nexus with facets such as error elimination, personnel productiveness, morale building, career development, administrative improvement and overall systemic effectiveness.”¹³ For Gatian Lungu, “education and training increase an individual’s store of knowledge, extend his repertoire of competences and skills, and deepen his insights of values.”¹⁴

From the outset in 1964, a number of problems bedevilled the capability of the Zambian bureaucracy. It has been noted in earlier parts of this study that by 1964 the whole country had only about 100 people with university degrees and about 1200 with full certificates at grade twelve level. When distributed to various sectors of the Zambian society, that number of educated people was immensely inadequate, let alone to meet the requirements of an efficient implementing machinery - the bureaucracy.

When Zambia entered the Second Republic in December 1972, eight years after achieving political sovereignty, the problem of insufficiently educated and trained personnel in the bureaucracy still haunted the nation. "A survey of formal qualifications of senior civil servants in 1973 revealed that out of 47 permanent secretaries in the various government ministries, only 16 were university graduates. In another survey, it was revealed that about 6 percent of middle-level civil servants had university degrees, 22 percent had completed secondary education, and more than 67 percent had less than secondary school qualifications."¹⁵ Although the situation had considerably improved since then, it was observed that the need for trained administrators was still acute in 1980.

Congruent with the dearth of adequately educated and trained members of the Zambian bureaucracy in the Second Republic was the quality of education made available to them. The Department of Political and Administrative Studies of the University of Zambia offers a Bachelor's degree in Public Administration. In political terms, public administration means administration that occurs in government ministries, departments and agencies, including local government. But a thorough scrutiny of the curriculum of the Public Administration Degree, showed that the degree did not focus only on the administration of government ministries, departments and agencies. Thus the degree's course content prepared its graduates for general administration, partly public and partly private or business administration. To refer to the degree programme as one in Public Administration was, hence, a wrong course title. Not only was the title of the programme incorrect, but the course content was more chimerical than empirical and "inappropriate to the practical realities of the administrative world."¹⁶ Established around 1963, the National Institute for Public Administration (NIPA), along with what was then known as the President Citizenship college (PCC), had been running courses for civil servants. The training programmes were criticised for not having been germane to the critical needs of the various ministries where course participants came from. The former principal of NIPA once told one of the researchers that one of the courses on the curriculum "was his brainchild,"¹⁷ not the result of consultation between particular ministries and the college to assess the relevance of the course programme. The courses were of very short duration and touched only tangentially the real administrative needs of the government.

4.4 Placement of Personnel

Another area related to training is placement of personnel in positions commensurate with their acquired skill or expertise. Herbert Simon once observed that "administrative efficiency is increased by the specialization of the task among the group."¹⁸ When, however, trained administrators are placed in jobs for which they were not trained, administrative efficiency suffers adverse consequences. This trend

was observed in the Second Republic. The president of the Republic, had adopted a strange style of appointing senior officials with professional qualifications in one area to an entirely different, if not unrelated job. This pattern reproduced "itself at middle and lower levels of the bureaucracy."¹⁹

During the first ten years of self-rule, as already noted, when Zambia's human resource development was extremely low, misallocation of personnel was partly the result of absence of appropriately trained individuals for placement in relevant fields. Thus liberal education, famous for enabling appointees to adapt easily to unfamiliar tasks, became the guiding canon for placement of personnel in Zambia's civil service during the Second Republic. During the 1980s, that defence could no longer be convincing. Zambia had developed enough trained personnel by then.

4.5 Loyalty to the Incumbent Government

In order to gain the full support of the civil servants in implementing the national policies of the government, membership of civil servants in the party in the Second Republic was required. President Kaunda authorized UNIP to control the civil service at the UNIP Council meeting in November 1968. The rationale given was that "government policies would be carried out if the ruling party controlled the civil service."²⁰

From its inception, in 1964, the Zambian civil service was non-political, following the British tradition. Prior to the politicization of the civil service, civil servants and the local officials of UNIP conflicted on such issues as "recruitment by political affiliation or professional qualifications, and political participation of civil servants."²¹ By 1972, UNIP was fragmented because of an internal power struggle. Its opponents (the United Peoples Party (UPP) formerly called United Progressive Party and banned on October 19, 1972 and the African National congress (ANC) were also gaining strength.

The politicization of the Zambian civil service, therefore, was an effort by UNIP against the rising strength of opposing political parties, internal fragmentation, and uncommitted civil servants to the party's programs and policies. The civil service, UNIP leaders thought, was not sympathetic to the party's national development goals and favoured the other political parties. With its political position threatened, UNIP's leaders demanded the political affiliation of the civil servants. Key posts in the civil service were given to party militants, despite their lack of training and adequate education.

The politicization of Zambia's civil servants became definitive on December 13, 1972, when Zambia declared a single party government under UNIP. All high level civil servants and heads of parastatal organizations opposed to UNIP were asked to resign or join UNIP. "The top Zambian civil servants were, therefore, represented in policy making - both in the government and in the UNIP party."²² UNIP militants were given key posts in diplomatic service. They became district information officers as well as those responsible for land resettlement. "They were also appointed as credit organizations officers."²³ Civil servants were then given political posts, thus blurring the demarcation between administration and politics.

According to the government, the politicization of the Zambian civil service was in response to Zambia's geo-political situation amid antagonistic White neighbours who could have exploited internal differences. Therefore, a non-political civil service could not be risked. President Kaunda, discussing the politicization of the civil service, put it bluntly: "you are either with us or against us."²⁴ and called upon Zambian civil servants to "follow UNIP's philosophy, programme and policies."²⁵ Those who withdrew support from UNIP and its government were seen as a threat to the very existence of Zambia, and as enemies of the country. UNIP, therefore, was equated with Zambia.

UNIP, hence, began political education courses for civil servants. Instruction on Humanism was offered to "raise the sensitivity and the consciousness of the public officers towards the people and their problems."²⁶

The politicization of the civil service did not guarantee efficiency, nor did it mean that civil servants would support the party policy wholeheartedly. Despite the forceful politicization, party membership in general was declining and those who claimed to be party members were not enthusiastic either. For example, in a study concerning support for UNIP, most of the civil servants who responded to Metaferia's questionnaire were not interested in tenets such as Humanism. It was because of such lack of interest that a decade ago (1972) President Kaunda called on all top civil servants and heads of parastatal organizations opposed to UNIP to resign. This lack of interest in UNIP and its leadership went on until after a decade (1982). For instance, the southern Province Permanent Secretary warned that "civil servants who are anti-party will be removed from their service."²⁷ While that was the case with party militants, on the other hand, scholars like Simwinga argued that the consequence of a highly politicized civil service would be costly to Zambia. Therefore, he called for "the depoliticization of the public service."²⁸ It is within these conflicting conditions that Zambian civil servants were trained to get skills which would enable them to achieve the national goals set by the then ruling party. Therefore, it was imperative to examine the contents of the training of civil servants if they were expected to contribute effectively to national development.

When civil servants were trained in their own ministries or in special government institutions such as NIPA, they were mostly given courses or skills that would readily be applied on their jobs. This kind of training could be conducted to increase efficiency in routine jobs. But the ultimate goal for training civil servants is to enable them contribute to national development as defined and envisioned by the leaders. Thus, the training of civil servants should be change oriented, dynamic and should refer to the national development plans of the country. Therefore, the role of civil servants in national development is explained below.

National policies that are formulated at higher levels of policy-making bodies depend on, as noted in earlier parts of the study, information and data collected and furnished to the politicians or national policy makers by civil servants. The capability and skills of civil servants in collecting and furnishing information to policy makers is a very important factor in formulating sound national policies. Wrong information provided by civil servants to policy makers can lead to wrong decisions and this, in

the final analysis, could be counter productive to the country. It is because of this crucial role civil servants play that their training for efficient and rational performance is needed. The responsibility of civil servants begins from the formulation of policies, all the way through implementation and review of policies. Hence, there is a crucial need to train civil servants and give them the necessary skills and attitudes to help them formulate and implement sound policies at all levels of the civil service.

In the Zambian civil service, there was in the Second Republic a shortage of trained and skilled civil servants at all stages, from policy formulation to implementation and review. Wrong information passed to policy makers resulted in unwarranted policy, with negative outcomes. For example, the Minister of State for Culture apologized to Parliament in December 1981, that the information he gave during the riot that took place at Kalabo Secondary School in 1979 was because of the wrong information he was furnished by his staff. The Speaker of the National Assembly then called on the civil servants "to help ministers to furnish Parliament with factual information."²⁹

The year 1982 in Zambia was called a year of fighting to eliminate inefficiency, and indifference in the public service. In his address to Parliament on January 15, 1982, President Kaunda reiterated his long standing statement about the civil service. He said that "if the public service is inefficient, it cannot implement the policies of the party and the party cannot therefore, deliver the goods to the people."³⁰ He also identified two areas in the civil service that needed urgent attention and correction in order to make the public servant more effective. These areas, according to the President, were (a) the advice given to ministers by senior civil servants had to be unbiased, professional, well considered and of the highest quality; (b) the implementation of decisions made had to be promptly executed.

In order to overcome these shortcomings in the civil service, the President saw the need for "adequate training of the public servants, the need to shorten the chain of commands, the span of control, the fight against indiscipline and the 'I don't care' attitudes among the civil servants."³¹

4.5.1 The Declining Economy and Civil Servants Loyalty

The onset of the recession in the economy during the seventies and its exacerbation in the eighties resulted in adverse conditions for Zambian civil servants. With GNP per capita having fallen from \$560 in 1980 to \$250 in 1987, "income dwindled due to a reduction in employment. The real incomes of the workers were eroded by the rapid increase in prices after January 1983."³² Real incomes of low and middle income earners "declined by an average of 55 percent between 1980 and 1988."³³

The food riots of 1986 were an overt demonstration of workers' discontent with the manner in which UNIP was running the nation's economic affairs. Open discontent is often, if not always, never associated with workers' loyalty to the incumbent government. The Civil Servants Union of Zambia joined forces with all other unions affiliated to Zambia Congress of Trade Unions (ZCTU) to call for change of government towards the late eighties.

As the country was preparing for the presidential and parliamentary elections in 1991, three years before the expiry of the term of office for the UNIP government, civil servants were among some of the most daring campaigners who wore MMD T-shirts in government offices and fearlessly advocated for the removal of UNIP from power. Thus UNIP's efforts to politicize the bureaucracy, under the heat of economic down-turn, failed to win the loyalty of civil servants who, together with the rest of other Zambians, removed UNIP from power in the October 1991 Presidential and Parliamentary elections.

4.6 Bureaucratic Authority Structure

"Administrative efficiency,"³⁴ Herbert Simon once said, "is increased by arranging the members of the group in a determinate hierarchy of authority."³⁵ This is because determinate hierarchy of authority makes possible a clear division of labour which provides for functions at every stratum of the hierarchy to be performed by an expert or specialist. Specialist placement and performance of functions reduces the time taken to perform each task and further reduces mistake making. This is what leads to the achievement of efficiency in an organization. In the Second Republic, government ministries tended to be very large as a result of the increased labour recruitment which was a follow-up to the Zambianisation policy shortly after the dawn of self-rule. For such large organisations, efficiency required that "much decision-making authority be removed from top management and given to middle level managers."³⁶ That fragmentation or dispersal of decision-making authority and hierarchical differentiation was going to encourage a high rate of interaction among workers, while at same time preserving coherent chain of commands. In what can be referred to as democratic administration, increasing vertical, hierarchical differentiation provides for greater participation in organizational decision making. Greater participation increases the chances for consensus building over the administrative goals the bureaucracy intends to achieve. The support theory contends that the implementation of certain programmes is often impeded as a result of withdrawn support from some bureaucrats who feel marginalised in the organisation. However, where organizations are decentralized, "a great number of important decisions are made lower down the managerial hierarchy, more functions are affected by decisions at lower levels, and there is less checking by superiors on decisions made at lower levels."³⁷

The Zambian bureaucracy during the Second Republic never conformed with the preceding theoretical construct. The 1969 administrative reforms carried over into the Second Republic were characterized by ambivalences. In theory government deconcentrated functions from Lusaka to the provinces and districts. But in practice Lusaka, the capital, retained most of the authority, particularly on budgetary decisions. An illustration of lack of real authority to decide on financial matters by provincial bureaucrats was noted by the Working Party which evaluated the Decentralization Reforms of 1969. It observed that "much of the problem derives from the excessive vote concentration at the centre, since administrative decentralization and financial authority usually go together. When a Provincial Building Engineer cannot spend more than K200 on maintenance without reference to Lusaka, his status becomes relegated to that of a Junior Clerk of Works. Supervision from Lusaka is not only time consuming and expensive, but can be wasteful in ignoring local skills."³⁸ Given

that picture, the most striking aspect of decentralisation practice was the very small share of the provinces in the Government's annual capital expenditure, as the figures below indicate.

Table 28: Provincial Capital Expenditure Allocations 1973-77

	Provincial Allocation (Km)	Total National Allocation (Km)	Provincial as % of Total
1973	10.13	113.87	8.9
1974	13.82	158.27	8.7
1975	15.65	240.08	6.5
1976	12.42	165.57	7.9
1977	12.88	159.42	8.0

Source: Zango: Journal of Contemporary Issues, No. 3, August 1977.

Similarly, the recurrent expenditure figures demonstrate the obvious reality of provincial budgeting: that is, within each province, the office of the Cabinet Minister had authority for only a small fraction of the total government spending in the province. Once again, the figures show the smallness of the provincial share. (Constitutional and Statutory Expenditure was excluded, and these figures were drawn from G.R.Z., Estimates of Revenue and Expenditure: 1973, 1974, 1975, 1976 and 1977).

Table 29: Provincial Recurrent Expenditure Allocations 1973-77

	Provincial Allocation (Km)	Total National Allocation (Km)	Provincial as % of Total
1973	4.14	241.05	1.7
1974	4.54	274.83	1.6
1975	4.85	332.96	1.5
1976	5.32	347.46	1.5
1977	5.98	386.82	1.5

Source: Zango: Journal of Contemporary Issues, No. 3, August, 1977

The biggest ministerial spenders in 1976 were Education (with 25.4% of the total recurrent expenditure), Rural Development (19.3%), Health (11.0%), and Home Affairs (8.6%). Moreover, the money these ministries spent within each province often far exceeded the funds allocated to the provincial administration.

Another constraint to bureaucratic efficiency during the Second Republic was "lack of delegation of authority by seniors."³⁹ This was in spite of the fact that the stratified bureaucracy made delegation of authority possible. The reason accounting for lack of delegating authority was located in seniors feeling "insecure about their performance"⁴⁰ and the possibility of losing their jobs in case their juniors performed better. This was very much evident towards the late seventies and early eighties when many young people, taking advantage of free education at the University of Zambia, had attained degrees while most of their old folk in top civil service positions had low levels of education.

Lack of genuine delegation of authority from the centre to the periphery also spawned the problem of absence of discretion, the ability to initiate problem identification and confidence to prescribe and implement a conceived solution. Decentralization within centralism gave rise to apprehension by officers on the lower rungs of the hierarchy to use discretionary powers in case they would offend their seniors up the bureaucratic ladder.

The introduction of the single-party political system led to the fusion of the political hierarchy with the civil service hierarchy. At the centre in Lusaka, the president of the country was the Chief Executive of the civil service. Cabinet ministers - members of the executive and the legislatures, were also leaders of their respective ministries. The civil service was further fused with the party hierarchy. Thus the civil service through linkages to the cabinet was subordinated to the Central Committee. All this was in pursuance of the policy of the party supremacy as UNIP made it clear: "the Party shall be supreme and members of the Central Committee shall take precedence over members of the Cabinet."⁴¹ In the event of any conflict between the two institutions - either relating to policy formulation or implementation - "the decision of the Central Committee shall prevail."⁴² An illustration of this was in 1974 when the cabinet had decided to remove the government subsidy on the price of maize but in its rejection the Central Committee overruled the Cabinet. It was clear that the Central Committee also remained responsible for the implementation of the entire policy of the party, additionally making known that "individual Cabinet Ministers and, through them, civil servants,⁴³ would be required "to account for their actions."⁴⁴ At the top of the hierarchy, and based in Lusaka, were eight sub-committees of the Central Committee. Functionally assigned with responsibilities - defence, finance, rural development, foreign affairs, etc, - the sub-committees were chaired by a member of the Central Committee.

This fusion of the political and civil service hierarchy of authority was extended in 1976 to provinces when the President appointed provincial members of Central Committee. Prior to that, in 1974, he, (Kaunda), had appointed Provincial Political Secretaries. For purposes of occupational structure in the provinces, Central Committee members had to work with Provincial Cabinet Ministers "over whom they took precedence."⁴⁵ Below the ladder came Provincial Political Secretaries, Regional Secretaries and District governors. The rising outcry of the people about duplication of responsibilities and making the whole bureaucracy heavily-laden at the top with huge emoluments, prompted President Kaunda to abolish in 1979 the post of Provincial Cabinet Minister. But the rest of the monolithic administrative edifice remained unshaken up to the time when UNIP lost power to MMD in the October 1991 Presidential and Parliamentary elections.

The data so far presented and analyzed appear to lend credence for some scathing criticisms by the MMD that the "public service" during the Second Republic "was huge, ill-structured, inefficient, costly and poorly placed to provide an enabling environment for economic and social development."⁴⁶ The reasons for some of the defects in the civil service have already been cited in the foregoing paragraphs of the investigation. But the primacy of survival and the perchance for power, including attempts to thwart any opposition and threat to its rule were the principal impellent

motivation for conceiving an authority structure where, in a symbiotic relationship, the civil bureaucracy would be subservient to the political bureaucracy. It has also been noted that the ripple effects of the dearth of adequately educated and trained personnel - a legacy bequeathed to the Third Republic by the Second Republic - influenced the occasional placement of generalist rather than specialist officers in the various strata of the Zambian bureaucratic hierarchy. However, towards the late 1970s and early 1980s the question of educated and trained personnel in Zambia was no longer a touchy problem. That organic structure of both political and civil bureaucrats, however, failed to resist the pressure of economic decline which tore apart the civil and political servants' loyalty to UNIP. The people's catharsis of anger was finally expressed in their removal of UNIP from power in October 1991.

4.7 Corruption and Measures Against it in The Second Republic

One major vice detrimental to bureaucratic efficiency has been identified to be corruption. It manifests itself in varied forms but is viewed as "the use of public power for private profit, preferment, or prestige, or for the benefit of a group or class, in a way that constitutes a breach of law or standards of high moral conduct."⁴⁷ Where the environment of the bureaucracy has unwritten conventions that define moral standards and govern the conduct of the workers, corruption may violate those ethical virtues without necessarily infringing upon a particular law. "Partiality in the grant of licences, the sale of honours, favouritism in the making of contracts, the making of tax refunds that outrage public standards of good conduct, favouritism in the enforcement of statutes against such immoral conduct of prostitution, the deposit of funds in friendly banks, the disclosure to friends or to former or prospective business or professional associates of information on the basis of which these individuals may reap pecuniary benefits, and providing protection for certain class interests, while not always made illegal, often are viewed as examples of corruption in public life."⁴⁸

When members of the general public cannot be attended to in public offices until a bribe is granted; when a post in the public sector or private sector is offered to an individual on the strength not of proven technical, educational or professional qualifications but on the basis of tribal, nepotistic linkages or offer of bribes, when tenders or work contracts are not openly competed for but offers are given to those unqualified or less qualified because under the counter financial rewards have been realized by the decision-making authority, then you are in position to grasp the gravity and destruction that corruption can inflict on the efficiency and effectiveness of the implementing machinery, the bureaucracy. In general terms corruption has debilitating effects to all efforts of the government - expressed in policy aims - for development.

As shown in the 1983 Anti-Corruption Report (See below), a total of 686 complaints of corruption were recorded by the Anti-Corruption Commission. Even a cursory check through the list of organisations where complaints originated from will show that for that year core ministries of Central Government, the bastion of the civil service, had the greatest number of corruption complaints. A smaller recording of corruption complaints came from the parastatal sector and the trade union. A probable explanation for the situation lies in the asymmetry of income skewed in favour of parastatals at the time. Civil servants proper, prone to poorest working

conditions offered by the Central Government, found irresistible the corruption entreaties.

Table 30: Number of Complaints Received in 1983 and Mode of Report

Code of Report	Anonymous	Identified
In person	40	245
By telephone	14	19
By letter	102	199
Referred by Government Organisations	-	61
Initiated by Anti-Corruption Commission	-	1
Total Complaints Received		681

Table 31: Action on Complaints During 1983

Complaints received during 1983	681
Complaints awaiting decision on 31 st December, 1982 (Brought forward from 1982)	5
	686
Complaints authorised for investigation	320
Complaints not authorised for investigation	355
Complaints awaiting decision on 31 st December, 1983 (Carried forward to 1984)	11
	686

Source: Anti-Corruption Commission Annual Report, 1983.

Table 32: Action on Complaints authorised for Investigation - 1983

Investigation dockets opened	288
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Note: Some complaints duplicated reports already received, and were consolidated into one Investigation Docket, which accounts for the smaller number of Investigation Dockets opened compared to complaints authorised for investigation.

4. Action on complaints not Authorised for Investigation

(a) Complainant advised to seek remedy with

Ministry of Agriculture and Water Development	2
Ministry of Co-operatives	1
Ministry of Finance	1
Ministry of General Education and culture	8
Ministry of Health	3
Ministry of Higher Education	1
Ministry of Labour and Social Services	1
Ministry of Legal Affairs	1
Ministry of Power, Transport and Communications	2
Ministry of Works and Supply	2
Commission for Investigations	31
Department of Customs and Excise	1
Department of Immigration	1
Industrial Relations Court	3
Judicial Department	8
Department of Labour	4
Personnel Division	1
Prisons Department	1
Provincial and Local government Administration Division	4
Public Service Commission	1
Special Investigation Team (Economy and Trade)	22
Zambia Police	37
Zambia Airways Corporation	1
Zambia Industrial and Mining Corporation Limited	3
Zambia Institute of Technology	1
Trade Union	3

b) Complainants advised to seek civil remedy through legal action	7
c) Complaint referred for Corruption Prevention Exercise	3
d) Complainant unidentified, or no alternative remedy possible	<u>201</u>
	355

Source: Anti-Corruption Commission Annual Report, 1983

By 1985, just a year before the food riots in the Zambian major cities, reported cases of corruption in Lusaka and Kitwe alone rose to 936. The weakness of this report is that it does not indicate the institutions where corruption complaints originated from. It, therefore, is difficult to gauge the degree of adversity corruption had on the civil service. However, the civil service operated within the same social environment which demanded its services, an environment which largely contributed to the proliferation of corrupt practices in the country. For the year ending 1985, the table below is instructive.

Table 33: Number of Complaints Received in 1985 and Mode of Report

Mode of Report	Anonymous		Identified	
	Lusaka	Kitwe	Lusaka	Kitwe
In Person	41	1	287	67
By person	8	1	27	14
By letter	160	16	377	35
Referred by Government organisation	-	-	33	11
Initiated by ACC	-	-	3	-
	209	18	727	127

Total: **Lusaka** **936**
 Kitwe **145**
GRAND TOTAL: **1081**

2. Action taken on Complaints During 1985

	<u>Lusaka</u>	<u>Kitwe</u>
Complaints Received during 1985	936	145
Complaints awaiting Commissioner's decision as at 31 st December, 1984 and brought forward to 1985	<u>21</u> <u>957</u>	<u>-</u> <u>145</u>

Source: Anti Corruption Commission Annual Report, 1985

In 1990, the number of corruption cases received by the Anti-Corruption Commission was 894. This represented a reduction by 42 cases when compared with the 1985 total of 936. The reason for that decline is not immediately known and yet in its collation of data, the Anti-Corruption commission included in 1990 four rural towns in addition to two urban cities as shown below.

Table 34: Number of Complaints Received in 1990 and mode of Report.

Mode or Report	Identified					
	Lusaka	Kitwe	L/Stone	Chipata	LIA	Kasama
In Person	237	69	34	43	2	4
By telephone	14	6	1	3	-	1
By letter	156	20	9	20	-	-
Referred by Government Organisations	25	6	-	7	-	1
Initiated by ACC	27	3	-	-	-	-
Sub-total	459	104	44	73	2	6

Mode of Report	Anonymous					
	Lusaka	Kitwe	L/stone	Chipata	LIA	Kasama
In person	52	6	23	-	3	-
By telephone	7	2	-	1	-	-
By letter	78	21	7	6	-	-
Referred by Government Organisations	-	-	-	-	-	-
Initiated by ACC	-	-	-	-	-	-
Sub-total	137	29	30	7	3	-

Table 35. Total Complaints from some Urban and Rural Areas

Total Complaints	
Lusaka	596
Kitwe	133
Livingstone	74
Chipata	80
LIA	5
Kasama	6
Grand Total	894

Source: Anti-Corruption Commission Report, 1990.

Further noteworthy in the above table is the flow of data presentation which does not show the institutional contribution of corruption complaints to the Commission. This error was avoided in the 1983 report in which it was easier, not in the 1990 report, to tell how pervading the phenomenon of corruption had become in the civil service institutions. The merit of the 1990 report is its empirical evidence to prove that corruption then was as good a resident of both urban and rural areas.

During 1991, the decisive year of radical change in the political and economic affairs of Zambia, the trend of corruption cases continued to reduce. While in 1990

total complaints were recorded at 894, in 1991, even with the addition of Kabwe and the International Airport to the 1990 institutional list, the total number of corruption complaints received was 629. Compared with the 1990 report, there was in 1991 a reduction by 265 cases of corruption complaints. This trend shows that as the Commission became more organized, better funded and staffed, it extended its investigative mandate to places further afield from the capital, Lusaka. However, the ACC annual reports perused so far testify concretely that Lusaka has had more cases of corruption complaints than any other place in Zambia. For the 1991 report the table below contains the data.

Table 36: Number of Complaints Received and Mode of Report in 1991

(a) Identified

	Lusaka	Kitwe	L/Stone	Chipata	LIA	Kasama	Kabwe
In person	147	51	16	23	17	8	16
By Telephone	17	2	1	1	-	1	-
By letter	98	13	14	11	-	3	2
Referred to ACC by Government Organisation	32	1	-	-	-	8	1
Initiated by ACC	15	3	1	1	3	-	-
Total	309	70	32	36	20	30	19

Table 37: Anonymous

	Lusaka	Kitwe	L/stone	Chipata	LIA	Kasama	Kabwe
In person	31	5	5	-	-	2	-
By telephone	14	8	-	-	-	-	-
By letter	41	8	3	2	-	4	-
Total	86	21	8	2	-	6	-

Source: Anti-Corruption Commission Annual Report, 1991.

4.7.1 The Anti-Corruption Commission

The scourge of corruption quantified by figures contained in the annual reports of the Anti-Corruption Commission (ACC) had become a principal concern of the UNIP government as more reports were brought to its attention. Moved by the increasing frequency of real and imagined cases of corruption, according to Gatian Lungu, "the government introduced a bill in August 1980 to replace the seemingly ineffective provisions of the Penal Code which dealt with corruption and the Prevention of Corruption Act of 1916 of the United Kingdom inherited from the colonial government."⁴⁹

It is observed that conditions which prevailed during the colonial period were very different from what the situation was during the Second Republic in Zambia. The colonial government had to regulate a largely rural population still embedded in illiteracy and only tangentially affected by the modern money economy. The Second Republic conditions were marked - around 1980 - by sixteen years of self-rule; by a population increase from about three million in 1964 to about "six million in 1980";⁵⁰

and by a large public sector labour force which had risen from around “51,000 in 1964 to 472,575 in 1985 and 494,402 in 1991.”⁵¹ These new conditions, coupled up with the frightening economic recession of the time, gave rise to more cases of real and alleged cases of corruption. This prompted the UNIP government to establish an anti-corruption institution in 1980 which became operational on 17th December, 1982, upon, the publication of the Corrupt Practices Act (Commencement) order, 1982, by Statutory Instrument No. 168 of 1982.

Prior to the creation of the Anti-Corruption Commission, detection and investigation of corruption were the responsibility of the Zambia Police.”⁵²

The Anti-Corruption Commission derives its authority “from the Corrupt Practices Act No. 14 of 1980, as amended by Act No. 29 of 1987 and is a government Department under the control and supervision of the President.”⁵³

The impact that the ACC has had on the prevention or reduction of corruption in the public service institutions during the Second Republic since its establishment in 1980 appears to be negligible. The study is yet to examine data for the Third Republic. But looking at data available for the Second Republic, it is conclusive that the scourge proved intractable to remove during the period. Since the Commissioner of the ACC “is directly responsible to the President for the discharge of the functions set out in section 10 of the Corrupt Practices Act,”⁵⁴ it is difficult to see punished, even prosecuted, individuals belonging to the state executive who are reported to have been involved in corrupt practices in which the principal state actors have ardent interest. It was in this context that corruption was thought to have enmeshed the fabric of the civil service and became a real cause of inefficiency. In a watershed meeting at Mulungushi Hall on February 1, 1982, the period which was referred to as the year of discipline, the Secretary to the Cabinet warned permanent secretaries to observe strict discipline. He was concerned that even his office - the Cabinet - was “not immune from corruption and indiscipline.”⁵⁵ On February 12, 1982, during a debate in parliament on estimates of expenditure for the Cabinet and the Party, members of Parliament raised concern that “if there was any hope for the civil service to improve, things should start with the Cabinet Office itself”.⁵⁶ A former civil servant who had become a Member of Parliament for Chimwemwe constituency had charged that “indiscipline was rife at Cabinet Office.”⁵⁷ Those observations are indicative of the immense difficulty which the Anti-Corruption Commission must have faced to achieve its major goal of curbing corruption. It is important to mention, however, that not all cases of corruption reported to the ACC resulted in convictions upon investigation. But this does not water down the magnitude of the problem of corruption as it prevailed during the Second Republic. Before the establishment of the ACC, the UNIP government had put in place a set of rules, known as the Leadership code, which they thought would regulate the behaviour of leaders with specific reference to corruption. It is to this Code that the study now turns its attention.

4.7.2 The Leadership Code

UNIP realized very early the advantages of easier access to public resources made possible by the occupation of public office by certain individuals. With the monopoly of political power firmly entrenched in the hands of only one party, UNIP,

the top leadership knew the persuasive temptations such power had and the possibility of office-holders to succumb to corrupt behaviour. It was, hence, incumbent upon the leadership of the time to conceive a mechanism that would restrain such behaviour. The preventive measure was coined as the Leadership Code. To give it the requisite force of the law, it was enshrined into the 1973 single-party constitution which was the basis of power and governance in the Second Republic. Codified under Part IV, Article 33 of that constitution, the Leadership Code, observes Simbi Mubako, was “aimed at tackling the problem of corruption among politicians and other holders of public office.”⁵⁸ The code spelt out its main tenets thus:

- a) “No UNIP leader was to be associated in any way with practices of capitalism, or
- b) Receive more than one income, or
- c) Let a house owned by him whilst living in a government house, or
- d) Undertake any individual business venture, or
- e) Hold shares in any private company.”⁵⁹

The term, ‘leader,’ included ministers, members of parliament, district governors, officials of parastatals, senior civil servants, party officials and their spouses.

The Code received lukewarm support from many individuals both in high and low echelons of the party. It was perceived as a disincentive to individual entrepreneurship and not as a safeguard against corruption. Sensing revulsion among the people, the top leadership decided to put in abeyance its implementation until “1978 or such an earlier date as the party may decide.”⁶⁰ The Code was never implemented to the best of the writer’s knowledge. Corruption, hence, continued to thrive as long as the authorities continued to give it inadvertent attention. However, other anti-corruption measures, supplementary to the foregoing thus far discussed, but spreading their coverage to other legal issues in the country, were also introduced. One was the establishment of the office of the Ombudsman. The other was the creation of the Industrial Relations court.

4.7.3 The Office Of Ombudsman

The institution of Ombudsman traces its origin to Scandinavian countries - Sweden, Denmark, and Norway. It later spread to Iceland and Tsarist Russia and was introduced in New Zealand (1962), Tanzania (1965) and Britain (1967). Guyana, Mauritius, India and Israel also set up similar institutions, albeit with modifications.

The Zambian version of Ombudsman is known under the parlance of the office of the Investigator General. Its legal basis is under Part IX, Article 117 of the 1973 Republican constitution. Under that section, the institution was conferred power “to inquire into the conduct of any person to whom this Article applies in the exercise of his office or authority, or in abuse thereof.”⁶¹ By ‘any person’, the Article included all those “in the service of the Republic”⁶² without exemption to those “in local authorities.”⁶³ It left out the President.

From the Scandinavian precursors of the Ombudsman institution, it was learned that the judicial system is quite inadequate to cope with the huge amount of arbitration relating to the daily legal problems of the people. Infact, the judicial

process is so technical, rigid and daunting in terms of time and financial expenses that an ordinary citizen cannot only fail to comprehend its operations but also regards it as an institution which offers no legal remedy for the wrong suffered or offers no methods of getting at the facts. The Ombudsman, through its informal, speedy and inexpensive manner of attending to citizens' complaints, including those of corruption, offers the desirable alternative.

During the Second Republic, the Ombudsman institution investigated a multiplicity of civil servants' corruption-related complaints and made many recommendations to the President. What follows is a summary of instances of such cases.

Table 38: Corruption Cases handled by the Ombudsman

Ministry	Case Number	Nature of Complaints
Legal Affairs	705/86	Alleged corrupt practices in the manner a senior official was referring deceased estate cases to private law firm of which he was a shareholder.
Works and Supply	1495/86 1713/86	Malpractices in the manner houses were being allocated. Alleged abuse of office by turning property to personal use.
Finance	1209/87	Allegations of corrupt practices by Income Tax Officials.
Works and Supply	657/87	Dismissal based on his reporting rackets by senior officers at a camp.

Source: i) The Commission for Investigations, Annual Report, 1986.
ii) The commission for Investigations, Annual Report, 1987.

Although there is overwhelming evidence of the practical role played by the Zambian Ombudsman in trying to curb corruption during the Second Republic, the limitation of the institution was that it could not itself prosecute and punish convicted offenders of the law. Its "main powers are to investigate and recommend"⁶⁴ to the President what action to take in respect of each case investigated. The President then makes the final decision. Checking through cases investigated during that time, the President agreed with almost all recommendations made by the Ombudsman and ordered action to be taken according to advice given. In spite of these corrective measures, corruption cases multiplied. The Industrial Relations Court, though primarily concerned with disputes regarding workers' conditions of service also found itself faced with corruption related disputes. This investigation, as proved in the ensuing data, found the institution to have been an active arbiter in corruption complaints of the time.

4.7.4 The Industrial Relations Court

The Industrial Relations Court Act number 36 of 1990 states that the Court, among many other functions, "shall have jurisdiction:

- a) to enquire into and make awards and decisions in collective disputes and any other matter under this section.”⁶⁵ The Act defines the word dispute to mean “differences concerning employment contracts between an employer and an employee arising from the terms and conditions of service.”⁶⁶ Successive Acts since 1971 have retained the above provisions. The broader definition of corruption which is inclusive of any conventionally unacceptable conduct such as “dismissal on grounds of tribal extraction - *Lihuki vs ZCBC*; *Siacheta vs PTC*”⁶⁷ - in which an employee was dismissed in order to pave the way for another worker to move into a vacant lucrative post, constitutes instances of corrupt practice. For this
- b) investigation greater concern arises when corrupt behaviour puts into public position unqualified and incompetent individuals who ultimately cause problems of inefficiency in the bureaucracy - the implementing machinery of the central government. Under conditions where unqualified personnel are replaced by qualified personnel, but through corrupt means, the injustice perpetrated by the authorities against the innocent personnel is still a vice which requires to be eradicated from the bureaucracy. If and when other workers discover that their job security is endangered by top officers who are obsessed by corrupt practices, commitment, dedication and devotion to duty decline. This results in low morale and negatively affects workers’ loyalty to the organization. Ultimately, the implementation of the government policies suffers and development becomes the last victim.

4.8 Implementation Capacity In The Third Republic

4.8.1 The Size of the Bureaucracy

The size of the bureaucracy and other criteria already discussed to as determinants of efficiency and effectiveness for implementation were noted by the MMD even before and after they became a government. This awareness is contained in their manifesto where their intentions about what to do with the bureaucracy were stated. In that document, it is mentioned that the MMD government in November 1993 launched the Public Service Reform Programme (PSRP), which was designed to be implemented in three years and would transform the civil service and local authorities. The programme had to achieve the following objectives:

- “To improve Government capacity to implement appropriate functions.
- To rationalise public expenditure to meet fiscal stabilization and development objectives, and
- To make the public service more efficient and responsive to the needs of Zambia’s population.”⁶⁸

In order to achieve the above objectives, the first measure to be put in place, in a shrinking economy, was to reduce the size of the bureaucracy. This process had been put in place by the UNIP government but was re-enforced by the MMD when they took over the reigns of power. Thus by March, 1992, the total labour force employed by the Central Government, as shown in the table below, was 141,000 and that engaged by the local authority was 25,700. From that time the downward trend continued. By December 1993, the Central Government reduced the figure from 141,000 to 123.9 thousand, while local Government brought down its figures from

24.1 thousand to 18.9 thousand. This trend was going on even in other sectors of the economy which are not the focus of this study, for instance the parastatals and the private sector (see figures in the given tables).

Table 39: Quarterly Employment change by Sector

1992-1993									1992-93
Sector	March 1992	June 1992	Sept 1992	Dec 1992	March 1993	June 1993	Sept 1993	Dec 1993	Total Change
Central Govt. 000, %	141.0 25.7	141.0 25.8	130.7 24.5	123.0 23.7	130.1 25.2	130.8 25.2	131.6 26.1	123.9 25.1	17.1 31.2
Local Govt. 000, %	24.1 4.4	22.5 4.1	20.1 3.8	23.7 4.6	21.3 4.1	21.6 4.2	19.8 3.9	18.9 3.8	5.2 9.4
Parast. 00, %	169.8 31.0	176.0 32.2	176.5 33.1	166.9 32.2	157.6 30.6	160.6 30.9	159.9 31.7	155.2 31.4	14.6 26.6
Private 00, %	213.6 38.9	206.5 37.8	206.3 38.7	205.4 39.6	206.4 40.0	207.0 39.8	193.2 38.3	195.6 39.6	18.0 32.8
Total 000, %	548.4 100.0	546.0 100.0	533.5 100.0	518.9 100.0	515.5 100.0	520.0 100.0	504.5 100.0	493.6 100.0	54.9 100.0

Central Government, while showing a reduction of 17,000 employees during 1992 and 1993, has slightly decreased its employment share from 25.7% in March 1992 to 25.1% in December 1993. Local Government also shows an overall reduction in employment share. Local government employment has decreased by 5,000 during the period.

Source: CSO, Employment Trends 1985-1993, Box 31905, Lusaka, p. 23.

A more detailed picture, five years from 1993 when the MMD says it launched its Public Service Reform Programme (PSRP), is provided in the next table. Although the trend is shown division by division, the information does not indicate which figures refer to the Central Government and which ones to the Local Authorities. The process of reduction, however, continues, though going on at a very slow pace from January to October 1998. Additionally, although the table shows that the employed labour force shrank from 120,843 in January to 119,466 in October

Table 40: Employment Trends, 1993-1998

Div.	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Div. I	3,642	3,630	3,613	3,586	3,588	3,590	3,586	3,266	3,286	3,296		
Div. II	59,916	59,885	58,101	59,166	59,400	59,718	59,716	60,661	60,941	60,845		
Div. III	32,349	32,108	32,116	32,200	32,196	32,111	32,108	32,439	36,268	35,960		
CDEs	21,889	21,795	21,579	21,320	21,277	21,185	21,185	18,386	17,873	16,499		
Unclassified	1,546	1,554	1,558	1,559	1,558	1,554	1,554	1,598	1,587	1,378		
UTH Board	1,501	1,506	1,501	1,494	1,490	1,453	1,460	1,444	1,461	1,488		
	120,843	120,478	119,468	119,325	119,509	119,611	119,609	117,794	121,416	119,466		

Source: Cabinet Office, Lusaka, November, 1998.

1998, Classified Daily Employees (CDEs) and unclassified employees are not considered as civil servants. Thus when the totals of the CDEs, the unclassified and that of the UTH Board are added, the summation is 19365. And when this is deducted from the grand total of 119,466, the figure for the civil servants proper by October 1998 was 100,101. This was a reduction by nearly 24,000 from 123,900 in December, 1993. On 11th June, 2000 the Secretary to the Cabinet, Lesley Mbula, announced that the process of downsizing the bureaucracy had brought the number to 102,000. In financial terms, this reduction meant a substantial cut in the wage bill and other emoluments for the Central Government bureaucrats. The objective of rationalising public expenditure to meet fiscal stabilisation and development as envisaged by the MMD was, in this case, gradually being realised.

The efficiency of the declining bureaucracy had to be determined not only by its smaller size but by additional measures such as reducing public institutions - ministries and councils, for instance. When UNIP was defeated in the presidential and parliamentary elections in October 1991, there were, according to Whitaker's Almanack, 15 central government ministries and 63 district councils. When President Chiluba announced his first cabinet in November 1991, the number of central ministries, as recorded by Donald Chanda in his book - *Democracy in Zambia* - was twenty three. District councils increased from 63 to 72. By 22nd January, 1999, The 'Ceremonial State Opening of Parliament' pamphlet recorded twenty four (24) central government ministries. This means that from 1991 to 1999 there has been a quantitative increase of government ministries by the margin of nine (9). Institutionally, the MMD, as per empirical evidence, has not done, in this case, what it had envisaged it was going to do: scaling down the huge civil service. It is the discretionary function of the incumbent president, himself the chief Executive of the Zambian civil service, to abolish or establish ministries or departments. The rationale of efficiency and effectiveness needs to be uppermost in guiding him to make these changes. But there is no evidence to suggest that President Chiluba was prompted by that rationale in increasing the ministries from 15 to 24. Patronage - the idea of creating jobs for political friends and allies - appears to have been the potent persuasion for the increase.

4.8.2 Education and Training

The National Institute of Public Administration (NIPA) has, in the Third Republic, continued to be the main training centre for civil servants. In 1998, for example, the college conducted seventeen courses in financial accounting. Two of these were at Diploma level and lasted from January to November. The rest were certificate courses and workshops of much shorter duration. During the same year, six computer courses - each lasting for six months - were conducted. Only three secretarial courses, one running for eleven months, the second for six months and the third for three months, were conducted.

The most popular courses attracting the largest number of participants were management and administration courses. All together twenty six courses were conducted. Two were at Diploma level, lasting for a year, and the rest were certificate courses, although some took a year to complete, and others were one week or two

week workshops. Three legal courses for police prosecutors and criminal investigation officers were, during the same year, conducted.

Courses in financial accounting and management, including administration, attracted participants from both the central ministries of the civil service and from the local authorities - the district councils.

The NIPA courses are in-service courses organized for civil servants already employed by the government and other institutions. Since most of them are of shorter duration, their curricula are tailor-conceived to meet felt needs of various state ministries, departments and agencies. Once the knowledge and skills have been acquired, they can fairly quickly be applied by the civil workers shortly upon arrival back at their stations.

A survey of the lecturers' qualifications at NIPA showed that more than eighty percent of the teaching staff are university graduates and about a third of these have master's degrees. This is an improvement over the Second Republic situation where long service, by no means de-emphasized in the Third Republic, was considered as a premium criterion for qualifying to teach at NIPA. At the time of writing this dissertation, the Principal of NIPA was a Ph.D holder. Himself a former lecturer in the Department of Political and Administrative Studies of the University of Zambia and a veteran civil service employee at Cabinet Office, the Principal must have been a careful analyst, providing censors and checks to the college curriculum in order to preserve quality. A check through course programmes that were planned from 1994 to 1998 shows the pattern as follows:

Table 41: NIPA Courses Offered between 1994 and 1998.

	COURSE TITLE	COURSE STATUS	DURATION
A.	Financial Accounting	Diploma	One year
	Financial Accounting	Certificate	Six months
	Financial Accounting	Workshops	One to three weeks
B.	Commuter Courses	Certificate	Six months
	Computer courses	Workshops	One to three weeks
C.	Secretarial courses	Certificate	One year
	Secretarial curses	Certificate	Six months
D.	Management and Administration	Diploma	One year
	Management and Administration	Certificate	Nine Months
	Management and Administration	Certificate	Six Months
	Management and Administration	Workshops	One to Five days
E.	Legal courses	Certificate	One Year
	Legal courses	Workshops	Two weeks

Source: NIPA Training Programmes Calendars - 1994-1998.

The impact that these courses have had on the efficiency and effectiveness of Zambia's bureaucracy is difficult to gauge. The negative side of the public reform programme is that retrenchments primarily involve young employees in the middle and lower strata of the bureaucracy. Most of these, in an attempt to brighten their promotion prospects, are the individuals who have been attending the NIPA in-service

courses. The situation, therefore, obtaining in the civil service is that young people are retrained only to get retrenched thereafter. The course programmes, hence, have had little desired effect to improve the efficiency of the bureaucracy.

The National College for Management studies and Administration, formerly known as the President's Citizenship College (PCC) has continued to run courses similar to those of NIPA. Located a few kilometers North of Kabwe town, the college, like many other educational institutions, is plagued by funding problems. Lecturers stay without regular pay for months. Those confident of having skill, talent and widely recognized academic and professional qualifications have left the college for other areas in search of worthwhile remuneration. The fees charged by the college for participants' attendance of courses are relatively high - ranging between K250,000 to K450,000 per term per participant for certificate courses and about K100,000 to K150,000 per week per participant for workshops lasting for a week or two. With a general recession in the economy affecting the whole country, many organizations, the civil service included, are unable to send many of their workers to the college to have their skills upgraded. Seen in that light, the contribution of the college to the improvement of Zambia's bureaucratic performance has been negligible.

For pre-service training, the Zambian civil service has, in the Third Republic, absorbed quite a sizeable number of graduates from the University of Zambia. Within the faculty of Humanities and Social Sciences, administration courses are taught in the Department of Political and administrative Studies. The department has highly qualified and experienced lecturers. The courses in administration are, however, of the more general nature, not specifically tailored to meet the felt needs of the bureaucracy. Since the curriculum is not conceived to meet only the needs of state ministries, departments and agencies, and since graduates acquire a broad range of knowledge and skills in administration, some commensurate with the requirements of private organizations, the title public administration in the department has been viewed as a misnomer. Much as the degree programmes prepare intelligent, search finders of solutions to varied administrative problems, many of the graduates in these courses have experienced difficulty to get jobs in the bureaucracy where government policy being implemented is that of removing, rather than employing, new workers. This, again, makes the university's contribution to sharpening Zambia's bureaucracy's performance questionable.

For high level personnel - permanent secretaries and their deputies, this study found the following situation relative to their general level of education:

Table 42: Permanent Secretaries' Level of Education – 3rd Republic

Number of Central Ministries	Total number of PSs	PhD holders	MA holders	BA/BSc	Form V	Less
24	28	6	7	9	6	0
Number of Provinces	Number of PSs	PhD holders	MA holders	BA/BSc	Form V	Less
9	9	1	3	3	2	0

Source: Questionnaire filled in at Cabinet Office.

These figures keep changing due to dismissals, reshuffles and transfers. They, however, reflect a remarkable improvement in the level of literacy for top most civil servants in each ministry and each region. It has been noted in the preceding parts of this investigation that permanent secretaries interpret policies and, in a top-down flow process, give orders to their subordinates to implement the policies. The level of education of such officials requires, hence, to be very strong. The Third Republican cohort of permanent secretaries, judged by the available data, shows to be adequately qualified. The causes of their below standard performance or lack of drive for some of them should, as it will be demonstrated, lie elsewhere. For example, president Chiluba was at one occasion criticised for appointing five University of Zambia lecturers to positions of permanent secretary in various ministries. Critics pointed to lack of practical experience in civil service administration that university lecturers were associated with. Those who had served in government for a long time, though without PhD degrees, expected to be considered for upward mobility whenever opportunities or vacancies existed. To appoint those with the highest level of educational attainment, but without relevant experience, was a cause of not only frustration for those already inside the service, but was perceived as an action that would not increase efficiency to the bureaucracy. The same criticism stands for appointing unqualified individuals as District Administrators.

4.8.3 Deputy Permanent Secretaries

Deputy permanent secretaries are an important group of senior civil bureaucrats that formulate and implement policies. Infact, in many organizations, many functions are devolved on the second in command. They, like their superiors, need to be equally well educated and trained if the organization has to achieve the highest levels of efficiency and effectiveness. About their qualifications, this survey garnered the following information:

Table 43: Deputy Permanent Secretaries' Level of Education – 3rd Republic

Number of Central Ministries	Number of Deputy PSs	PhD Holders	MA/MSc Holders	BA/BSc	Form V	Less
24	28	0	8	16	4	0
Number of Provinces	Number of Deputy PSs	Ph.D Holders	MA/ MSc	BA/BSc	Form V	Less
9	9	0	2	5	2	0

Source: Questionnaire filled in at Cabinet Office.

The reason why the number of officers outstrips the number of central ministries is that some key ministries - the researcher was informed - have, for instance, Agriculture, Finance, Health and Defence, two deputy permanent secretaries each. Upon advice or on his own will the President can create new positions or abolish some existing ones. The number of establishments for these positions can and does, therefore, change from time to time.

For effective interpretation of policies and their efficient implementation, the educational level of deputy permanent secretaries in the Third Republic reflects an improvement. None, so far, has the level of education less than Form V or Grade XII. While none of them holds a Ph.D degree, the majority are graduates with the first degree. This picture is true of the situation both at the central ministries and in the regions.

Because of the continuing re-organization brought about by restructuring, merging of some departments, abolishing some and creating new ones, for instance the abolition of the Customs Department, Price Control Departments and the creation of Zambia Revenue Authority, the respondents at Cabinet Office advised that it was not reliably feasible to have an accurate collation of ministries' departments. Thus data for the qualifications of departmental heads could not be systematically gathered, although the senior official interviewed at Cabinet Office confidently stated that more than seventy five percent of departmental heads are university graduates - young people - some with postgraduate degrees and diplomas.

For district councils, 35 out of 72 Town Clerks and Council Secretaries are University graduates, four of which hold masters degrees. Of the remaining 27, 23 hold full-grade 12 certificates with post-secondary diplomas or certificates in Local Government or Financial Accounting. These qualifications have been obtained from the University of Zambia (degree programmes) and from NIPA (diploma and certificate programmes). Some have had the opportunity of studying outside the country, the United Kingdom in particular. The last 4, reported to have been on the verge of retirement at the time this research was conducted, were council secretaries in four very remote, newly created rural councils. They possessed grade IX certificate with many years of work experience in district councils. They also, during their office tenure, attended many workshops on issues relating to local administration.

The major causes of administrative pathologies in the councils during the Third Republic do not, therefore, point a finger at low literacy levels among the top

civil workers - although this is the case among council employees in lower strata of the hierarchy. The major problem, as observed in chapter two on policy-making, relates to low literacy levels among the elected officials, the councillors.

4.8.4 Placement of Bureaucrats

Under methodology, it was noted that administrative efficiency - according to Herbert Simon - is increased when every level of the organizational structure is occupied by experts or specialists. Specialists, Simon argued, make fewer mistakes and perform their tasks more quickly than, say, generalists. Premised on this criterion, this study investigated the placement of the 37 permanent secretaries for the central ministries and provinces. The findings were as follows:

Table 44. Placement of Bureaucrats – 3rd Republic

Number of Perm. Secretaries	PLACEMENT	
	Specialists	Generalists
37	27	10

Source: Cabinet Office. Data collected on the questionnaire.

The statistics are variable due to placement changes entailed by reshuffles, dismissals and new appointments. The above figures however, indicate that president Chiluba has been appointing most officers to positions for which they have had vocational training. This stands in stark contrast to former President Kaunda's appointments, most of which placed generalists in public positions that had no relationship to the officers' educational and professional background. Chiluba's appointments of specialists to their relevant positions in the bureaucracy were further clearly demonstrated, for example, when he appointed University of Zambia lecturers to the posts of Permanent Secretary as follows:

Table 45: Placement of Bureaucrats – 3rd Republic

Name of Officer	School in the University	Ministry appointed to
Dr. Sichinga	Agriculture	Agriculture
Dr. Phiri	Mines	Mines
Dr. Kasanda	Education	Education
Dr. Simbyakula	Law	Foreign Affairs
Dr. Mtonga	Education	Lusaka Province
Mr. J. Kasongo	Humanities & Social Sciences	Home Affairs

Source: Cabinet Office.

Also Alecs Chirwa, former General Secretary of the Zambia Congress of Trade Unions, appointed as Permanent Secretary in the Ministry of Labour and Social Services, can be regarded as someone who is familiar with the expectations of his job.

The Ministry of Local Government could not provide recorded data about the qualifications of their Town Clerks and Council Secretaries. But oral interviews conducted with the Director in charge of Administration adduced confident and reliable inferences that most of those officers have law degrees and, or certificates or diplomas in Local Government. This tallies with the training curriculum offered by NIPA or the University of Zambia. This was verified by the researcher after talking to the Town Clerks of Lusaka, Ndola, Kitwe, Chililabombwe and Mansa. These officers were informally talked to at the official ceremonial opening of parliament conducted on 22nd January, 1999. Thus the MMD, as regards personnel placement, has evidently done better than UNIP was able to do in the Second Republic.

4.8.5 Civil Servants’ Loyalty to the Incumbent government

Loyalty is a qualitative variable, very difficult to measure in quantifiable terms. It can be in the form of latent attitude, unexpressed in visible, behavioural manner - something kept in the mind of an individual. In psycho-behavioural aspects, loyalty may be gauged through demonstrated support, for instance making comments in favour of certain actors, or making certain visible or audible choices likeable by certain players in certain institutions. Conversely, comments against, certain actors, or against - some aspects or all aspects of their policies and practices may be regarded as signs of disloyalty to the regime. To gauge Zambian civil servants’ loyalty to the MMD government, 200 workers of upper, middle and lower strata responded to the questionnaire personally administered by the researcher. The areas covered were central ministries in Lusaka, provincial ministry officials in Ndola and the rural province of Luapula. The officials included in the sample were at the level of permanent secretary, deputy permanent secretary, directors, council secretaries, accountants, secretaries and administrative officers. Office orderlies, drivers and cleaners - grouped as unclassified employees and hence excluded from the civil service category - were not part of the sample.

The 200 respondents were asked to indicate what they felt in their respective positions about the MMD government’s practical actions to improve workers’ welfare by providing the following incentives: basic pay, job security, promotion prospects and general working conditions. They responded as follows:

Table 46: Gauging Civil Servants’ Loyalty to Incumbent Government – 3rd Republic

	Adequate	Inadequate	Fair	Ambivalent	Summation
Basic Pay	15	170	10	5	200
Job security	5	190	2	3	200
Promotion prospects	50	120	20	10	200
Working conditions	30	140	15	15	200

Source: Design: Muyunda Mwanalushi’s modified paradigm - gauging workers’ expectations from their organization.

The response to the 'basic pay' criterion shows that the largest number of respondents (170), felt that their pay was insufficient to meet their livelihood needs. Looking at the purchasing power of the Kwacha which has significantly depreciated in value, particularly since 1996, the respondents' feelings were justified. This becomes evident when one considers government's actions to institute salary increase freezes since 1996 and the price regime which, generally, has pushed up prices of most commodities when workers salaries have remained constant. The 15 respondents who felt that salaries were adequate were mainly in the category of permanent secretaries who are in a high income bracket. But even they, without the cushioning effect of fabulous allowances and other subsidiary financial advantages that go with the post, would not honestly say that their basic pay is adequate. The 10 who felt that their pay was fair appeared to have expressed that feeling out of chauvinistic support for the ruling regime rather than realistic assessment of the economic situation in the country. The last 5 who were non committal, again, appeared suspicious of the intentions of the researcher, suspecting him to be a government agent who was sent to find out who among the civil bureaucrats are anti- incumbent government and should, when identified, be purged out of the system. The response to the job security criterion adduced greatest evidence of the bureaucrats' discontent with the government's employment policies and general behaviour towards civil workers. 190 respondents from the total of 200 felt insecure in their jobs. That included even the majority of permanent secretaries and their deputies. The MMD government has dismissed all top, middle and lower class civil servants considered disloyal to their regime. The most recent casualty was the former lady Foreign Affairs permanent secretary whose husband joined an opposition party and there occupied a prominent party-post. Appointments to many positions are no longer predicated on academic and professional qualifications alone. Undoubtedly, demonstrated loyalty is, in most cases, deemed to be more paramount. This ensures the continued stay in power of the incumbent political actors who depend on the efforts of the bureaucrats, not only to mobilise their fellow workers to implement the regime's policies, but also to vote for the regime during election times.

To demonstrate lack of support many civil bureaucrats have for the MMD Government policies of retrenchment, an implicit reference was made to the fires that engulfed the cabinet building at one time, fires which were believed to have been caused by some civil servants. They reasoned that some civil servants who saw their names on the lists of retrenchment wanted to destroy compiled data upon which the Cabinet would decide who to retrench and when. Faced with that insecurity, they had to destroy all papers - recorded or compiled information in order to postpone the time or even impede the process of decision making on work removals in the absence of required data. This was the most crucial manifestation of Zambia's bureaucracy's withdrawal of support and refusal to implement government policies. In this instance, the civil bureaucracy and political bureaucracy in Zambia never allowed the fusion of interest. Neither have the two traversed the territory of retrenchment policy-making and policy-implementation using the same path, except where some civil servants think that the removal of officer A will pave the way for officer B to be elevated. In such circumstance, some political actors and certain civil servants enter into a league of conspiracy against the targeted officials.

The response to the 'promotion prospects' criterion continues to show the largest number of objectors, 120 out of 200. But it also has the largest number of positive acceptances, 50, out of the four indicative criteria. The explanation for this feeling is that those civil servants who, for a very long time, have identified themselves with the governing party and have steadily continued to rise on the administrative hierarchy, have built trust and confidence in the incumbent regime. They, hence, still hold hope for more elevation, as long as the MMD party continues to stay in office. The 20 who felt promotion prospects were fair and the 10 who took the middle-road appear to have been individuals who were not courageous enough to take a clear and definite stand. They may be in support or disloyal to the existing regime. They are persons who try to avoid being rejected by the status-quo or by possible changed situations.

4.8.6 Bureaucratic Authority Structure

This investigation notes that during the Second Republic the political and civil bureaucracies were organically fused. The fusion of party and administrative structures strengthened centralised and less democratic government in the country. This, among other factors, is what the MMD felt led to the rise of an ineffective and inefficient civil bureaucracy during UNIP's reign. Therefore "the first major step to reform the system was made possible by the constitutional provision de-linking the party structure from the government".⁶⁹ For example, the Local Government Act, No. 22 of 1991, which repealed the Local Government Act, No. 15 of 1980 which came into force on 1st January 1981, set in motion the de-linkage "of local administration from the central government."⁷⁰ The separation of government structures from party structures "nullified the ruling party's constitutional paramountcy over the civil service and the state apparatus at all levels."⁷¹

Under the 1980 Local Government Act, the District Governor, centrally appointed by the President, chaired council meetings. Under the Act No. 22 of 1991, council meetings are chaired by the democratically elected mayor or chairman. Under the 1980 Act, councillors were selected through the party hierarchy of UNIP. Act No. 22 of 1991 abolished that old system and "introduced the principle of majority elections to councils irrespective of political party affiliation."⁷² In this context councillors do not essentially need to be members of the ruling party. They can belong to opposition political parties or can be 'independents', having allegiance to no political party.

The centre-provincial-district hierarchy during the Second Republic had the State President, provincial members of central committee and district governors as major political and administrative actors. The Third Republic abolished the positions of provincial members of central committee and district governors, including provincial political secretaries and regional secretaries. That structure was replaced by the new hierarchy beginning with the state president at the centre, the deputy minister at the provincial level and no political official in the district - an administrative enclave now under the charge of the council secretary, a non elected but appointed technocrat.

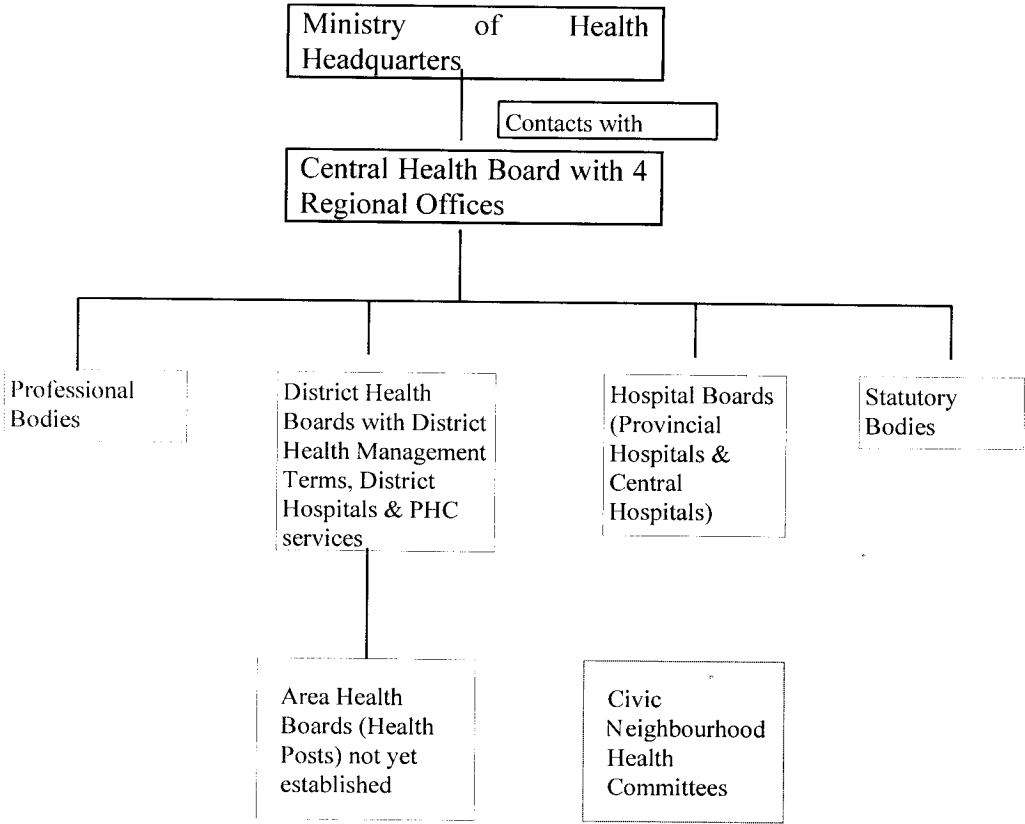
When the Times of Zambia on December 2, 1999, announced that “President Chiluba yesterday named District Administrators”,⁷³ a new dimension to the district administrative structure was established. An additional stratum to the structure is the proposed birth” of Sub-District Centres (SDCs) each comprising not more than five Wards. An administrative officer from the Council will be Secretary to the SDC”⁷⁴

Much as increased decentralisation can lead to increased people’s participation in decision making at the local level, untrammelled fragmentation of the district administrative structure may give rise to multiple spans of control in which the implementation process can face inco-ordination problems. Infact, the MMD proposed District administrative structure is in many respects reminiscent of the UNIP conceived bureaucracy. The integrated linkages between the centre-Lusaka-and the periphery, the provinces and districts, have continued as was the case during the Second Republic. Thus on the face-value administrative de-concentration is cosmetically represented in the periphery by the provincial deputy minister, provincial permanent secretary and the council secretary in the district. But in practice there are strong traces of direct lines of communication between departmental civil workers in the districts and their superiors at the Head quarters in Lusaka. This direct contact with Lusaka omits strata of authority at the district and provincial levels. It occurs when officials at the periphery feel that their problems cannot be speedily resolved by the local strata of authority. As long as Lusaka - the centre - implicitly or explicitly permits these lines of direct communication, the integrated administrative system defeats the MMD’s much vaunted decentralised structure of administration.

In some areas of field administration where demonstrated competence, skill and effectiveness to resolve local problems have won the confidence and respect of field officials, the local strata of authority have not been omitted on the administrative structure. Thus while some of “the line ministries and departments have gone some way in de-concentrating their administrative authority and functions (including financial) to the provinces,”⁷⁵ others have not done the same, if so only partially. This means that the national structure of Zambia’s administration is in some instances a symmetry and in others an asymmetry of the integrated and unintegrated systems. This has been the case in the Third Republic, meaning that on this aspect the MMD government has not introduced any significant reform measure.

In some specific ministries reform measures towards decentralisation have been effected. The Ministry of Health is an illustrative case where the formation of health boards has introduced a new decentralised structure. Put on paper, the new authority hierarchy is as below:

Table 47: Authority Structure in the Ministry of Health



Source: Ministry of Health Handbook on Reforms, March 1995.

Mandated by the new National Health Services Act (1995), the new authority structure has de-concentrated functions such as planning, management, service delivery, resource allocation and generation of revenue to a hierarchy of health boards. The Ministry of Health Headquarters has retained overall political responsibility for instance “policy formulation, legislation, monitoring the performance of the central Board of Health, consultation and donor co-ordination”.⁷⁶ All the peripheral structures are supervised, on behalf of the Ministry of Health, by the Central Board of Health.

Since the process of implementing the decentralised structure has been evolutionary, the success of the exercise might be too early to be evaluated at this stage. Infact some incremental policy shifts, leading to further slight adjustments in the structure of the new system, are probable in the near or distant future. Some areas of the current policy are likely to be found unworkable, and these dysfunctions will unfold new vistas and perceptions calling for more alterations in parts or the whole hierarchy of authority in the Health ministry. However, a quick assessment of the little that has been done to date seems to show that the process of decentralisation has accent on de-concentration - the dispersal of functions to the field from the centre - and less devolution, the actual transfer of effective authority from the centre to the

periphery. Attendant to such a set-up, are administrative pathologies relating to reduced discretion, apprehension, and uncertainty to make decisions essential for efficient implementation of the organisation's programmes.

Another attempt at decentralisation has been made in the Ministry of Education. The Education Amended Act, number 56 of 1970 also talks of the formation of Boards of Governors "for any educational institution owned by the government".⁷⁷ The Act empowers the Minister of Education to appoint both the Board members and its chairman, although the Board is conferred corporate status. The Act restricts the composition of the Board to 16 members - all appointed by the minister "from persons representing the Ministry, Local Authorities commerce and Industry and others."⁷⁸ The members have a three-year term of office and salient among their functions are:

- a) providing education and educational facilities whose nature has to be determined by the minister.
- b) administering, maintaining and controlling the educational institution for which it is established.
- c) establishing, administering, maintaining and controlling hostels for the benefit of pupils for whom education and educational facilities are provided.

In carrying out the above functions, the education boards have been given the power to purchase, acquire, hold and alienate real and personal property. They can borrow funds by way of mortgage or otherwise and can enter into contracts. The Boards can employ officers of certain categories who have to serve under certain conditions. This includes making arrangements for the secondment of officers in the service of the Board. In all these transactions, the minister's approval has to be sought.

The Education Act further spells how the Boards will raise funds for the execution of their functions. In this regard the Act identifies fees and charges payable to the Boards by its clients. The Boards will also receive grants and loans from the ministry. It is also expected that the Board's invested money shall generate interest. The Act further permits receipts of gifts - all however, under the careful scrutiny of the minister.

The hierarchical arrangement of authority relations is rather fuzzy, obscure and unclear. The centre (Lusaka) regional (provincial) and district separation of power and authority has not been made clear by the Act. The investigator visited the Ministry of Education Head quarters, including the Education Boards Centre responsible for producing programmes to educate the Zambian citizenry about educational decentralisation through the electronic and print media. The finding: no documented, properly thought-out authority structure similar to that in the Health Ministry has been produced. The Education Act, broad and implicit, is the only basis of the educational programmes beamed on television, radio and the print-media.

Since the minister reserves the power and authority to appoint the entire Boards, he also has the power and authority to remove some or all the Board members. Devoid of the democratic exercise of electing board members, the existing

Act modernizes and ancientizes decentralization at the same time. Thus very little reform has taken place. The central ministry is still fearful of losing its sovereignty over government owned educational institutions. It, therefore, makes forward and backward movements for authority dispersal and finally settles almost where it was before, having gained or lost nothing.

Structural alterations in authority relationships are also being considered in the Ministry of Lands. There, steps are under way “to de-concentrate the functions of the Commissioner and the Registrar of Lands”⁷⁹ to expedite the decision-making activity. In other seven ministries - Foreign Affairs, Labour and Social Security, Tourism, Home Affairs, Youth and Sport, Information and Broadcasting and Mines and Mineral Development - the situation is basically as it was during the UNIP era. These seven ministries, together with the other three where some measures towards decentralization have been introduced, brought the total to ten, a sample which represented the current universe of twenty four ministries. In spite of these continuing efforts towards decentralization, “the government machinery has continued to be highly centralised.”⁸⁰

4.9 Corruption and Measures against it in the Third Republic

When the Movement for Multi-Party Democracy (MMD) was formed, those in the then governing party, UNIP, referred to its top leadership as an admixture of individuals with diverse backgrounds ranging from mandrax dealings to high levels of corruption. This, however, never convinced the electorate who felt a change of political actors, particularly at the parliamentary, cabinet and presidential levels, was necessary after twenty seven years of continuous rule by UNIP.

The empirical data of corruption during the Second Republic showed that the scourge proved intractable to wipe out, in spite of the seemingly credible measures against it taken by the UNIP government. That intractability spilled over into the Third Republic.

Four years after the MMD took over the reigns of power, the Anti-Corruption Commission (ACC), in 1995, gave the following figures of corruption complaints from the general public:

Table 48A: Identified Complaints and Mode of Report - 1995

	LUS	KIT	LIV	CHIP	KAS	KAB
In Person	205	49	34	30	24	21
By Telephone	13	10	2	0	0	4
By Letter/Fax	69	5	2	0	0	5
Other Departments	11	4	3	0	7	0
ACC initiated	14	0	3	3	2	0
Total	312	68	44	33	33	30

B. Anonymous complaints and Mode of Report - 1995

	LUS	KIT	LIV	CHIP	KAS	KAB
In Person	46	1	3	6	1	0
By Telephone	19	5	3	3	1	1
By Letter/Fax	15	4	1	2	0	2
Total	80	10	7	11	2	3
GRAND TOTAL	392	78	51	44	35	33
TOTAL NUMBER OF COMPLAINTS RECEIVED IN 1995					633	

Source: ACC Annual Report: 1997.

The above figures show complaints of corruption from the general public sector. The 1995 ACC Report, however, indicates that from the civil service the ACC had handled a total of 93 dockets. Of these, 47 were new dockets received during the year under review and 46 were brought forward from 1994.”⁸¹ Thus out of the total of 633 corruption complaints, 93 came from the civil bureaucracy and the remaining 540 came elsewhere in the general public. When compared with about 136 corruption complaints from the civil service in 1983, 93 dockets for 1995 represented a reduction by 42.

From 1995 to 1997 the corruption complaints increased from a total of 633 to 865. Of 865, the 1997 summation, those representing the civil bureaucracy were “one hundred and fifty three”.⁸² This was an increase by 60 cases when compared with 93, the 1995 cases from the civil service. The general trend shows a steady increase of corruption cases when the Second Republic figures are contrasted with those of the third Republic. For instance in 1983, 136 corruption complaints from the bureaucracy were registered as compared with 153 from the same institution in 1997. The general 1997 picture is here shown below:

Table 49a. Identified complaints and mode of report - 1997

	Lusaka	Kitwe	L'stone	Chipata	Kasama	Kabwe
In person	245	57	45	17	11	19
By telephone	8	22	1	0	0	1
By letter/fax	69	9	2	1	3	1
Other Depts.	0	0	1	2	0	1
ACC initiated	4	3	1	1	0	1
Total	326	91	50	21	14	22

Source: ACC Annual Report: 1997.

b. Anonymous complaints and mode of report

	Lusaka	Kitwe	L'stone	Chipata	Kasama	Kabwe
In person	39	5	0	1	2	1
By telephone	15	1	0	2	0	0
By letter/fax	35	8	1	0	2	3
Total	89	14	1	3	4	4

c. Information received on Corruption

	Lusaka	Kitwe	L'stone	Chipata	Kasama	Kabwe
Information received	138	28	34	0	22	4

Total number of complaints received in 1997	865
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Source: ACC Annual Report, 1997.

Analogous to the ACC figures of the Second Republic, the Third Republic ACC figures do not relate to data gathered from the whole country. Typical rural areas are represented only by Chipata and Kasama. What has been happening in the rest of the country, the ACC does not know.

The steady increase in corruption complaints from the general public spanning the 1990-1997 period is given in the table on the next page.

Table 50: Comparative Statistics: 1990-1997

Year	Complaints Received	Number of Investigations Authorised	Number of Prevention Exercises Carried Out	Number of Prosecutions Registered	Number of convictions	Information Received on Corruption	Consent Declined by DPP
1990	894	568	52	106	47	1206	0
1991	629	479	28	71	36	429	0
1992	528	393	12	25	28	224	3
1993	656	495	16	66	27	355	2
1994	702	543	13	89	29	309	3
1995	633	433	5	55	25	317	4
1996	685	513	6	59	37	237	3
1997	865	495	4	69	55	226	2

Source: ACC Annual Report: 1997.

The general trend in the increase of corruption complaints markedly starts in the year 1993 and experiences a small fluctuation between 1994 and 1995. From 1995 to 1997 the increase shoots up. Much as these figures are instructive about the situation of corruption in the Third Republic in Zambia, the principal concern of this investigation lies with those figures earlier discussed referring to the civil service. The other figures pertaining to other institutions are important since they reflect the level of corruption in the social environment surrounding the Zambian bureaucracy.

Individual civil servants involved in corrupt practices during the Third Republic have been reported in the ACC news pamphlet. An immigration officer, Ellis Phiri, was, for instance, charged with an offence in April 1994 of assisting Mohamed Salim Mughal to obtain an Entry Permit into Zambia. In doing so an inducement reward of K200,000 was offered to Ellis by Mohamed. "The case was adjourned to 5th October 1998 for defence."⁸³

On September 28, 1998, the ACC arrested two employees of the Provincial Commissioner of Works. The two were named as Trackson Thole, 38, of House Number 15/8, Lilanda West and Moses Nyimbili 43, of House Number C272/4 in Mtendere township. The duo "were alleged to have solicited for K60,000 from Wilson Banda, 32, a businessman of House Number 69/4 in Garden Compound."⁸⁴ The bribe was intended to induce the duo to pump from Banda's pit latrine one load of earth heap using a PCW vehicle.

Another public officer working for the Zambia Revenue Authority (ZRA) had been arrested by the Anti-Corruption Commission (ACC) for corrupt practices by a public officer. The officer, Mutabakoma, on July 16th, 1997 in Livingstone, "corruptly accepted and received Z\$100 (One Hundred Zimbabwean Dollars) cash gratification from Shelly Habeenzu for bearing to search a motor vehicle, namely, a Datsun registration number AJA 718, which was conveying sixty three pairs of shoes imported by the said Shelly Habeenzu from Zimbabwe into Zambia." The bribe was meant to enable the importer evade customs duty.

In another related development, an employee of the judiciary - Sylvester Lungu - a court clerk, was arrested by the ACC for receiving a bribe amounting to K40,000. The cash was meant to act as an inducement reward for Lungu to influence the Magistrate to handle Kamwi's case in his favour.

Contrary to sections 272 and 277 of the Penal Code, a Zambia Revenue Authority (ZRA) examining officer, Kennedy Kalandamya of Ndola was, on September 1, 1998, arrested by the Anti-Corruption Commission Officers for theft by public servant. The amount involved was K6,606,000. The officer got the money and pretended to have used it on a trip to New Zealand, a trip which never materialized.

In chapters two and three, it was shown that the civil and political bureaucracies often carryout their functions in symbiotic or organic relationship. It was noted that the Chief Executive of the civil service, the President, is a member of the political bureaucracy. His cabinet ministers heading central ministries and in-charge of civil servants in their various ministries are members of the political bureaucracy. Civil servants, ardent on brightening their promotion prospects, have to demonstrate their willingness to act in league with their political superiors - the president, his vice and his ministers. This fusion of functional relationship makes it difficult to separate the two categories of personnel when matters of policy making and policy implementation are considered.

It, therefore, goes with no or little argumentation that when the virus of corruption enmeshes the civil bureaucrats, the political bureaucrats cannot remain outside the dragnet. The reverse order leads to the same inference. This part of the investigation tries, hence, to argue that high level corruption among politicians mirrors, at the same time, a corrupt civil service. This is because as a disciplined body of professionals, civil servants traditionally do the jobs they are told to do, and go where they are sent.

Proceeding on the basis of the foregoing observation, a documentary report known as the Institutional Investor has compiled glaring data about the involvement of top political bureaucrats in Zambia during the Third Republic. When the MMD government launched its privatization policy, the first signal of corrupt behaviour related to lack of transparency in the sales process. Most companies were sold directly to investors, bypassing the disclosure requirements maintained by the Lusaka Stock Exchange. "Ministers knew which companies were coming up for privatization and they knew the lowest acceptable bid prices."⁸⁵ Some ministers "used a network of holding companies, many registered in the British Virgin Islands and Panama, well beyond the reach of investigative authorities, to purchase newly privatized companies such as Zambia consolidated Tyre Services Co., Nyati Motors Co., and parts of Nchanga Farms."⁸⁶

In 1994, one minister is reported to have bought General Pharmaceuticals Co., then a state-owned manufacturer of basic medicines in the industrial town of Kabwe.

The bid to sell Nchanga and Nkana - the two largest copper mines - also brings out a telling government behaviour of corruption. The two mines were to be bought by a consortium consisting of Phelps Dodge Corporation of the US, Noranda of Canada, South Africa's Avmin and the Commonwealth Development Corporation, known colloquially as the Kafue consortium. The bidder pledged an investment sum of \$1.1 billion for the two mines. Francis Kaunda, the very man who presided over the collapse of the company between 1973 and 1991, but this time appointed by President Chiluba to lead a special negotiating team, rejected the offer, calling it peanuts. Astoundingly, however, "after months of talks the consortium discovered that the Zambian government had never conducted a proper valuation of the company. Further, it found that the government had sold some of the mines' assets privately. About 200 houses for expatriates and locals were sold privately to senior people connected to the plant."⁸⁷

Other observers point fingers to top political echelon having "properties in Belgium, the Netherlands and South Africa, as well as Zambia."⁸⁸ Those capable of digging out this information have been infuriated by the rate and level of corruption among Zambia's political bureaucrats in the Third Republic. Their virulent attack is summed up in the following manner: "Public money, routinely siphoned into private hands through a network of front companies, ends up off-shores, some is channelled back into Zambia through nominee businesses. Some ministers openly bid for - and win - government tenders for the supply of goods to the ministries. Others are secretly paid for facilitating business deals."⁸⁹ An emergence and merging of the political and civil bureaucracies characterized by this kind of corrupt behaviour in the Third Republic cannot be expected to be viable state agents of efficient pace of development. Corrupt behaviour relating to drugs, according to Julius Ihambere, has stigmatised the MMD involving persons like Princes Nakatindi Wina, then Minister of Community Development and Social Services and wife of Sikota Wina a

founding member of the MMD. The drug scandal also tainted Deputy Speaker of the Assembly Sikota Wina, who had actually been arrested on drug-trafficking charges at the Bombay airport in 1984. He was alleged to have fled India dressed in a Northern Sudanese djellaba (long white gown) with a forged Sudanese passport. "The most prominent of Zambia's drug traffickers is probably foreign affairs minister Vernon Mwaanga. He, too, had been arrested on drug-trafficking charges at the Frankfurt Airport in 1984. He avoided lengthy jail term by invoking his diplomatic immunity in 1994, his son Maliko was arrested in Lusaka along with two former military officers for being in possession of high-grade cocaine worth over 70,000 pounds sterling.⁹⁰ Ministers and parliamentarians like Derrick Chitala, Ronald Penza, Mathews Ngulube, and the former vice-president Levi Mwanawasa have used their political positions to grab acres of land belonging to the University of Zambia. Though Chiluba ordered the ministers to return the land to the University, most of it had already been resold in direct contravention of the 1985 Land Use Act. Several ministers have also used their position to acquire land in a conservation area east of Lusaka after compelling the Ministry of Lands to deregister the area. This brazen act has begun to affect the Chalimbana river, which is gradually drying up. The World Bank director for Southern Africa Stephen Dening was forced to warn Chiluba in mid-1993 of the grave consequences of not addressing the corruption-and-drug issue. In fact, donors withheld about \$1.3 billion in aid money to force Chiluba to clean up his administration and get rid of corrupt ministers. In spite of pressures from donors, lenders and the opposition parties, President Chiluba refused to fire the ministers, arguing that an irresponsible press was responsible for blowing up the issue of corruption. Although involved in the aberrant behaviour of corruption, state actors still make attempts to portray their determination to fight corruption. The Second Republic UNIP government did this by establishing certain institutions to investigate and punish convicted perpetrators of corruption. What has the MMD done since it came to power?

4.9.1 The Anti-Corruption Commission

As earlier noted, the establishment of institutions to fight corruption began with the UNIP government in the Second Republic. For instance, the Corrupt Practices Act No. 14 was initially passed by the UNIP government in 1980 and was later amended by Act No. 29 in 1987.

When the MMD came to power, especially after their renewed mandate in 1996, they repealed the 1980 legislation and had it replaced by the Anti-Corruption Commission Act No. 42 of 1996.

The ACC 1997 report claims that while the ACC was directly answerable to the president during the Second Republic, in the Third Republic Act No. 42 of 1996 "created an institution which was not to be subject to the direction or control of any person or authority."⁹¹ The new Act was given the force of commencement by the Statutory Instrument No. 33 of 1997, dated 14th March 1997.

The autonomy of the ACC in the Third Republic is, however, questioned when, in fact, the same new institution makes it clear that its commissioners "were appointed and sworn-in by the President."⁹² Similar to the situation in the Second Republic, the ACC in the Third Republic has to submit to the President its yearly reports.

The ACC news pamphlet further shows how less significant the ACC has been in terms of impact as both a deterrent agency against corruption and as an institution whose functions aim at reducing cases of corruption in the Zambian society. All cases of corruption reported in the 1998, volume 2 quarterly publication for July-September involved the lowest strata civil workers. It is doubtful that high level corruption cases similar to those contained in the 'Institutional Investor' involving high profile politicians can be reported in the Third Republic ACC news pamphlet.

The new ACC, however, has introduced incremental improvements in some areas of its organisation. The departmentalisation, consistent with the virtues of specialisation, expertise and faster dealing and disposition of cases has been clearly spelt out. There are, for instance, specific units of the Commission dealing with specific sections of the public. Units A1 and A2 deal with inquiries of suspected or alleged corruption against officers in the Zambia Police Service, Army and Zambia Air Force. Unit A3 looks at corruption cases in Zambia Revenue Authority, Unit B1 probes corruption cases in the civil service, Unit B2 concentrates on the fewer parastatals still existing in the country, Unit B3 looks at corruption cases involving aliens, Unit E1, also known as the Species Protection Department, deals with corruption related to commercial poaching, and Unit E2, also referred to as Special Tasks Unit, focuses on people of high standing in Government and the parastatal sector. The effectiveness of Unit E2 has already been questioned since it deals largely with state players who are the employers of the ACC officials. This re-organisation of the ACC has apparently surpassed the service delivery system associated, then, with the UNIP regime in the Second Republic. But it has not led to reduction in corruption cases in the civil service in particular and in the country in general. Premised on the available evidence of corruption cases both in the civil bureaucracy and political bureaucracy of Zambia in the Third Republic, it is safe to conclude that the MMD government has not, so far, succeeded to do what it promised it was going to do: to improve the efficiency and effectiveness of the civil service by wiping out corruption. What UNIP failed to do through the use of the Anti-corruption Commission, it tried to do so through the establishment of the Leadership Code. The MMD also decided to retain this institutional legacy.

4.9.2 The Leadership code in the Third Republic

In the 1973 Republican constitution enshrining the single-party rule in Zambia, the Leadership code was an important component. It was, as observed, codified under Part IV, and explained in the Article 33 of that constitution.

The Third Republican 1996 amended Constitution has, under Article 52, briefly codified a semblance of the Leadership Code. It is a reproduction of UNIP's conception of the code, with nothing substantially novel and attributable to the original thought of MMD. To try to look and sound different, the MMD refer to their set of rules not as the Leadership Code, but as the Code of Conduct. This is another facet of the MMD's incremental approach towards reform after taking over power from UNIP. Article 52 confines the observance of the Code to Ministers and their Deputies as aptly expressed thus: "All ministers and Deputy Ministers shall conduct themselves, during their tenure of office, in accordance with a code of conduct promulgated by parliament."⁹³ Since the code excludes the term 'leader,' Article 52 of the Amended 1996 Third Republican constitution has not defined, as UNIP did in the 1973 constitution, who a leader is in Zambian politics. The new Code of conduct, however, embraces all members of parliament, since it is from parliamentary representatives of his

majority party where the victorious republican president appoints individuals as ministers and deputy ministers. Thus Act No. 35 of 1994 refers to the code as “Parliamentary and Ministerial Code of Conduct.”⁹⁴

The above Code is anti-corruption since it prohibits officers named under it from acquiring any significant pecuniary advantage, or assisting in the acquisition of pecuniary advantage by another person, through:

- (a) “improperly using or benefiting from information which is obtained in the course of his official duties and which is not generally available to the public;
- (b) disclosing any official information to unauthorized persons;
- (c) exerting any improper influence in the appointment, promotion, or disciplining or removal of a public officer;
- (d) directly or indirectly converting government property for personal or any other unauthorized use; or
- (e) soliciting or accepting transfers of economic benefit, other than:
 - i) benefits of nominal value, including customary hospitality and token gifts;
 - ii) gifts from close family members;
 - iii) transfers pursuant to an enforceable property right of the member or pursuant to a contract for which full value is given.”⁹⁵

Strictly looking at its provisions, the Third Republican Parliamentary and Ministerial Code of Conduct excludes coverage of civil servants. This, in practice, and as argued in the preceding paragraphs, is not the case. This is because “technocrats and politicrats are allies”⁹⁶ in a symbiotic relationship where corrupt behaviour is perceived to be mutually beneficial to the two groups. One gives the order, the other implements; or the implementer suggests or gives information about the best way of acquiring pecuniary advantage out of the occupation of public office. Both can agree and both can be implementers. The very concept of loyalty by the bureaucracy to the incumbent government, and the constitutional order that the political figure head - the President - shall be the Chief Executive of the Zambian civil service integrally patches the two together.

From the numerous cases of corruption complaints affecting both politicrats and technocrats in the Third Republic, one can infer that the Parliamentary and Ministerial Code of Conduct has had no significant positive impact. The bureaucracy has not been cleansed as promised by the MMD and, in this respect, its efficiency and effectiveness judged by the provision of unbiased and equal service, detached from pecuniary lures, are administrative and developmental objectives still in abeyance. This is why political behaviouralism makes canonical its precept that if you want to assess the extent of reform a particular regime has put in place, do not look only at constitutional alterations, new pieces of legislation enacted or structural changes brought up to affect authority relationships. But you must also look at the behaviour of the actors in those new institutions. But political and administrative behaviour, like other forms of behaviour, can be subtle, shadowy, intangible and latent - so elusive that modern scientifically prescribed methods of concrete measurements are still experiencing difficulty to pin it down. Related to this difficulty is the problem prosecutors face to make it evidently visible to the courts that some politicrats and technocrats in Zambian public offices have committed aberrant acts of corrupt behaviour. This partly explains why there have been in the Second Republic, and still exist in the Third Republic, many complaints of corruption cases that have ended and still end up in a minority of court convictions. Where judicial

officers - judges, magistrates, etc also fall prey to bribes of diverse kinds, particularly those offered by high profile state actors, then going to court attempting to prosecute a state actor on corruption charges and have him or her out of public office becomes an effort in futility. Has the Ombudsman found a proper foothold in the Third Republic which it could not secure during the Second Republic?

4.9.3 The Office of Ombudsman

The establishment of the institution of Ombudsman in the Third Republic contained under Article 90 of the Amended Republican Constitution No. 18 of 1996. Under this Article, the Investigator-General of the Republic has to be appointed by the President. This was the case also in the Second Republic. One major departure from the arrangement commensurate with conditions in the Second Republic is that the Investigator General’s annual reports are presented, not to the President, but to the Speaker of the National Assembly.

The functions of the institution have not markedly changed from those assigned to it in the Second Republic, for instance, receiving and investigating “complaints from the public against acts of injustice or maladministration perpetrated by executive agencies of the state, parastatal companies and local authorities.”⁹⁷ Maladministration refers to faulty or bad management of public affairs. Corruption is one instance that causes maladministration because it gives rise to administrative “chaos, injustice, social disorder and inertia.”⁹⁸

The Ombudsman’s annual reports from 1984 to 1995 compiled many complaints from the Zambian general public as indicated in the summary below.

Table 51: An Analysis of all Cases Brought Forward to 1996 from Previous Years

Year	Total No. of Cases Brought Forward	Number of Cases Concluded	Number of Cases Withdrawn or Abandoned	Number of Cases Pending
1984	24	1	2	21
1985	66	7	2	57
1986	126	4	-	122
1987	175	12	-	163
1988	354	11	3	340
1989	189	20	-	169
1990	355	28	2	325
1991	502	39	5	458
1992	518	49	6	463
1993	597	105	7	485
1994	617	133	3	481
1995	606	72	5	529

The advantage of these figures is that from 1984 to 1991, they show cases belonging to the Second Republic. Third Republican cases are represented by figures from 1991 to 1995, during which period a dramatic increase in the complaints was recorded. For the period January 1st to December 31st 1996, complaints from the public were summarized as follows:

Table 52: Analysis of all Cases Received by the commission from 1st January 1996 to 31st December 1996

	Total Number of cases received	Number of cases declined	Number of Cases Conducted			Number of cases discontinued	Number of cases withdrawn or abandoned	Number of cases pending
			Justified	Not Justified	Decision Awaited			
Totals	647	197	6	6	-	4	-	434

Source: ACC Annual Report: 1996.

The general weakness in the figures is that they do not separate cases of corruption complaints from other cases which may pertain to different issues. This kind of reporting by the Ombudsman's office creates obvious lacunae in the specific data required for this study. But, as noted under the figures for the Second Republic, intuitive deductions can be made that even among the data compiled for the Third Republic, corrupt practices such as allocating houses or plots of land to persons who offered bribes, turning public property to personal property and income tax frauds among political and civil bureaucrats cannot be ruled out completely. What is clear about the figures, however, is that cases of public complaints about the management of their affairs have continued to increase. This continues to mirror the image that the preservation of another inherited institution - the Ombudsman - no matter revamped and reorganized by the MMD, has not assisted in reducing the administrative malaise of corruption in the political and civil bureaucracy of Zambia. Developmental policies, therefore, can hardly be appropriately and efficiently implemented to achieve national aspirations. A corrupt bureaucracy is mostly obsessed with individual aspirations driven by avarice and the penchant to amass as much wealth as possible when one is still the holder of public office. This diversion of public property to private property and the pre-occupation of all the time to corruptly acquire wealth cannot lead to national development.

4.9.4 The Industrial Relations Court

The MMD government has upheld and retained the Industrial Relations Court Act number 36 of 1990 as the legal basis for the functions of the court in the Third Republic. The principal focus of the court has been and continues to be arbitration of disputes between workers and their employers. The data so far available show a remarkable dearth of grievances relating to corrupt behaviour brought to the court for its attention. The Second Republic was also characterized by the paucity of data relating to corruption handled by the Industrial Court. The institution, at least, arbitrated, as observed in the preceding paragraphs, in labour disputes of corrupt practices nature. The court, however, still remains as an alternative arbiter and a potential watchdog to restrain civil servants, political actors and others from involving themselves in corruption related labour disputes.

4.10 Conclusion

Chapter four focuses on the measures taken by the UNIP and MMD governments to build, strengthen, or weaken the implementation performance of the Zambian bureaucracy. It notes among other things that reduction in staff levels began with the UNIP government in the 2nd Republic, largely as a result of external pressure from creditor organizations. The pace of reduction was speeded up during the Chiluba government which de-politicised the

bureaucracy by removing political education courses and examinations in humanism and party organization earlier introduced by UNIP. The tradition of upgrading the administrative skills of bureaucrats by training them at local institutions began shortly after the attainment of self rule and was upheld by successive governments till the dawn of the 3rd Republic. The attempt to strengthen capacity through matching personnel with their previous training, educational background and talent was adhered to much more by the Chiluba government than the Kaunda regime. Contrast is also observable in decentralization measures where UNIP focused more on de-concentration while the MMD went a step further to stress more on devolution. Also the pathologies that weakened the state bureaucracy as a result of fusing it with the bureaucracies that administered parastatal bodies and UNIP as a party in the 2nd Republic was removed when the MMD passed legislation to abolish parastatals and de-linked local administration from central administration.

Corruption rate tended to be higher in the Chiluba government than was the case under the Kaunda Presidency, in spite of the establishment of several anti-corruption institutions, and this adversely affected the performance of the bureaucracy. The situation was, both in the 2nd and 3rd Republics, exacerbated by the declining economy which could not earn enough to be able to motivate the bureaucrats through adequate pay packages. Thus largely, the hypothesis that with the MMD government in power more measures would be put in place to improve the administrative weaknesses of the bureaucracy has been disconfirmed.

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CHAPTER FIVE

POLITICAL DEVELOPMENT

5.1 Introduction

Earlier parts of this study have asserted that development, whether political or economic, largely depends on the capabilities of the political personnel to make appropriate policies and the competence of the bureaucracy to efficiently implement those policies. Chapters two and three investigated the policy-making competence of Zambia during both the Second and Third Republics, while the investigation on implementation capacity, is dealt with in chapter four.

In line with the third objective of the study, chapter five examines the extent to which Zambia has attained political development under the policy-making and policy-implementation command of the MMD government. Comparison with the situation in the Second Republic continues to be the basis of assessment.

The criteria used to gauge the extent of political development attained in Zambia are those stated in chapter one, under general methodology. Most of them were extensively touched upon, although under considerations of policy-making capacity, in chapter three.. To guide chapter five, the criteria are thus restated:

- Existence of several or many political parties permitting wider and free choice of political association.
- Existence of representative legislative membership.
- Existence of the news media to which political stakeholders are provided equal access for receiving and disseminating political message.
- Existence of an independent and non-partisan Electoral Commission having the trust of the wider society to conduct free and fair elections.
- Existence of an independent and non-partisan judiciary to interpret the law and regulations and uphold the principle and practice of the rule of law.

5.2 Existence of several or many political parties permitting wider and free Choice of Political Association

The political system in Zambia in the Second Republic was associated with the period of East-West verbal confrontation, often referred to as the Cold War. Many developing countries, abhorrent to capitalism for its deliberate exploitative behaviour during colonialism, tilted towards Eastern Europe, then led by the Soviet Union. Thus many of those former communist countries believed and practised their political ideas on the single-party fashion. Many less developed countries adopted that system.

Driven by the defended rationale of national unity; channeling the scarce human, financial and material resources into a monolithic political organization for national

development, and the need for concerted effort to support the liberation struggle in Southern Africa, the United National Independence party spearheaded the Zambian political campaign for the introduction of the single-party political system. After what opponents attacked as a seemingly superficial national debate on the single-party system, the constitution of Zambia of 25th August, 1973, repealed the Zambia Independence Order Act of 1964, thereby revoking it and bringing into birth the single-party fashion.

In Part One, Article 4 of that constitution states: “There shall be one and only one political party or organization in Zambia, namely, the United National Independence Party (in this Constitution referred to as ‘the Party’).”¹

Under section two, Article four continues: ‘Nothing contained in this constitution shall be so construed as to entitle any person lawfully to form or attempt to form any political party or organisation other than the Party, or to belong to, assemble or associate with, or express opinion or do any other thing in sympathy with, such political party or organization.’²

That constitution - the fundamental law of the land - was construed to have seriously curtailed freedom of political association and impeded the political fortunes of some individuals imbued with zest and drive to make a breakthrough elsewhere. All Zambians, including those with dissenting views on how the country affairs were supposed to be run, were forcibly made to conform to the mainstream ideas of the major actors in UNIP. All other institutions in which individual actors found their expression were subordinated to the Party - UNIP. The concept of party supremacy gained currency and subservient to it were institutions such as parliament, the cabinet, as well as the judiciary. In that light, separation of powers, meaning “distinctive exercise of primary legislative, executive, and judicial authority”³ was organically fused. That made UNIP too powerful. The position of absolute power lured UNIP into the position of near tyrannical rule. That was resented by many people whose final burst of discontent was precipitated in the late eighties by the serious slump in the economy.

The poor performance of the UNIP government resulted in the demand for the reintroduction of the plural political culture. This was perceived as the only peaceful way of changing the government. Former president Kaunda correctly read the signals of clamour for change and on 17th December, 1990 repealed Article 4 of the 1973 Constitution. That effectively phased out the single-party rule from the constitution and allowed the rebirth of political competition based on multipartism. A coalition of interest groups and individuals from diverse backgrounds formed what they termed as the Movement for Multi-party Democracy - abbreviated as MMD. The party was registered on 4th January 1991. Other parties formed at about the same time were the National Democratic Alliance (NADA) led by Rev. Isaac Mumpanshya, the Christian Alliance Kingdom of Africa (CHAKA), Democratic Party (DP), Theoretical Spiritual Progressive Party (TSPP), Movement for Democratic Process (MDP), National Conservative Party and the Social Democratic Party (SDP). “Within a short space of time, a total of 33 political parties mushroomed in the country.”⁴ At the time of writing this dissertation

(April, 1999), there were 35 political parties registered with the Registrar of Societies. Others, unable to meet the requirements of continued registration, were deregistered.

In the Amended 1996 Republican Constitution, the preamble declares that “Zambia shall forever remain a unitary, indivisible, multiparty and democratic sovereign state.”⁵ This is the legal backing of multipartism in the Third Republic. To judge political development by the constitutional transition from single-party to multi-party political dispensation, one would infer that in Zambia, since 1990, that process has occurred. Political association by law is now never restricted to one party. Individuals who think that their prospects of advancement in a certain party are reduced are free to resign and form their own political parties or join other political organizations. A multiplicity of defections from one party to another have become a trite since the reintroduction of plural political culture in Zambia. An important element of political pluralism hinges on the assumption that multipartism provides a check, through criticism, on the excesses of the party in power. The MMD government has been criticised by opposition parties over the updating of voters’ registers by NIKUV Computers, an Israeli company. It has also been criticised over the Amended Public Order Act of 1996 and the Land Act of 1995. The party in power may seem to ignore opposition parties’ criticisms. However, there is general realization that extreme demonstration of unsatisfactory performance by the ruling party, as UNIP did after twenty seven years in power, will possibly result in its loss of an election and the victory to assume political office by one of the opposition parties, as MMD did in 1991.

5.3 Legislative Representative Membership – 1st, 2nd and 3rd Republic

Along with a progressive shift from the single-party to multi-party political system is another indicator of political development in Zambia: the change from single-party legislative representation to multiparty legislative representation.

The history of legislative representative membership in Zambia goes back to 1890 when North-Eastern and North-Western Rhodesia came under British protection through the British South Africa Chartered Company. From 1918 when an Advisory Council of 5 elected unofficial members was set up, a great deal of transformation occurred in terms of legislative representativeness. By 1962, “the Northern Rhodesia legislature had a Coalition Government between UNIP with 14 seats, ANC with 7 seats and the UFP which held 16 seats.”⁶ This, under the multiparty system, brought the total legislative representation to 37.

At the advent of self-rule in 1964, the Legislative Council was re-named the Legislative Assembly, and consisted of 75 elected members: 65 on the Main Roll and 10 on the Reserved Roll. This was an interim period, between 22nd January, 1964 and 24th October 1964 during which Kenneth Kaunda was the first Prime Minister. After 24th October, 1964, Kenneth Kaunda became the first President - now of the Republic of Zambia. Following that change, the Legislative Assembly was re-named the National Assembly. Parliament consisted of the President and the National Assembly. The

National Assembly consisted of: 1 elected Speaker, 75 elected members and 5 nominated members. In 1968 the Constitution was amended to increase the number of constituencies from 75 to 105. That increase also meant an increase in legislative membership, ending the period referred to as the First Republic.

When the constitution was amended to enabling the Republic of Zambia to become a One-Party State by 13th December, 1972, on the strength of Act No. 22 of 1973, “the National Assembly consisted of: 1 elected Speaker, 125 elected members and 10 nominated members. That situation continued until 17th December, 1990, when the constitution was amended to enable the Republic of Zambia revert to a multi-party state.”⁷ By Act No. 1 of 1991, the Constitution was altered to allow the National Assembly to have 1 elected Speaker, 150 elected Members and 8 nominated Members. This has been the progression of legislative representation in this country. The focus of the study, however, has been on the Third Republic, of course contrasted with events in the Second Republic.

Of particular interest about legislative representation during the Second Republic is that all 125 elected members, including 10 nominated ones, were members of the United National Independence Party. UNIP was, then, the only party constitutionally allowed to exist in the country. Ideational development in the National Assembly was perceived to have been fettered. The tenet of collective responsibility advocated and observed in the Cabinet was extended to the National Assembly. Prospects for elevation in the political career were anchored on docility, interpreted as unshaken loyalty to the only party in the country. This could be measured by withdrawal from criticising party policies in the National Assembly. Viewed in that light, the single party legislative representation in the Second Republic did not serve as an institution, progressive enough, to refine ideas before decisions could be made. Thus political development, in this respect, was seen to have been retarded, rather than fostered.

The vibrancy of Zambia’s legislative representation was expected to be restored after reverting the country from single-party to multi-party political dispensation. When parliamentary and presidential elections were held in November, 1996, “there were over thirty-six registered political parties. Of these, only about seven were active and only about five participated in the elections.”⁸ The results of the electoral contest were as shown in table 53.

Table 53: Legislative Representation

Movement for Multi-Party Democracy	=	129
National Party (NP)	=	5
Zambia Democratic congress (ZDC)	=	2
Agenda for Zambia	=	2
Independent	=	10
Vacant	=	2
Nominated	=	8
Summation	=	156

Source: Programme for the Ceremonial State Opening of Parliament, 22nd January 1997.

According to the above election results, four political parties had elected representatives in the National Assembly. Ten independent members represent their electorate directly and owe allegiance to no party. "The one-party Constitution in 1973 abolished the principle of independent candidates, but was re-introduced in 1991 with the rebirth of political pluralism."⁹ That was an aspect of forward moving demonstration in widening political participation by Zambian citizens who wanted to express in the legislature independent views unrestricted by partisan loyalty.

Although the law-making body in Zambia in the Third Republic is composed of elected representatives from, at least, four different parties, the truly developmental image of politics in the country is questioned when the governing party - MMD - uses its overwhelming majority, 129 elected plus 8 nominated members, to enact laws that erode the national unity sentiment. "Parliament enacted the much criticised constitution of Zambia (Amendment) Act, 1996"¹⁰ that prevented former President Kaunda from contesting the election to the presidency. It also prevented his Deputy, Chief Inyambo Yeta, from participation in the electoral process unless he first resigned his position as Chief. It also passed the Electoral (Amendment) Act, 1996 which brought forth the Electoral Commission whose members "are perceived to be MMD members"¹¹ Continuing to be more representative of the MMD interests, parliament passed, in 1996, the Public Order Act which discriminated against non-governmental organisations (NGOs), other interest groups and opposition parties. That Act prevented these groups from organising public rallies, processions and meetings which could have influenced the political opinions of voters.

Prior to the passage of the preceding pieces of legislation, the practically single-party MMD parliamentary representativeness enacted, yet, another piece of legislation - the Land Act of 1995. It evoked an outcry from traditional rulers, NGOs, opposition parties and other interest groups. The Act was perceived as one that had given the Head of State too much power over land. Added to these unpopular and discriminatory pieces of legislation are press-censorship laws such as the State Security Act, Defamation and Licensing of Public Assembling and Speech, and the Parliamentary privilege Act which

gives the Speaker judicial powers to imprison journalists. These pieces of legislation were enacted by the MMD government to protect its interests and those of its members.”¹² It was not work of a representative legislature which aimed at enhancing national feeling and democracy. Thus although multiparty on paper the Zambian legislative representativeness in the Third Republic has enervated the political developmental process through having an extremely small number of members for the opposition group. An overwhelming majority presence in the legislature for the governing party is defended, of course, as a reflection of a high degree of legitimacy predicated on the people’s popular will and support. But as some political analysts have observed, to be elected popularly and democratically does not mean that the majority legislative actors shall always govern popularly and democratically. This is what is happening today in the Zambian legislature. This shows reversals in the much earlier vaunted political developmental process which the MMD government had set for itself to achieve. The big question, yet to be answered, is what the political system should do to avoid giving near absolute legislative representation to one political party in future.

5.4 **Existence of the News Media Institutions Providing avenues for Equal Reception and Dissemination of Political Message:** The Second Republic Environment

Political development, as earlier observed, also takes place when a society achieves progression from a closed system of restricted competition for political office to an open environment with institutions providing equal opportunity to participate in the contest for public positions in the country. One overt activity of contest for public office manifests itself during election campaigns. Free participation during election campaigns requires that actors should either receive from or disseminate political ideas to the electorate. The most effective way of doing this is through the use of the existing news media: electronic and print institutions. Some of these are privately owned and others belong to the people, through the government.

During the Second Republic, the political system was attacked as having been closed and, hence, static. The state owned news media never provided equal opportunity to all those, intent then, to challenge the monopoly of state power by UNIP, as Chirwa observes: “The Second Republic, 1973-1990, the era of one-party state, witnessed firmer control of the media: Insofar as the print and electronic media were owned by the government, with UNIP being supreme, heads of these media were appointed by the President and any erring head of media or journalist who wrote any article critical of either the Party of the Government was either disciplined by suspension or dismissal by the Party machinery.”¹³ The political campaign in the run-up to the 1991 presidential and parliamentary elections was adequately instructive as an indicator of a system that had not really opened up and never gave equal chance to other contenders for political office to use the news media.

This is further noted by Chirwa who says that on 1 November 1990, the then Republican President, Kenneth Kaunda, stressed that as regards political campaign, “the

opposition would have no room in UNIP-owned media and accordingly terms of reference were to be circulated to the two dailies, Times of Zambia and the Zambia Daily Mail, the Weekly Sunday Times of Zambia and the Zambia National Broadcasting Corporation.”¹⁴ That inequality of access to the state media was challenged when “MMD took the case to the courts and won, obliging more fair coverage.”¹⁵ With UNIP still in power, it was hard to distinguish coverage of President Kaunda acting as Head of State and Head of Government from his acting as Head of the Party campaigning for re-election. As a result, “the President consistently featured prominently on the evening news, while Mr. Chiluba did not.”¹⁶ MMD had to take further legal action to return to the courts to get fair allocation of time for its adverts. In these efforts, the MMD was assisted by the Press Association of Zambia (PAZA) which obtained an injunction removing the head of the Times of Zambia and the head of ZNBC until after elections. The quantified data showing unequal contest through unequal access to state news media when UNIP was still in power can easily be seen by looking at the following details:

5.4.1 Placement of TV News Items - 1991 October Elections

The order of stories in the newscast implies their relative order of importance. Table 1 shows the total number of seconds, throughout the month, that each party received in each report of -- first, second, third and so on.

Table 54: Television Campaign – Time allocation to UNIP and MMD - 1991

Item #	KK	UNIP	MMD	Other Opposition Parties
1	:588	:1089	:245	:19
2	:256	:493	:338	
3.	:170	:813	:172	
4.		:520	:123	:90
5.		:241	:264	:52
6.		:68	:357	:116
7.	:46	:37	:164	:64
8.		:256	:221	
9.	:56	:87	:127	:105
10.		:29	:47	:105
11.				:151
12.		:33		:46
Total	:1116	:3666	:2058	:748

Source: Carter Centre of Emory University - National Elections in Zambia.

UNIP had 61 minutes, 6 seconds of coverage throughout the month, compared to MMD’s 34 minutes, 18 seconds - a difference of 26 minutes, 48 seconds. Other opposition parties had 12 minutes 46 seconds.

Video footage or still pictures of an event make it more real to the viewer, therefore placing more emphasis on the subject. Table 55 shows the total seconds of reports in which videos or still pictures were shown. The “% of Total” row refers to the total seconds of reports (visual and non-visual) during the month. In other words 82 percent of reports on KK had visuals.

Table 55. Video Footage for UNIP and MMD - 1991

	KK	UNIP	MMD
Time	:916	:2615	:1218
% of Total	:82%	71%	59%

5.4.2 Radio News

The analysis of the radio included both the main news that started at 13 hours and lasted 10 minutes, as well as “Radio Newsreel” (when it was broadcast) that started immediately afterwards and continued for about 15 minutes.

5.4.3 Placement of News Items

Table 56. Placement of News Items

Item #	KK	UNIP	MMD	Other opposition Parties
1.	:298	:473	:47	:23
2.	:151	:281	:56	
3.		:293	:77	:60
4.		:42	:165	
5.	:512	:247	:42	
6.	:28	:697	:405	
7.		:231	:580	:70
8.	:100	:808	:213	
9.		:161	:550	
10.		:545	:69	:130
11.		:21	:132	
12.			:282	
13.			:165	
14.		:82		
15.			:199	
16.		:97		
Total	:1089	:3978	:3055	:283

In all the above cases, one feature of unequal access to state news media stands out: the absence of Fredrick Chiluba’s allocated time for his political message. For both TV and Radio, UNIP was allocated more time than MMD. Paid commercials, shown below, had the same bias for UNIP, except for radio time allocation where MMD (9 minutes) surpassed UNIP (4.03 min)

5.4.4 Paid Television Commercials

Paid commercials are an important part of an election campaign. They too can be analyzed according to their quantity in order to assess the equality in access to media. However, differences in amounts of commercial time simply may reflect the resources of each party. This study included no assessment of the content of the advertisements.

Table 52 totals the seconds of commercials of each main party during the nightly TV news broadcasts. The smaller opposition parties have not had commercials.

Table 57 Paid Television Commercials

	30/9-6/10	7/10-13/10	14/10-20/10	21/10-27/10	Total
UNIP	:431	:637	:474	:1948	:3940
MMD	:234	:340	:346	:1267	:2187

5.4.5 Paid Radio Commercials

Table 55: Paid Radio Commercials

	30/9-6/10	7/10-13/10	14/10-20/10	21/10-27/10	Total
UNIP		:12		:230	:242
MMD	:373	:77	:45	:45	:540

Source: Carter Centre of Emory University - Oct. 1991 National Elections in Zambia.

The preceding data demonstrate evidence of how UNIP, still obsessed with the single-party attitude shortly after the re-introduction of political pluralism, made attempts to preserve state power for itself and keep MMD and other smaller opposition parties out. Further, the data demonstrate, according to this criterion, lack of political development during UNIP’s reign. It was a period during which the government, using state owned news media, deliberately prevented other citizens from participating equally in the contest for public office. That absence of political development, which went on up to the day when Fredrick Chiluba was sworn-in as Zambia’s second Head of State, an occasion characterised by the switching off of electricity that powered loud speakers and video cameras, was something that MMD and other Zambians vehemently criticised. It was an aspect of political behaviour MMD promised it was going to put right after ascending to

power. The ensuing part of this investigation now deals with what MMD has done in this facet of political development during the Third Republic.

5.5 The Third Republic Environment

The Third Republic environment under the MMD has not created conditions that provide to all contenders for power equal access to, particularly state owned, media. The MMD government continues to do that which it criticised as undemocratic behaviour by UNIP when the latter was still in power. The MMD continues to strictly control state-owned media. Bias for state political views was demonstrated mainly during the 1996 November Parliamentary and Presidential Elections. During political campaigns government owned media “gave more air time and space to the MMD,”¹⁷ depicting “opposition parties as irrelevant to the democratic process.”¹⁸ That political behaviour ran counter to what people expected from MMD as a reformist party that had come to foster political development through ensuring that all major stakeholders equally participated in the contest for political power by having equal access to publicly owned news media. The deliberately created disparity in access to state-owned media became, again, more apparent during the 1996 national elections as here below shown:

5.5.1 The State Print Media: Covering The Campaign – Times of Zambia

The Times, as soon as President Chiluba announced the election date on October 9, set out to carry an MMD campaign advert in its October 20 edition. Its news hole was filled with detailed analyses of the ruling MMD’s selection of candidates for the election set for 18 November.

This set the pattern for the sort of electoral coverage that followed. This pattern was at two levels. One level involved the space given to MMD events. The other involved the tone in which such events were portrayed. A combination of these two may show some ‘bias’. One instance was when Kabwe MMD supporters ran amok when their favoured candidate Capt. Austin Chewa was not adopted by the MMD National Executive Committee. The October 20 ‘news’ report of this action was followed by another story in which MMD Secretary Michael Sata ‘cleared the air’ by explaining that Chewa was ‘popular’ because, as a businessman, he employed so many Kabwe residents. Thus, the issue of using money to manipulate potential voters assumed centre stage in the newspaper. Side by side with this MMD story was an editorial in which the ‘rioters’ were vilified as ‘politically immature’. The editorial read in part:

“The violent reaction by MMD cadres in Kabwe was totally uncalled for. It was a brazen display of political immaturity by the angry supporters of local tycoon, Capt. Chewa”¹⁹

This tone was evident in so many other news and feature/editorial articles. The October 22 edition carried a story ‘It’s a UNIP scan!’ in which the MMD Government was reported as having ‘uncovered a plot’ by some pro-opposition intelligence officers

allegedly involved in a 'disinformation campaign to discredit Government in the run-up to the November 18 election'. This was followed by an editorial which reinforced this 'new' in these words:

"Disinformation (information designed to mislead) has lately been raised against the elections, with opposition leaders stating that the programme is clouded and will end with false, twisted results in favour of the MMD. For all those with any interest in the elections, the truth is that the programme has to go ahead with or without preferred ingredients"²⁰

This was against the backdrop of the Opposition Party Alliance pressing for changes to be effected in what had come to be seen as a dubious electoral process, with some parties threatening to boycott the election.

What little was covered about the Opposition, then, centred on several factors. First, the Opposition were covered within the context of the ruling MMD's rebuttal of their policies or actions. For instance, UNIP's subsequent boycott of the election was widely covered only because such coverage provided the raw material on which the MMD would base its rebuttal or criticism of UNIP's action. Second, the Opposition were covered within the context of their agreement, whether intended or not, with the ruling MMD's statements or actions. For example, ZDC received wide coverage when they announced their readiness to contest the elections despite the unresolved electoral problems and when they condemned UNIP's election boycott (Times of Zambia, October 23 and 25, 1996). Third, the Opposition were covered when what they did was generally viewed as politically negative or funny. For instance, MDP's Chakomboka's and AZP's Akashambatwa's failure during the filing of their Presidential nominations to raise their supporters to the required number of 200 was given much space, with a rather comical headline 'Aka, Chakomboka hit potholes'²¹

With this textual tone set, it is perhaps easier to appreciate the more manifest or overt structural bias of the Times. This structural bias is shown in the newspaper's space distribution, photo distribution and advertisement distribution.

5.5.1 Space Distribution

The task of allotting space to political players during the electoral campaign is not one done in a vacuum. It takes into account many factors. Primary among these is the consideration that the Times is state-owned and controlled. It has a Managing Editor who is appointed by a State-led Board of Directors.

In this sort of environment, the managerialist thesis does not hold in large measure. Rather, political patronage, sometimes so subtle as to evade notice, is forever present in the space allocation procedures of the paper. This is further compounded by the fact that, during the election campaign, the ruling political party's Election Campaign Unit becomes even more observant of which other political party has been covered and

how. Thus, editors in State-controlled media must be wary of their actions during this period lest they should be said to be pro this or that opposition party. The power of the state to mete out punishment to those editors who stepped out of line was exemplified when the then acting Managing Editor of the Times, Arthur Simuchoba, had his contract terminated in circumstances that remained unclear, only to be replaced by his counterpart at the Mail, Emmanuel Nyirenda (Human Rights Watch, 1996). It was widely believed that Simuchoba was working very hard to make the Times independent of government. On the other hand, the Mail was too engrafted into the state apparatus to have any editorial independence.

This, in part, may explain the glaring disparity in the news space allocated to each political party in the election race.

Table 59: News Hole Allocation per Political Party

<u>Party</u>	<u>News hole (%)</u>
MMD	88.15
ZDC	6.44
AZP	2.26
MDP	1.88
NP	1.2
<u>Summation</u>	<u>100</u>

These figures suggest a highly concentrated MMD electoral news content and a thinly spread opposition content. If the election campaign battle in Zambia was fought on the mass media front alone, these statistics would have portended a definite political destruction for the Opposition.

In fact, this would serve as a grim reminder to the Opposition that their chance in getting the attention of the majority of the people lies more in personally reaching out to the grassroots than in relying on the state-owned media. This means developing a more widespread local party structure through which electoral information can filter to the membership in a more information fashion.

5.5.2 Photo Distribution

The bias in the state-owned media is not only at the level of news hole allocation, but also at the level of pictorial news representation. In journalism, it is good practice to complement text with picture. Therefore, photojournalism assumes a place of its own in highlighting a news story. The extent to which a newspaper may go to secure a photograph and space for it does point to a real structural bias in the newspaper’s final lay out. Whereas photographs accompanying news stories may simply be a mark of professional reporting, it is observed that professionalism par excellence seeks to cover almost every, not just one, political party.

In addition, the presence of a photograph gives the news text some semblance of life or reality and this, it may be safe to say, may impact much more on the reader.

The presence of photographs does, in another sense, indicate where most of the newspaper's photo resources are directed. It is this selectivity involved in the process of allocation of photo resources that constitutes what may be called 'bias'. It may be argued that these photos are simply obtained from an already existing photo archives, but still this does not explain away the fact that space has to be found for those photos.

Thus, there is an inherent bias in the process of photo selection and placement. Although table 60 conceals some of these considerations, it does show, however, the political party which enjoys the bulk of the newspaper's photo resources. In an election campaign, this gives undue advantage to the political party with a monopoly on photo-opportunities.

Table 60: Political Party per number of Photos.

Table 6.

Party	Real Number	Relative Number
MMD	55	65.48%
ZDC	16	19.05
NP	6	7.14
MDP	4	4.76
AZP	3	3.57
Summation	84	100

5.5.3 **Advert Distribution**

Planning for how and when electoral adverts will be placed is a very selective affair. There are so many media trying to buy space for their adverts. Thus, newspaper advertising executives find themselves giving dates other than those asked for by their clients. This is expected. But it becomes unusual when one client dominates the most 'prime' days and the most sought-after 'holes', such as the 'ears'. Two theories may explain this phenomenon. One is this, that the client has so much money or power that they can afford to worm their way into the favour of the newspaper. The other is that the phenomenon is mere coincidence.

It is rather difficult to put faith in the second theory when such a phenomenon becomes sustained over such a long period of time as 30 consecutive days. As a matter of fact, it is at this point that bias begins to manifest itself.

The very selectivity involved in the process of providing advertising space to political players within a given time-frame points to some bias or other.

Table 61: Political Party per number of Adverts

Party	Real Number	Relative Number
MMD	27	97.37%
ZDC	1	2.63
MDP	0	0
NP	0	0
AZP	0	0
Summation	38	100

5.6 The Zambia Daily Mail

Like the Times, the Mail got into electoral reporting immediately after President Chiluba’s Kabwe announcement of the polls date. Unlike its counterpart, the Mail, in its October 20 edition, carried two MMD campaign adverts and one ZDC campaign advert. Like the Times, though, the newspaper widely publicised ZDC’s position on Chiluba’s announcement in an article titled ‘ZDC Welcomes Election Date’.

The Mail’s October 21 edition relegated the riot by MMD cadres in Kabwe to a short, single column at the left edge of the paper, whilst giving a lot more space to an article titled ‘We are not bitter’ in reference to those MMD aspiring candidates who had not been adopted by the MMD NEC. Interestingly, the Kabwe article was titled ‘Captain Chewe blamed for Kabwe fracas’. ZDC was, in this particular edition, reported within the context of its President’s condemnation of the Kabwe ‘fracas’. This ‘tone’ of reporting was carried on with the Mail’s story in which youths from MMD, UNIP and NP were quoted as having condemned the violence. The ‘violence’ theme thus became the one point of focus on which the newspaper centred its reporting over a period of time, projecting, in the process, the image of an MMD party prepared to discipline its unruly cadres.

Like the Times, the Mail gave prominence to a story in which the state was said to have uncovered a plot by pro-UNIP intelligence officers to plant documents that suggested that the Office of the President (OP) wanted to rig the November 18 elections. This story was the Government’s reaction to the Post’s story of October 22 in which it reported that the OP had ‘tampered with the Nikuv voters registers to remove names of opposition party members.’

The October 24 edition carried UNIP’s boycott of the election, but carefully neutralised the possible ramifications of this boycott with two lengthy columns in which it reported that most of the 26 UNIP members of the dissolved Parliament were up in arms against Dr. Kenneth Kaunda’s decision to boycott the election. It further reported

that some opposition parties and monitoring teams had described the UNIP move as unfair.

This pattern of reporting was, as has been shown, reflected in the Times. The Mail did cover, though scantily as the figures will show, some opposition parties. At the risk of oversimplification, the newspaper's political reportage was 'hedged'. To illustrate: when the newspaper carried an MMD story, no matter how objectionable, not much effort was made to 'balance' it by juxtaposing it with 'other' views. On the other hand, when there was an objectionable opposition story, attempts were made to 'balance' the story. 'Balancing' in this case meant quoting the MMD position on the story. Some examples could be cited here. When UNIP's Kaunda said that he had boycotted the election because of the MMD's refusal to dialogue over the (contentious) Constitution and the (inhibiting) electoral process, the newspaper later carried a story in which MMD's Vice President, Godfrey Miyanda, dismissed claims by UNIP leader Kenneth Kaunda that President Chiluba has refused to dialogue with him on matters that have now led him to his party's boycott of the November 18 elections. On the other hand, when the newspaper published an article in which the MMD Government accused some UNIP intelligence officers of trying to suggest that the government was going to rig the elections, the Mail justified its not 'balancing' the story in these terms:

"When contacted for comment, UNIP president Kenneth Kaunda's Press Assistant, Muhabi Lungu, said his party was not issuing any statements on any issue until this morning's press conference to be addressed by Kaunda."²²

It would have been expected that the newspaper would have used Kaunda's press conference to get their 'balancing' comment, but no such thing was done. Instead, what appeared was a lengthy story about UNIP's election boycott.

This 'omission' was surprising because Godfrey Miyanda's reaction to Kenneth Kaunda's accusation came some four days after the fact. Therefore, in this particular case, the defence of 'staleness' could not hold for the newspaper's neglect.

This was more or less the reporting trend in the Times as well. Indeed, it is safe to conclude here that the Mail generally carried the same electoral stories as the Times and presented them in a similar tone. The same argument could be raised for the paper's space, photo and advert distributions.

5.6.1 Space Distribution

Like the Times, the Mail seemed to exhibit a statistically significant spatial bias in favour of the ruling MMD. What little space went to the Opposition was split among several political parties, as can be seen from table 62 below:

Table 62: News hole Allocation per Political Party

Party	News hole %
MMD	86.89
ZDC	5.49
AZP	1.51
MDP	3.29
NP	2.82
Summation	100

5.6.2 Photo Distribution

As earlier noted, photos do play an important role in enhancing the realness of a news story. Therefore, it could well be a legitimate claim to suggest that the political party that has more accompanying photos stands a better chance of impressing its image upon the reading public, with significant implications for its voting preferences. The Mail seems to have succumbed to more or less the same political pressures as the Times in its allocation of photo space.

Table 63: Political Party per number of Photo(s)

Party	Real Number	Relative Number
MMD	27	64.29
ZDC	5	11.91
NP	4	9.52
MDP	3	7.14
AZP	3	7.14
Summation	42	100

5.6.3 Advert Distribution

Here again, the Mail seemed to exhibit some advertising bias in favour of the ruling MMD. If business considerations alone accounted for the frequency with which MMD electoral adverts appeared in the Mail, then it must be concluded that the MMD is so rich that it monopolised the newspaper’s advertising space. It is the intentional selectivity involved in these ‘business considerations’ that constituted some kind of bias. It would be intellectual naivety to suggest that the high rate of MMD electoral advertising in this newspaper was simply a matter of coincidence. Generalising from the equally state-owned Times, it is fair to conclude that political patronage was more of an explanatory factor in this matter than mere coincidence.

Table 64: Political Party per Number of Adverts

Party	Real Number	Relative Number
MMD	47	92.16
ZDC	3	5.88
MDP	1	1.96
NP	0	0
AZP	0	0
Summation	51	100

5.8 The Existence of an Independent Electoral Commission – 2nd and 3rd Republic

An electoral commission is an important institution upon which the democratic process of a country hinges. Its functions are multiple: demarcating the whole country into constituencies (150 of them for Zambia; preparing ballot boxes, ballot papers and election posters; training and employing election officers - returning officers, presiding officers and ensuring that all sundry issues relating to elections falling within its jurisdiction are done in order to guarantee the legitimacy of the whole electoral process. An electoral commission whose behaviour is perceived to be partisan does not contribute towards the process of political development. This occurs when some stakeholders in the political contest start accusing the commission of aiding some contenders in the political contest to win, even though on the ground such contenders command less support from the electorate.

In some countries where election results have been rejected arising from the perceived partisan behaviour of the electoral commission, civil wars have broken out. In other cases, early detection of impropriety by the electoral commission has led to election boycott, itself an ominous pointer towards violence.

In Zambia, during the one-party state, the central objective of the electoral system was attacked as having been structured “to control political competition within the one-party framework.”²³ As a result, the Electoral Act of 1973 and its supporting regulations were scrapped after the reintroduction of multipartism. The legal basis of the new electoral regime was, thereafter, the Electoral Act of 1991.

Even after the passage of this new piece of legislation, “the MMD, in 1991, was not comfortable with the Electoral Commission that was then in place because they had fears that it was partisan as it was appointed by the then President Kaunda.”²⁴ The Commission was chaired by Mathew Ngulube, the Deputy Chief Justice of the Supreme

Court at the time. W.P. Nyirenda, former and now late member of the UNIP Central Committee, also served on the commission. The Third Position remained vacant during the electoral period, “the previous member having resigned because of his support for the MMD.”²⁵

Subservient to the Electoral Commission was an electoral directorate, in charge of carrying out the commission’s directives. It was headed by Gabriel Phiri. Its performance during the October 1991 Presidential and Parliamentary Elections disenchanted many people. Actors, for example, in the Law Association of Zambia (LAZ) who had constituted an election monitoring committee expressed misgivings to what it termed as “glaring omissions in the electoral regulations.”²⁶ The committee, hence, wrote to the Electoral Commission Chairman, complaining that regulations were silent on the need to improve limits on the election process.

In another development, Venon Mwaanga, Campaign Committee Chairman for the MMD, complained to the Electoral Commission for its rejection of the MMD’s election symbol of raised index finger and thumb. Mwaanga lodged a new symbol of a cloak “under protest and with serious reservations”²⁷ and did so in order “to avert a civil war.”²⁸ When ultimately elections were conducted, the MMD convincingly defeated UNIP. When in power they promised to reform “the backward and archaic system of laws that had not been reviewed during the UNIP Regime’s term of office,”²⁹ all intended to foster political and other dimensions of development in the country. Has the MMD lived by its word? The next section of this investigation answers the question.

When the MMD ascended to power in 1991, it did not repeal anything it “found was working in its favour.”³⁰ It only made changes only in those areas where reform would entrench its hold on power. For instance, during the Fifth Session of the Seventh National Assembly in September, 1996, the MMD Government enacted the Electoral Commission Bill. Legally this led to the establishment of the Electoral Commission comprising five commissioners who were appointed by the President and ratified by the Parliament. The commissioners were:

Mr. Justice Bobby Bwalya:	Chairperson;
Mr. Meebelo Kalima:	Vice Chairperson;
Ms. Lucy Kasanga:	Commissioner;
Ms. Ivy Tembo:	Commissioner; and
Mr. Noah Kabamba:	Commissioner.

The new Commission was sworn in on Tuesday 22nd October, 1996 in the afternoon and in the evening of the same day, it issued a statement announcing that it had set 25th, 26th 27th and 28th October, 1996 for Presidential nominations and Monday October 28, 1996 for Parliamentary nominations.

On Saturday, 26th October, 1996, the Commission met with representatives of political parties and other civic organisations to explore ways of enhancing the work of

the Commission and instill trust and confidence in all political stakeholders. At this meeting, representatives of opposition parties alleged that some, if not all, of Commissioners were pro-MMD or were MMD cadres. One of them is alleged to have rebuffed at this allegation by saying ‘So what’?

The commission’s independence was further put into doubt as it failed to punish the hundreds of cases of elections offenders. Offences such as vote buying, abuse of State resources, intimidation, character assassination and violence were alleged to have been committed under the noses of the election officials with impunity.

The Chairman of the Electoral Commission, Mr. Justice Bobby Bwalya, tried to defend his Commission against allegations of electoral mismanagement and lack of autonomy. The Government-owned Zambia Daily Mail edition of Thursday, 7th November, 1996, had this to say:

“The Electoral Commission has described as mere fiction, sentiments expressed by the opposition that this year’s elections had already been rigged. Electoral Commission Chairman, Justice Bobby Bwalya, wondered how elections could be rigged even before a single ballot had been cast by voters. Speaking on ZNBC Radio **Tell the Nation** programme yesterday, Justice Bwalya said the complaints were just a gimmick by some opposition parties to stay away from the elections. Justice Bwalya said rigging would not be possible because the Commission had put in place what he described as water-tight measures...”³¹

Furthermore, the Commission failed to make instant decisions to correct anomalies created by its officials. For example, in Matero, a Mr. Gideon Mphande was disqualified from filing his nomination papers by the Returning Officer on allegations that his supporters had signed the nomination form in advance. When asked to clarify the issue, the Commission’s reply was that the candidate could petition to the High Court after the elections. In another instance the Commission could not take an instant decision to correct a situation in which a parliamentary candidate’s name, (Mr. Simon Kunda) appeared as Simon Kaunda in Kitwe’s Kwacha Constituency.

The Commission’s objective of instilling “trust and confidence in all political stakeholders” could not be achieved at an early stage. This is because it presided over an electoral regime whose tactics of ensuring a second term mandate to govern Zambia by the MMD had equally been identified early by the general public. For instance, the Government, instead of funding the Electoral Commission to supervise the registration of voters, decided to contract an Israeli firm Nikuv Computers Limited, to conduct the exercise. The job which in previous registration exercises took the Electoral commission about a week to complete, lasted for months when it was performed by Nikuv. Many people “alleged that Nikuv was a branch of the Mossad, the Israeli Intelligence Wing.”³² Nikuv was not registered with the Registrar of Companies here in Zambia. It was, hence, legally not permitted to perform the task of updating the voters’ registration. The issue of voters’ registration to get ready for national elections was considered to be an integral

element of national sovereignty and could not be assigned to a foreign company. A foreign company has its political allegiance to its country, outside the confines of Zambia's national frontiers. When contracted by a state, it will do what that government tells it to do, even if it means creating clever computational tactics to come up with a built-in electoral MMD majority. Its concern is lucrative business, making fabulous amounts of money in a short space of time, even if its activities can lead to fighting among the country's citizens because of absence of national consensus over the process of the electoral regime. In the event of such physical confrontation breaking out, the foreign company simply leaves for its country.

Lack of confidence and trust for the Electoral Commission in the Third Republic was also connected to the appointing authority's selection of the Commission's leader - Justice Bobby Bwalya - the Chairperson. Similar to the situation in the Second Republic when former President Kaunda appointed Mathew Ngulube, an Easterner, then Deputy Chief Justice, to lead the Electoral Commission, the incumbent President Chiluba felt safer to have a Bemba-speaking Bobby Bwalya to be the Chairperson of the Commission he had appointed. Thus an element of ethnic bias, a surety put in place to facilitate favourable decisions and actions taken by the Electoral Commission, characterized and influenced the selection of the top officer in the institution. In such appointments, the claim that the appointed officer is a personage from the legal profession, an erudite individual who has or still holds a high judicial office and therefore his educational and professional background will make him behave with the strictest sense of objectivity, impartiality and fairness is a chimerical exercise.

One positive element in the Third Republic is that the appointment of the Electoral Commission's office bearers has to have the ratification of parliament. This was not the case during the Second Republic when UNIP's Central Committee exercised overriding powers over parliament. But when, during the Third Republic, the MMD predominant parliamentary majority is taken account of, and the expectations of backbench MPs to be given ministerial jobs by the Head of State are also considered, one is left in no doubt to expect such a parliament to ratify presidential appointments with little or no voiced reservations.

The general image reflected by the data is that the Electoral Commission in the Third Republic, just as was the case in the Second Republic, has failed to capture the trust and confidence of the general populace in Zambia. Its decorum, particularly during national elections, contributes little towards Zambia's political development. This largely is the result of fear of negative sanctions that the appointing authorities, intent on remaining in power, are likely to impose on those members of the Commission whose behaviour may be seen to be ancillary to removing the incumbent political actors from office.

5.9 Existence of an Independent Judiciary – 2nd and 3rd Republic.

A process involving movement from a situation where individual freedoms are derogated and legal fetters introduced to prevent competition for political office to a new situation where these limitations are removed, except during events such as “war or any other national emergency,”³³ is an indicator of political development. In a governmental trinity of the legislature, the executive and the judiciary, the function of interpreting the laws and providing legal redress to those whose complaints point to violations of their individual freedoms by other individuals or state actors is performed by the judiciary. As “a branch or agency of the government which is charged with the interpretation and the application of laws and decrees to facts,”³⁴ the judiciary is supposed to be the defender of civil liberties and individual freedoms of citizens. Though appointive and not elective in Zambia, for instance, the judiciary renders opinions on the actions, decisions, laws and decrees by other branches of the government e.g. the legislature and the executive, including the bureaucracy, as to their compliance with the basic normative law (the Constitution). Such a watchdog of abuse of office and a kind of guarantor of social stability and propriety in the management of state affairs by the reigning government requires to be conferred a reasonable measure of autonomy in its execution of duty. Has such a relatively independent and non-partisan judiciary existed in Zambia during the Second Republic which was associated with a single-party political system? Is it existing now after the rebirth of multipartism? If yes, has the rule of law been observed during the reign of both UNIP and MMD? To put it differently, did the UNIP policies or its governmental structure enhance the independent role of the judiciary in order to abate the rule of law? What has the MMD done in this respect? This section of the investigation tried to answer these basic questions.

The status of the judiciary and its role to uphold our failure to enhance the rule of law during the Second Republic were encased within the confines of the guardian of governance, the constitution. Since the rule of law “implies limitations on legislative power, safeguards against abuse of executive power, adequate and equal opportunities of access to legal advice and assistance and protection, proper protection of individual and group rights and liberties before the law,”³⁵ it follows that in the Second Republic the nature of the constitution which enshrined all the preceding tenets and outlined the relationship between the main structures of government impeded the relative independence of the judiciary. As Laurence Shimba notes, “political pronouncements by the top Zambian leadership after the introduction of the One-Party state in 1972 almost invariably focussed on the need to attain the objective of party supremacy not only in theory but in fact and law.”³⁶ Shimba quotes former president Kaunda who at the National Council of the ruling United National Independence Party (UNIP) in July, 1975, declared that:

“The United National Independence Party is supreme over all institutions in our land. Its supremacy must not be theoretical nor is it enough to merely reduce it to a constitutional provision. More than ever before our task now is to translate

Party Supremacy into something much more meaningful in the life of our beloved nation.”³⁷

If UNIP, a political party, was to become supreme over all institutions - including the judiciary - a state institution, it stands to reason that the judiciary had to conform to the dictates of UNIP. To give the supreme status of UNIP a legal backing, the party’s National Council made the following resolutions.

“Since the United National Independence Party is supreme and the sole custodian of the people’s interests, the Republican Constitution should be appropriately amended to reflect the paramountcy of the party over other institutions in the land.”³⁸

The provisions establishing the principle of Party Supremacy were anchored in the Amendment Act of 1975. The Act affected Article 4 of the original One-Party Constitution as adopted in 1973. This had declared that:

“There shall be one and only one political party or organization in Zambia, namely the United National Independence Party (in this connection referred to as the Party), the constitution whereof is annexed for information.”³⁹

To emphasize the fact that the Party Constitution annexed to the National constitution was an authentic text of the Constitution of the Party for all legal purposes, including the interpretation of the National constitution or any other written law, a new clause as quoted by Laurence Shimba read as follows:

“Where any reference to the Constitution of the Party is necessary for the purpose of interpreting or construing any provision of this Constitution or any written law or any other purpose, the text of the Constitution of the Party annexed hereto, together with such amendments as may from time to time be made thereto by the Party and published in the Gazette, shall be taken to be the sole authentic text of the Constitution of the Party.”⁴⁰

The remaining provisions in the Amendment Act buttressed the paramountcy status of UNIP by providing for an active participation of party organs, for instance the Central Committee, in the conduct of governmental affairs. Thus the constitutional position made party functionaries such as the Secretary General and Central Committee members to be principal advisors to the President on diverse constitutional and governmental matters. Their stand took precedence over that of the Prime Minister and the Cabinet.

Party supremacy through the declaration enunciated in the Second Republican Constitution that UNIP would be the only political party legally allowed to exist in

Zambia violated the principle of freedom of association, a critical component among civil liberties in the corpus of the rule of law. Freedom of choice was restricted to only one party - UNIP. Those who held dissenting views remained quiet or had to decide to withdraw their membership from UNIP, but could not form their own political parties. In that light, the constitution, itself the mirror of substantive law, became the wholemark of limiting factors in the realm of free choice of political association or identity in the then single-party Zambia. Recourse to the work of Baron reveals that "freedom of association in such a state must be limited to the extent that one cannot associate in or form another political party."⁴¹ The ability of Zambians to replace the existing government is also among core sovereign rights embodied in the catalogue of the rule of law. Under the single party constitution it was difficult to change the unpopular government. For 27 years UNIP remained in power and was removed only after the reintroduction of political pluralism in the October 1991 national elections.

The declaration that the Constitution is the supreme law of the land logically leads to the inevitable conclusion that all its provisions are justiciable since the document itself is supreme law. However, during Zambia's single-party rule, the supreme status of the constitution did not draw a parallel to the supreme position of the legislature, the law-making body of the state. Instead, the institution that enjoyed supremacy over all other institutions in the land was the Party, whose Central Committee members, as further observed by Baron - then Deputy Chief Justice of Zambia - were "not in parliament."⁴² This makes a remarkable contrast with the United States - another presidential system - where "in practice, guardianship of the constitution and constitutional order is entrusted to the judiciary."⁴³

In Zambia's constitutional system during Kaunda's Second Republic, the concept of parliamentary sovereignty, as cherished and practised under British constitutional tradition, was conspicuous by its absence. Having had no place, too, is its concomitant doctrine: the inviolability of legislation by Parliament. All power in Zambia resided in the people through the Party, UNIP. The Party, UNIP, dictated to its people to give to its chief actor, the President, immense powers. Obliging, the people, through the constitution, invested powers to the then President Kaunda as: Head of government, Head of State, Head of the only Party in the country, Commander-in-Chief of the Defence Forces, practitioner of emergency powers, signatory to accords or treaties, initiator of laws, a major authority to appoint and terminate appointments to major public offices; could constitute or abolish offices, nominate a limited number of legislators, assent to and promulgate laws, prorogue the National Assembly and dissolve it, preside at Cabinet meetings, confer honours and exercise the prerogative of mercy. Such immense powers, which included the powers to appoint judges of the High Court and the Supreme Court, made the judiciary not only subservient to the supreme UNIP, but also made it timid. A timid judiciary could not exercise its relative independence. Neither could it uphold the rule of law.

5.9.1 **Kambarange Mpundu Kaunda Versus The People: A Test Case for the Independence of the Judiciary and the Rule of Law.**

Kambarange Mpundu Kaunda is the son of the former President Kenneth Kaunda. On 3rd September, 1989, he was involved in a possible murder case in which he was alleged to have shot and killed a girl in Kamanga Compound. The Director of Public Prosecutions (DPP), upon examining the case docket from the police, issued a press statement to the effect that Kambarange would not be prosecuted for homicide on the ground that the circumstances surrounding the shooting incident were such that he, Kambarange, acted in self-defence. The police docket, hence, was closed. But shortly thereafter, the DPP suddenly died and subsequently a new DPP was appointed. He raised an inquest into the disposed case and later the coroner ordered for the murder charge against Kambarange. On 9th August 1990, therefore, Kambarange was arrested by the police. After appearing before a magistrate's court, he was summarily committed to the High Court for trial on the charge of murder. The final verdict of the court: Kambarange was found guilty of murder and a mandatory death sentence against him was pronounced.

He appealed to the Supreme Court which upheld the earlier DPP's position that the appellant acted in self-defence and hence "was not guilty of murder."⁴⁴

On its face projection, the whole case process looks as if the law took its full course. Kambarange, the son of the President then, was charged with a murder case. Irrespective of his status, he was arrested and taken to appear before a court of law. This fulfilled the first strand of the rule of law which asserts that all citizens or individuals are equal before the law, and when alleged or suspected of having committed an offence they should be tried by the same courts of law. In other words there should be no courts of law for some individuals from plebeian backgrounds and special courts for other people coming from high profile strata. But the verdict of the case by the Supreme Court after an appeal, was perceived by legal analysts to have deviated from meeting the other strand of the rule of law: that all citizens or individuals, committing the same offence under similar circumstances, should be given the same penalty, or should be treated the same. The acquittal of Kambarange was seen not to have been commensurate with the evidence for his defence, as Hakasenke observed: "It is our view, therefore, that the circumstances of the Kambarange case do not support the Supreme Court's holding that the appellant acted in self-defence and the appellant, therefore, was not guilty of murder."⁴⁵ Deducible from the whole text of the case is the sentiment that the status of the appellant, the son of the then President, must have influenced the Supreme Court actors to exonerate the accused and set him free. The whole equation goes back to the Second Republican structural relationship between the central branches of government - the legislature, the executive, the judiciary and the Party, UNIP. As Baron continues to observe, the rule of law and independence of the judiciary had to take account of "the legal supremacy of the party,"⁴⁶ which Kaunda headed and "the implications of this supremacy to the legal authority of other institutions."⁴⁷ For instance, "the party, through its machinery and public opinion, was able to control its members in the legislature and the executive, and

exert weighty pressure on the judiciary.”⁴⁸ All having been said, the independence of the judiciary, like the rule of law itself during the Second Republic, hinged on the political structure of the then one-party state which had a corollary with other variables such as appointment, removal and security of tenure of the judicial functionaries. Juxtaposed with the situation in the former Soviet Union, the precursor then of socialism, the Russian jurists had averred these that under the one-party dispensation, “all constitutional agencies are infact enforcement agencies for decisions made by the party, the latter being extra-legal and not in any way to be impeded.”⁴⁹ In the like fashion, Uyshisnsky noted that in a one-party state, “the courts are organs preserving the interest of the state.”⁵⁰ Guided by the socialist philosophy of humanism, Zambia - during the Second Republic - veered on the same path like the Soviet Union. Its failure to grant the judiciary its relative independence so that it could uphold the rule of law found its explanation in the relationship between state structures and the supreme party, UNIP.

When the MMD and other civil society organizations put pressure on the former President Kaunda to repeal Act 4 of the 1973 Republican Constitution, a land-mark event which occurred on 17th December 1990, they were looking for one central component in the amalgam of civil liberties: open and free political and other forms of association. They got it. It had a cathartic relief in the minds of all actors who agitated for constitutional reform prior to 17th December, 1990.

The re-introduction of political pluralism meant that UNIP was no longer the only political party to govern Zambia. Its supreme status, therefore, constitutionally and indeed legally came to an end. The subordination of the judiciary and other state structures to the party was part of the whole package of the death of the supremacy of UNIP. Five years after ascendancy to power, the MMD could take stock of the reform achievements and say:

“Since 1991, checks and balances have been strengthened by observing separation of powers; the Executive has become more accountable to Parliament; the Judiciary is now autonomous after the passing of the Judicature Administration Act (No. 42) of 1994; Presidential appointments to certain constitutional offices are now subject to ratification by Parliament; the concept of party supremacy no longer exists; party functionaries are no longer paid from the Government budget; the Office of Attorney General has been strengthened, and critical constitutional issues have been addressed to consolidate national-building and the rule of law.”⁵¹

The above defence of the new constitutional order, with specific reference to the position of the judiciary, the interpreter and guardian of the rule of law, had the support of civic organisations such as the Committee for a Clean Campaign (CCC). It observed that “in 1991 the Judiciary in Zambia played an invariable role in the transition to democracy. The courage and determination with which the judges handled political cases was hailed not only domestically but also by the international community. The judiciary won public support and confidence.”⁵²

With the passage of time, came to the fore new realities. The behaviour of the MMD government has put in jeopardy the legitimacy of the judiciary. Now “members of the public and opposition political parties in particular seem to have lost faith in the judiciary.”⁵³ The loss of faith is with respect to two cardinal tenets: The independence of the judiciary and the rule of law. In tandem the independence of the judiciary was investigated first.

There is an observation that although Article 91(2) and (3) amended in the 1991 Zambian Constitution guarantees judicial independence, in practice that independence has been seriously eroded. Some senior MMD Government officials have openly berated some magistrates and judges for passing verdicts adverse to their interests. In early 1996, the Supreme Court, in a landmark ruling, declared unconstitutional section 5(4) and section 7 of the Public Order Act. The Act required persons who wanted to hold rallies or processions to apply for police permits. It was a judicial decision rejected by the government. Personal attacks were made against the Chief Justice by the Vice President, then Brigadier General Miyanda, including some ministers. What went on in parliament against the judiciary was captured and reported by the Times of Zambia publication of 19th January, 1996. Under the heading, ‘Miyanda Fires Salvo at Supreme Court Judges’ the Times of Zambia filed this report:

“General Miyanda, speaking in Parliament, described the Court’s decision as “ridiculous” and said it was wrong for anyone to decide to repeal the Act just because someone they loved was about to be tried for breaking the law. Earlier in the debate, Energy Deputy Minister, Ernest Mwansa, expressed disappointment at the Supreme Court verdict amid calls of “Ngulube must go and the Supreme Court must go.”⁵⁴

Other attempts by the government to reduce judicial independence manifested themselves in April 1996. At that time the MMD Government had “included provisions in the constitution of Zambia (Amendment) Bill which would have allowed the President to dismiss judges for ‘gross misconduct’ without going through a judicial tribunal.”⁵⁵

More proposals from the Government had been mooted to preclude the courts from inquiring into the constitutionality of Acts of Parliament - a kind of judicial review which governments, according to Anyangwe, regard as “the emporium of judges.”⁵⁶ The proposals were doubted after stout “opposition from the Judges and Magistrates Association, the Law Association of Zambia, the Church, the Labour Movement, the independent press and NGOs.”⁵⁷

Counter to the spirit of the independence of the Judiciary has been another behavioural trait of the MMD Government towards the Chief Justice over the case in which the former Legal Affairs Minister Remmy Mushota, was involved. Mushota was relieved of his parliamentary and ministerial responsibilities following the discovery by

the Parliamentary and Ministerial Code of conduct Tribunal set up by the Chief Justice that he “was guilty of subverting laid down procedures in the allocation of a contract to an MMD Member of Parliament, Patrick Katyoka, and his attempt to cash a Government cheque of K210 million in his name at the bank of Zambia.”⁵⁸ The judges were accused of having been engaged in ethnic plot to victimise Mushota allegedly because of the instrumental role he played in the enactment of the 1996 constitutional amendments. The Minister, yes, lost his job. But his allegations against the judicial officers were widely reported in state-owned media and the President remained mute. Instead, he appointed the man he had dismissed to the Citizenship Board, indicating, as the Committee for a Clean Campaign had noted, that he, the President, still had confidence in Mushota.

Since that time subtle attempts to remove Mathew Ngulube, an Easterner, as Chief Justice had been known by many people. The then Deputy Chief Justice, who was likely to take over in the event of the departure of Chief Justice Ngulube, was Justice B.K. Bweupe, a Bemba speaking national sharing similar culture with President Chiluba. He is now late, having passed away some time in the early part of 2001.

In September 1996, a story was published in a newspaper, the Confidential which has sympathy for the MMD. The story accused the Chief Justice of having raped a cleaner at the Supreme Court. The story aimed at forcing the Chief Justice to resign his post. In its 20th September 1996 publication, under the heading ‘FTJ Linked to Rape Lies’ the Post newspaper made this reportage: “the alleged rape victim, Charity Chanda, told journalists that she had been at State House where she was interviewed by President Chiluba. After her meeting with the President, she was taken to the Lusaka Supreme Court allegedly to orientate her with the geography of the premises after it was discovered that she did not know where the Chief Justice’s chambers are located. She was accompanied to State House by Confidential managing Editor, Steward Mwila. These allegations against State House have not been denied.”⁵⁹ On 23rd September the Post newspaper wrote another story under the rubric: ‘State Attempts on Ngulube Flop Again.’ In it a comment was made that “for the second time in two weeks, the state unsuccessfully attempted to recruit a High Court employee to give false testimony against the Chief Justice.”⁶⁰ That aberrant behaviour by the state prompted the Local Administration Association of Zambia to describe the allegations against the Chief Justice as “a maliciously concocted disgrace of the worst order.”⁶¹

If unorthodox, but non-violent ways of removing Chief Justice Ngulube have been tried and failed, the plan which had been made against him was going to be violent. On 24th March, 1999 the Post newspaper carried a story: ‘Ngulube on a hit list’. In this story there was a revelation that Chief Justice Mathew Ngulube “is on a list of people targeted for assassination by a foreign terrorist organisation believed to be behind the bombs which exploded in Lusaka last month.”⁶² The warning to the Chief Justice was reported to have been conveyed by Roger Majula, a Lusaka Lawyer, who should have picked up the information from former President Kenneth Kaunda. The story did not link the alleged terrorist organisation to the state. But analysts feel that if such an organisation does exist, there was no way or any reason of its intention to eliminate Chief Justice

Ngulube except the desire by the Government to remove him and have a replacement to be appointed by the MMD government. Chief Justice Ngulube was appointed by the former President Kaunda, and after the defeat of UNIP in the 1991 national elections, many public institutions' heads had been replaced by other personnel considered more benign to the MMD. So far, what saved Mathew Ngulube are constitutional safeguards for all judges against arbitrary removal by any other authority after initial appointment by an existing government. These are the safeguards which the MMD government tried to obliterate but failed to do so.

If the MMD government was fervently hankering for the Chief Justice to be appointed by them, then what Taney C.J. said about lack of independence of the judges after accepting appointments by the reigning governing authority has credible logic. Taney observed that "acceptance of the judicial office is a recognition of the authority of the government from which it is derived. And if the authority of that government is annulled and overthrown, the power of its courts and other officers is annulled with it. And if a state court should enter upon the inquiry proposed in this case, and should come to the conclusion that the government under which it acted has been put aside and displaced by an opposing group, it would cease to be a court and be capable of pronouncing a judicial decision upon the question which it undertook to try. If it tries at all as a court, it necessarily affirms the existence and authority of the government under which it is exercising judicial powers."⁶³ This summary inexorably drifts us to infer that the political behaviour of the MMD government has not fostered the independence of the judiciary in the Third Republic. What of the question of the rule of law?

At the start of this part of the investigation, it was observed that by playing a significant role in reforming the constitution to permit the reformation of many political parties, the MMD paved the way for the realization of one facet of the rule of law: freedom of choice as regards political association. In their manifesto, reappraising the achievements they have made during the past five years in power, the MMD cite institutional establishment such as the Human Rights commission to monitor civil liberties violations in the country as a mark of success. Addressing MMD supporters at State House on 11th November, 1998, after the Supreme Court election petition verdict in which Chief Justice Ngulube pronounced Fredrick Chiluba as Zambian and, hence, qualified to contest the election for the presidency, Chiluba, himself, said: "we in MMD respect the rule of law."⁶⁴ When the same court, as already noted, declared unconstitutional section 5(4) and section 7 of the Public Order Act, the MMD called for the removal of Chief Justice Ngulube. This could have been the reason why the, Chiluba, after his victory in the citizenship trial intoned: "in politics no one wanted to lose."⁶⁵

The human feeling of not wanting to lose in politics has prompted the MMD to show "lack of commitment to the rule of law and civil liberties."⁶⁶ Although the Human Rights commission has been put in place, other "government institutions like the police, intelligence and Zambia Revenue authority, are being used to harass political opponents of the government."⁶⁷ "Several politically motivated cases have been brought before the courts."⁶⁸ "The independent press is under constant harassment as editors and reporters

are constantly being hauled before the courts to answer charges of breaching the State Security Act.” “Police brutality is wide-spread,”⁶⁹ “political opponents are deported”,⁷⁰ “harassed or tried on flimsy grounds.”⁷¹

Arbitrary arrests are prohibited by Article 9(I) of the International Covenant on Civil and Political Rights, and 6 of the African Charter on Human and people’s Rights. Zambia has ratified both these binding treaties. And yet, in spite of the fact that the Bill of Rights in the Republican constitution (Part III) also includes most basic Freedoms, these are still being violated by laws which the MMD Government, finding them advantageous to their continued stay in power, have not repealed. As a result “Zambia’s Human Rights record is stained by repression.”⁷²

When the Bruce Munyama Human Rights Commission of Inquiry was set up to investigate Human Rights violations in Zambia, some of its findings were as follows: “The State of Emergency was still in force in the Third Republic; evidence of torture and incommunicado detentions resurfaced during the Zero Option saga;”⁷³ “Seventeen (17) people were detained in the Third Republic principally for political reasons.”⁷⁴

Other incidents of human rights abuse during Chiluba’s presidency came to light after the October 28th 1997 abortive coup attempt. Before the failed army take-over case was heard and decided upon by the court, “families of Captain Steven Lungu, alias Capt. Solo, and Captain Jack Chiti, the Zambia Army officers believed to have co-master-minded the attempted coup, were evicted by military men without notice.”⁷⁵ This gave rise to ZIMT leader, Alfred Zulu, to remind the State that “International Human Rights law demands that no one should be punished for the offence committed by a relative.”⁷⁶ In a similar case, Tenthani Mwanza, president of the opposition National Democratic Party (NDP) expressed dismay at the government’s lack of respect for the rule of law. He expressed surprise at why the government was already meting out penalties to alleged coup plotters before the court convicted them. “Now if the court rules that these officers are innocent and had nothing to do with the coup, what will happen?”⁷⁷ Mwanza asked. Rainbow Monitors president, Reverend Lloyd Salimboshi responded: “What they are now telling us is that they have already tried these people and found them guilty.”⁷⁸

When the State Police shot at the former President Kenneth Kaunda and Roger Chongwe, prominent human rights lawyer, former legislator and chairman of the Liberal Progressive Front of Zambia at in Kabwe, the leader of AWEPA, European Parliamentarians for Africa, deplored the action. AWEPA president, Jan Nico Scholten, reminded the Zambian Government that “Respect for Human Rights includes respecting the right of free assembly and association.”⁷⁹ Other events, the follow-up to the 1996 national elections, saw the brief detention of ZIMT, AFRONET and CCC leaders. “The organisations had declared that the 1996 elections were not free and fair.”⁸⁰

On the converse side, individuals in high social strata, particularly those belonging to the ruling MMD class who have been alleged to have committed certain crimes, have

not been prosecuted. For instance, “the President’s uncle, Ephraim Chibwe, who was Minister of Works and Supply in the first MMD Cabinet, was not prosecuted for corruption after the Corruption Commission had established a prima facie case against him.”⁸¹ In the same vein, “the MMD National Secretary, Michael Sata (who was then Minister of Local Government and Housing), was implicated in corruption by the Anti-Corruption Commission but he was not prosecuted because the Attorney-General decided that it was against the public interest to prosecute him.”⁸²

Despite admitting that he had authorised bugging of telephones at the Post Newspaper offices, an admission of criminal offence he made in a court of law, Francis Ndhlovu, the Police Inspector General, “has, to date, not been arrested and indicated for this offence.”⁸³ To the chagrin of observers, the alleged perpetrator of that offence has “been granted a two-year contract by the President after retiring from the police service.”⁸⁴ Failure by any government to practically, not only constitutionally uphold the observance of the rule of law, means that not only are civil liberties threatened, but democratic development is also under threat.

5.10 Conclusion

Chapter five has provided factual data to demonstrate the extent to which political development occurred or never occurred both during the Second Republic and also during the Third Republic under the policy command of the MMD government. The position has been established that the single-party constitution during the Second Republic enshrined many limitations on civil liberties. The concept of the supremacy of UNIP impeded the effective practice of the tenet of separation of powers. With the executive, the legislature and the judiciary having been subordinated to the party, UNIP, judicial autonomy and the rule of law suffered reversals. The legislature represented the views of UNIP, the only party then constitutionally allowed to exist, and that undemocratic behaviour evoked in the minds of many Zambian reformists the urge of reverting the country to political and economic liberalism. After repealing Article 4 of the 1973 constitution, former President Kaunda conceded to the popular clamour for the return of the country to multipartism. Among the several political parties that were formed shortly thereafter was the Movement for Multi-Party Democracy which made political pledges to cure the pathologies that had stood in the path of Zambia’s political developmental process in the Second Republic. When national elections were held in October 1991, the MMD received a resounding mandate, beating UNIP convincingly. During its debut days in power, the MMD looked as if it was going to live by its election pledges. Later, it began to overlook the constitutional reforms it had fervently advocated when it was only a movement. President Chiluba still exercised enormous executive powers similar to the situation in the Second Republic under Kaunda’s presidency. Though in the Third Republic constitutional provisions demand that certain presidential choices for public office should be approved by parliament before they are announced and implemented, the practical influence of the presidency over the legislature is still stronger. Presidential preferences over the views of the legislature take precedence. For instance the President in the past instructed the Speaker of the National Assembly to suspend debate on the

Land Reform Bill. Debate was reactivated later after emotions in Parliament subsided, and the Bill was then passed into law. The presidential directive relating to the Third Term debate also impinged strongly on both the Cabinet and the Legislature. To remove from the Cabinet those opposed to the Third Term interest of Chiluba, Cabinet was dissolved. Membership on the new Cabinet was composed of those considered to be adherents of the President's vision. There are, indeed, many political parties now. But the MMD's abnormally superior legislative representation drew a parallel to the single-party scenario of the Second Republic. Its behaviour towards the judiciary was antithetical to judicial independence, and the much vaunted about rule of law had been proved to be more of a rhetoric than practical reality. What UNIP did to institutions such as the Electoral Commission and the state news media has been repeated by the MMD – dovetailing the institution to meet survival political needs of its government. There is no doubt that a modicum of desirable political development has taken place, leaving still a much wider room for expected reform. These findings, therefore, largely disconfirm the hypothesis that the birth of MMD political actors would not lead to the realisation of greater political progress in Zambia.

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CHAPTER SIX

ECONOMIC DEVELOPMENT

6.1 Introduction

Similar to chapter five which compares the extent of political development attained during the Second and Third Republic, chapter six compares the level of economic development realized during those two contrasted periods. As previously noted, the Movement for Multi-party Democracy (MMD), won the 1991 national elections because it convinced the electorate that during the Second Republic UNIP ravaged the economy. This occurred, according to MMD, largely because UNIP had no capability to conceive appropriate policies. Secondly, the social environment was imbued with socialist tendencies of state participation in the management of the economy.

This chapter provides factual data about the state of the economy under UNIP policies and draws a parallel with the situation in the Third Republic under the guardianship of the MMD. The chapter ends with a conclusion relating to whether or not the change of state actors in the 1991 national elections and the renewed mandate given to the MMD in 1996 to continue running the political and economic affairs of Zambia have brought out the intended results.

Since economic development refers to varied strands chosen by different scholars given orientation in diverse disciplines, this investigation used United Nations' recommended economic indicators for purposes of measurement. Listed tandem the indicators are:

- i) A rapid increase in per capita income.
- ii) A high level of employment.
- iii) A relatively stable price level.
- iv) Equilibrium in the balance of payments.
- v) A diversified economy.

In selecting the indicators, an attempt was made to cover the major sectors of social and economic development in a relatively balanced manner. Also influencing the final list of indicators was data availability. It is noted that some indicators are available on a regular basis, while others are on ad-hoc basis. Data on census, for instance, are collected with long intervals.

Much as most of the selected indicators lend themselves easily to quantification, qualitative approaches were further applied for data analysis.

6.2 A Rapid Increase in per capita income

Although per capita income does not reflect accurate improvements in the broad masses of the people, it is still used to gauge, along with other indicators, a progressive or retrogressive trend in the economy. Because it looks at only averages in group income, per capita income has always been criticised for being incapable of telling the true picture of the wealth condition of very many individual citizens unincluded in group average income computation. The trend of per capita income for both the Second and Third Republic is illustrated as follows:

Table 65: **GNP Percapita - Zambia**

1980	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997
630	620	410	440	400	370	380	340	330	350	380

Source: The World Bank, African Development Indicators (1998-99), Washington DC.

Per capita income is determined by the performance of the economy and the total population of the country. For instance at independence in 1964, Zambia had a population of 3 million - 2.6 million blacks and .4 million whites. The country pursued the traditionally western liberal economic policies. The copper prices were high, fuel prices were relatively low and the flow of external investment steadily kept coming in. It was a period of buoyant economic performance. The economy was growing "at the rate of 2.5 percent"¹ per year until around 1974. But since 1975 declining production and falling world prices of copper coupled with the failure to develop a dynamic and diversified economy caused an extraordinary overall economic decline. By late eighties, as shown in table 1, per capita income fell by more than 50 percent.²

Apart from low copper prices, several other reasons were observed for the poor performance of the economy. For instance the introduction in 1968 of the Mulungushi economic reforms and their implementation by 1972 marked the establishment of a more restrictive policy environment that: (i) limited the degree of competition (internal and external) to which the domestic economy was exposed; (ii) suppressed the role of market mechanisms in guiding the allocation of resources; and extended the role of the public sector. The restrictive policy environment resulted in state control over all aspects of society, for example government structures were matched by party structures at all levels: provincial planning units, district councils, ward development committees, and village productivity committees. Since party membership was a pre-requisite for membership in any of the preceding institutions that planned and made decisions for the development of the national economy, well informed brilliant citizens who were non-members of the party (UNIP) never participated in influencing economic policy-decisions. The continuing poor performance of the economy and increased poverty resulted in widespread social-political discontent that led to the defeat of UNIP in the October 1991 presidential and parliamentary elections.

6.3 Rebirth of Political and Economic Liberalism

The reintroduction of multiparty party politics in 1990 and the subsequent ascendancy to power of the Movement for Multi-party Democracy (MMD) in 1991 brought back the pre-independence practice of the market economy. Among the major macro policy changes the MMD has introduced are:

- “(i) Removal of subsidies on consumption.
- (ii) Complete liberalization of interest rates in 1993 and exchange rates after the setting up of Bureaus of exchange.
- (iii) Trade Liberalisation, i.e. removal of exchange controls.

- (iv) Tight monetary policy, with the ultimate target of stabilizing the exchange rate.
- (v) Cash budget basis, [i.e. all budgetary expenditures to be done on a cash basis so as to boost domestic savings].
- (vi) Privatization of state owned enterprises.
- (vii) Public sector reforms, by downsizing the public sector and improve its efficiency”.³

Although the MMD liberal economic policies have received favourable response from Western lending institutions, most of the resources obtained have gone “towards debt servicing and little for domestic use.”⁴ As noted by the University of Zambia Economics Department, “this has had a devastating impact on the social and economic situation in the country.”⁵ For instance the economic indicator under discussion, per capita income, has not, as a result improved. Poverty, as will be illustrated later, has increased. In January 1999, in his speech officially opening the Third Session of the 18th National Assembly, President Chiluba admitted that “inspite of pursuing the correct policies and government’s adherence to the agreed upon implementation programmes the economy has not been performing well.”⁶ He observed failure to register growth in the economy, rising inflation and debt servicing, a legacy left behind by the Kaunda regime, as reasons for the economic poor performance in the country. In 1999 the debt burden was put at US\$6.5 billion. Budget speeches by the finance Minister and speeches by the President to officially open parliament in the years 2000 and 2001 contain similar admissions of unsatisfactory performance of the economy and declining income for the majority of Zambians. The situation of declining income is also well illustrated by yet another indicator: employment.

6.4 The Level of employment in the Second and Third Republic

It has been noted in chapter four that the birth of self-rule in 1964 precipitated a dramatic increase in the number of people then employed in the civil bureaucracy. Specifically it is observed that in 1969 the civil service more than doubled quantitatively from 22561 to 51497. Two reasons - the policy of Zambianization to replace departing Europeans and the attractive performance of the economy between 1964 and 1974 - explain the expansion of the civil service at the time.

Two years after Zambia introduced a single-party political system, the economy began to experience hardships. The watershed year was 1974 when copper production began to decline, a process which continued until the mid eighties. The closure of the border in 1965 and the reduced copper prices further strained the economy. This forced the government to start borrowing from international financial institutions such as the IMF. As per its tradition, the IMF prescribed reduction in the public sector employment as one of its conditionalities for providing financial aid to Zambia. By 1990, the year when legally the Second Republic came to an end, the numerical size of the central bureaucracy was estimated at 140,000 and that of local government was put at 24,000. The general picture of employment in the country, however, is summarised in figures on table 2 for the period from 1986 to 1990. These figures pertain to the general formal sector, of which the public sector constituted a segment.

Since almost eighty percent of the Zambian economy was state-run, the state became the largest employer during the Second Republic.

Table 66: Employment

		1986	1987	1988	1989	1990	1991
6.1	Labour Force ('000')	2718	3486	3610	3744	3882	
6.2	Number of persons employed by the formal sector ('000')	391	366	369	372	377	
6.3	Formal sector employment as percentage of total labour force	14	10	10	10	10	
		1975	1979	1980	1986		
6.4	% female of total formal sector employment	6.3	7.7	7.6	15.4		
6.5	Sector distribution of formal sector employment:						
	Agriculture (%)	8.9	9.9	10.1	10.2	10.3	10.4
	Mining and quarrying (%)	14.6	15.6	15.4	15.2	15.1	14.8
	Manufacturing (%)	12.5	13.5	13.5	13.5	13.5	14.1
	Community, social and personal services (%)	34.5	29.2	29.4	29.4	29.6	30.0
	Other (%)	29.5	31.8	31.6	31.7	31.5	30.7

Source: CSO, Selected Economic Indicators 1992.

The above figures show a reduction in the number of people employed in the formal sector. Thus in 1986 the number was 391,000 and by 1987 it went down to 366,000. Between 1988 and 1990 relative stability in the overall numbers was maintained. A larger part of that period was one during which the Zambian government broke off relations with the IMF. That meant Zambia could no longer adhere to the IMF's conditionality of employment reduction in the sectors of the economy in which the state took part. But as things tightened, the Zambian government renewed recourse to the IMF which represcribed earlier conditionalities of reducing workers in the formal sector. Ultimate adherence by the Zambian government to rigid IMF's conditionalities began a process of not only job losses but also poverty experienced by the redundant workforce. Fuelled by high prices ignited after the withdrawal of state subsidies on essential commodities, the situation of shrunk employment sparked food riots which served as a significant prelude to the downfall of the UNIP government in the multi-party national elections of 1991. If reduced employment during the Second Republic vividly indicated a parallel reduction in the overall development of Zambia, the situation can be contrasted with that in the Third Republic in order to gauge whether things were getting better in the country.

The Third Republic in Zambia is associated with the emergence into power of the Movement for Multiparty Democracy (MMD). Its principal concern about the economy was and still is denationalisation, arguing that the government "will not engage in business"⁷ and that the economy should be left to the experts - private entrepreneurs. To implement that idea, the then 80% state-managed economy required its major components to be changed. This was done under the rubric 'Structural Adjustment Programme' (SAP) in which many companies have been privatised". Some have been liquidated and others have been put under receivership.

By 1996, 130 of the 150 state owned enterprises had been sold off and the process had affected “nearly every sector of the economy from trade to manufacturing, agriculture to services, retailing to tourism.”⁸ Local inefficient companies have failed to favourably compete with giant multinational corporations replete with advanced technology and many years of practical business experience right round the globe. This has meant that some local enterprises have had little alternative in the face of loss-making but simply to close up their businesses. The continuing process of adjustment has made it “difficult for the economy to maintain previous levels of employment.”⁹ The decline has revealed that by January, 1994, “a total of 3,669 employees were declared redundant”.¹⁰ Sector by sector for the year under consideration job redundancies are shown in Table 3.

Table 67: Redundancies according to Economic Activity, January to June, 1994

Economic Activity According to ISIC	1994 Jan.	Feb	Mar.	Apr.	May	Jun	Total
Agriculture, Forestry and Fishing	51	17	23	12	39	24	156
Mining & Quarrying	94	-	8	36	-	300	938
Manufacturing	360	89	212	246	222	163	1372
Electricity, Gas & Water	-	-	-	-	-	-	-
Construction	87	49	30	45	15	91	333
Distribution	66	32	48	81	112	-	345
Transport, Storage & Communication	-	18	-	-	-	-	18
Finance, Insurance, Real Estate & Business Services	137	48	82	47	12	202	556
Community, Social & Personal Services	11	12	4	16	6	-	49
Total	806	265	407	489	406	780	3669

Source: Ministry of Labour and Social Security, employment trends, 1994.

Table 3 shows significant job losses in the major sectors of the economy such as manufacturing, construction and financial institutions. The trend continued to portend insecurity for many workers even in the year 1995. “Through the downsizing of the civil service, liquidation of ailing companies and retrenchment of personnel,”¹¹ between January and October 1995, “a total of 6,905 employees were declared redundant in the economy by 310 companies.”¹² The transport sector, for instance the United Bus Company of Zambia (UBZ) and Zambia Railways were most affected adversely during the year.

With the onset of 1996, the reduction in employment was put at 3.4 percent. 468,947 jobs had been lost, with quarrying, community and personnel services having recorded large declines ranging from 5 to 10 percent.

The general employment trends between 1990 to 1996 is assessed in the statistics given in table 4.

Table 68: Employment Trends by Sector 1990 to 1996

Sector	1990	1991	1992	1993	1994	1995	1996*
Agriculture	39,000	77,800	82,000	82,800	78,300	69,079	70,626,4
Mining	56,800	64,800	62,100	58,200	51,200	52,215	6,976
Manufacturing	50,900	75,400	73,600	67,600	57,100	55,654	54,510
Electricity	8,900	7,600	8,400	5,700	5,100	5,067	4,377
Construction	29,100	33,100	27,800	22,100	17,500	10,518	10,428
Wholesale, Trade and Hotels	30,700	53,200	51,300	49,300	49,900	41,398	42,186
Transport	25,600	34,300	31,000	29,000	29,000	36,542	35,550
Finance and Insurance	24,200	35,800	39,000	37,000	34,100	41,890	39,478
Public Administration	11,600	162,200	170,700	168,300	173,800	172,604	164,478
	405,800	544,200	545,900	520,000	496,000	484,967	468,947

Source: Central Statistical Office.

*Preliminary

Table 4 shows that sectoral employment in agriculture, mining, manufacturing, electricity and construction has been declining since 1991. Mining and electricity recorded the lowest figures by 1996. Reorganisation in ZESCO and privatization in the mines must have been reasons for drastic declines in employment figures. Wholesale, trade and hotels, transport, finance and insurance, and public administration reflect fluctuating figures between 1991 and 1996, although still the general trend is that of reduction.

The above glaring figures of increasing, rather than decreasing formal unemployment in the Third Republic cannot be defended any longer by those who earlier argued that “the poverty crisis in Zambia is a result of past inappropriate policies.”¹³ Particularly for the country-side population, Zambia’s poverty crisis was blamed on the Second Republic government policy which was considered to have been “biased against agriculture and rural development and, as a result, failed to generate significant employment and income growth”.¹⁴ Large losses of jobs in the agricultural sector in the Third Republic are indicative of the MMD policies having not resolved the unemployment problem they pledged they would bring to an end if given the mandate to govern Zambia. At one time the MMD completely rejected to buy agricultural produce from farmers. The promisory note-trade-in-future strategy was used to assuage the irate farmers. It never worked, at least for the benefit of farmers. For the state, the strategy forestalled large amounts of cash from circulating in the economy. Inflation was controlled, but the purchasing power of farmers was equally weakened. With subsidies on fertilizer and seeds having been removed, agriculture became a macabre story not to listen to.

In urban areas redundancies have forced out of work agile young men and women who do not know what to do with their surplus energy. The informal sector is saturated. Competition is intense. From 1990 to 1999, the population has increased by about two million more inhabitants. On the contrary national resources have dwindled. Researched data (Chapter 4) on political corruption and corruption in the civil bureaucracy have shown the scourge having worsened during the Third Republic.

This means that even when the economy really picks up, the surpluses are channelled not into areas of improving public services such as education and health but that large chunks of national wealth go into fewer private individuals’ coffers. This behaviour cannot lead to national reduction in poverty. It has, therefore, not led to real economic development for the country as a whole, except for multinationals and their minority local allies. Table 5 depicts the poverty situation in the country under the MMD government.

Table 69: Incidence of Poverty and Chronic Malnutrition by Province

Province	Percent Extremely Poor in 1993	Percent Stunted in 1995
Central	69	53.7
Copperbelt	61	46.6
Eastern	87	66.7
Luapula	81	63.0
Lusaka	55	44.9
Northern	87	48.5
North-Western	90	63.5
Southern	86	47.3
Western	91	60.7
Zambia	76	53.0
Rural	89	44.0
Urban	56	60.0

Source: Central Statistics Office Annual Report, May 1997.

In table 5 statistics indicate the imbalance in poverty levels between rural and urban provinces. The poorest province with 91% for that year was Western province, followed by North-western with 90%, Eastern and Northern provinces with 87% respectively, southern - 86%, Luapula - 81% and Central - 69%. Relatively well off regions were Lusaka with 55% and Copperbelt with 61%. In general terms, this poverty situation was further confirmed in the 1998 ‘Zambian Report on Human Development’. The report noted that Zambia was “among the 10 countries in the world with the lowest average life expectancy at birth, the highest Infant Mortality Rate and the lowest progress in improving life expectancy.”¹⁵ This evidence further indicates that the expected improvement in human condition for the broad masses of the Zambian people under the liberal economic policies of the MMD government has not been realized.

6.5 Economic Diversification - The Pre-1991 Period

Throughout the Second Republic, just was the case in the First Republic, the Zambian economy has been a mono-economy. The copper mining industry has largely accounted “for more than 90 percent of the country’s foreign earnings”.¹⁶ This means that copper has been contributing about 35 percent to Government revenues. This dangerous reliance only on one commodity for the economic survival of the country had far reaching results in 1975 “when the 40 percent in copper price plunged

the country into severe financial difficulties,”¹⁷ and the ripples adversely affected every other minor sector of the economy. The previous year - 1974 - also experienced initial copper price shocks. The lack of economic diversification led to the erosion “of K130 million surplus which had built up during the first six months”¹⁸ of 1974. From 1974 to 1978, Zambia experienced poor financial outrun. The mono economy continued to suffer reversals because “copper prices on the international markets, in real terms, had sunk to the lowest levels since the Second World War.”¹⁹ The dominant role that copper has been playing in the Zambian economy from 1974 to 1980 is shown in table 6.

Table 70: Exports of Principal Commodities 1974-1980 (K'million)

	1974	1975	1976	1977	1978(a)	1979(a)	1980(a)
Copper	838.5	472.0	688.6	645.9	596.7	910.0	1008.2
Zinc	25.2	20.3	26.6	17.9	17.6	21.4	19.0
Lead	7.2	5.7	4.4	5.7	3.3	12.1	9.0
Cobalt	7.9	7.1	15.9	15.3	36.7	130.0	49.1
Tobacco	5.8	5.0	5.1	5.8	3.5	2.6	3.0
Maize	7.6	1.4	0.5	3.5	7.8	-	-
Timber	-	-	-	-	-	-	-
Other exports	8.2	6.5	7.7	12.3	9.0	12.9	14.0
Total domestic exports	900.4	518.0	748.8	705.4	674.6	1088.6	1102.3
Re-export	4.7	3.1	3.1	2.1	1.5	3.4	2.0
Total (b)	905.1	521.1	751.9	707.5	676.2	1092.4	1104.2

Source: Central Statistical Office and Bank of Zambia. *Preliminary Report.

6.6 Economic Diversification - The Post 1991 Period

Since “the major weakness of economic policy in Zambia during the pre-SAP period was the government’s failure to diversify the country’s export base away from the declining copper sector,”²⁰ the key to achieving a sustainable and viable economy “is to ensure that all sectors of the economy operate with policies that will enhance development,”²¹ Under an MMD private-sector-led economy, the danger of the country depending on a single sector for national income generation was early realized. The strategy adopted by the new government, hence, was to multiply avenues of economic productiveness and revenue generation. Put in their own words, the MMD explained: “The country’s products and markets will be diversified such that a balanced economy is achieved where agriculture, tourism, mining, manufacturing, the small sector and service industries are given priority for growth through appropriate incentives.”²² To what extent has this diversification policy been achieved after ten years of implementing MMD ideas?

From 1992, “the mining sector continued to play a dominant role in the country’s economy. It contributed 21% to GDP, with output estimated to have grown by 10.2% compared to 11.2% in 1991.”²³ Other sectors, such as agriculture, did not perform well during the 1992-93-94 season because of drought. By 1995, the Government launched the Agricultural Sector Investment Programme (ASIP) whose aim was “to support extension and training, research, agricultural finance, market development, animal production and health, farm mechanisation as well as

irrigation”.²⁴ It was thought at the time that “the programme would ensure support for the development of the local industry, and provide sustainable source of livelihood, as well as earn the country the much needed foreign exchange.”²⁵ However, even other government measures such as the social safety-net activities and drought-relief have not strengthened agriculture in the face of determined implementation of economic liberalisation. The withdrawal of subsidies on agricultural inputs and the freeing of crop marketing have obliterated the hopes, particularly of small scale farmers in the country side.

Thus as late as 2001, Katele Kalumba, the Finance Minister, admitted in his budget address to Parliament that diversification had not been achieved in Zambia because “economic targets were premised on, inter alia, a strong recovery in the mining sector once ZCCM privatization was completed.”²⁶ Failure to achieve diversification has meant continued reliance on the mining sector which, as already observed, has been subjected to declines of the copper prices on the international market. Reduction in copper revenue at a time when Zambia’s demand for foreign goods and services has increased has, as earlier noted, created balance of payments problems. Deficits in balance of payments have prompted government borrowing from lending institutions, a measure which has given rise to high debt. The social consequences of such an economy under pressure have already been dealt with in the preceding parts, for example (in table 5) high levels of poverty in the country.

6.7 HIV/AIDS and the Economy

An additional constraint on the expected positive performance of the Zambian economy has been posed by the HIV/AIDS pandemic. Its infection rates in Zambia in 1997 reached 25% and 13% respectively in urban and rural areas.”²⁷ Correspondingly, about 513,000 HIV infected adults were identified in urban areas and the estimate for rural areas was 433,000. It was projected in 1997 that HIV infected persons by the 2010 would hit the mark of 1.1 million. Although prevalence rates varied from one province to another, all provinces, except North-Western and Eastern provinces, had rates less than 15%. Lusaka, Copperbelt, Central and Luapula provinces had prevalence rates of over 20%.

The effects of the HIV/AIDS pandemic on the Zambian population has been causing great concern. Under five mortality is rising. Life expectancy is going down and the number of orphans is rising. There were, according to UNICEF and USAID, 600,000 orphans in Zambia by the year 2000. Most of these orphans lost their parents due to HIV/AIDS related diseases.

The HIV/AIDS malaise portends a serious decline to human resource development and to the development of the economy. It disproportionately affects the working age population and in turn “affects the quantity and quality of the Zambian labour force.”²⁸

In rural communities, AIDS/HIV pandemic has decimated young people in the 15 to 45 age range, leaving many households with less productive older people and orphaned children. This has negatively affected rural economies thereby contributing to the rising poverty levels. In urban areas HIV/AIDS has adversely affected the

Public Sector Reform Program (PSRP). It has, for instance, “resulted in the high rate of attrition of the productive labour force.”²⁹ The country has had to begin estimating the extent to which worker replacement can offset the rate of attrition of workers in order not to adversely affect the efficiency and productivity of the labour force.

In a study conducted by Forgy and Mwanza in 1994, it was found that HIV/AIDS was going to reduce Zambia’s GDP by between five and ten percent. This was expected “to be primarily due to the loss of skilled human resources and the necessary switching of overall expenditure from investment to consumption purposes.”³⁰

6.8 Government Attempts to Find Solutions

Both UNIP and MMD governments have tried to put in place certain policy actions to reduce the poverty hardships born out of the poor performance of the economy. As way back as 1987, “the Micro-Project Programme operated a system to support small projects that local communities design and implement.”³¹ Funding for the programme comes from the European Commission (EC) but administration in the Second Republic was conducted by the Micro Project Unit (MPU) located at the time in the National Commission for Development Planning (NCDP). Local groups, according to this programme, had to organise themselves into Project communities (PCs), which had to prepare brief proposals describing how they would spend potential funding from the MPU. The proposals were reviewed by the District Councils and the Provincial Planning Units to ensure that all proposed micro-projects were in accord with the district and provincial priorities. A legal status sufficient to warrant the PCs to open a bank account in their own names had to be acquired. Thus by July 1991 184 micro-projects were approved. Of these, thirty eight (21%) had been completed. One hundred and nine (59%) were making satisfactory progress. Thirty-three (18%) were either behind schedule or not reporting their progress regularly.

The other government initiative aimed at mitigating the hazards of the structural adjustment programme has been known under the title of Social Recovery Project (SRP). Its funding has always come from the International Development Association (IDA). SRP projects have mainly focused on health, nutrition, education or economic infrastructure.

In relation to AIDS/HIV, the Government first established a National Aids Surveillance Committee and an Intersectoral AIDS Health Education Committee in 1985. As evidence of AIDS/HIV became more manifest around 1987, the Government devised plans for protecting blood transfusion services and promoting public awareness about the HIV/AIDS threat. The Third Republic Chiluba government inherited the efforts of the Kaunda regime to tackle the HIV/AIDS problem. This was done by establishing the HIV/AIDS Council and Secretariat to spearhead and scale up the fight and response to the HIV/AIDS epidemic. What followed was the development of the document, the Zambia National HIV/AIDS Strategic Framework for the period 2001-2003. In this document are strategic approaches which include resource mobilisation for the HIV/AIDS response for the future. Another institution formed is the HIV/AIDS Transition Team which has a

number of expert Working Groups such as the Prevention of HIV Transmission from Mother to Child Working Group, Voluntary Counselling Care Working Group, Vaccine and Treatment Working Group.

It is also argued that to put in place strategies and programmes for improving the economy and reduce poverty, governments need “to know the size, structure and distribution of the population of the country. The 2000 census of population and housing is in this case viewed as an effort by government in the Third Republic to develop a sound basis for tackling poverty.”³²

Cathryn Kadimba and Mwanamwambwa do observe that economic decline and poverty situation in Zambia are the result of “many years of low levels of investment and inadequate maintenance of infrastructure, lack of safe water supplies and environmental sanitation.”³³ Since government policies receive the majesty backing of the state after appropriate pieces of legislation have been passed, the MMD government in 1997 “enacted a Water Supply and Sanitation Act (1997), which has enabled many actors to participate in the service provision. This Act has also created space for joint ventures’ private sector participation.”³⁴ This has led to the birth of organisations such as the Lusaka Water and Sewerage Company and Southern Water and Sewerage Company.

In spite of the above measures having been put in place by both UNIP and MMD governments, Zambia’s economy has not been performing well. National developmental programmes continue to depend on external goodwill and sympathy for funding and the country is still unable to clear previous debt and levels of poverty increase. What is the story of Zambia’s debt and what is being done to resolve the crisis?

6.9 The Status of Zambia’s Debt

As already noted, the post 1991 period is associated with the coming into political power of the Chiluba government. Among the economic objectives it set for itself was comprehensive debt reduction as an element for stabilising the economy. The current debt crisis in Zambia dates back to the 1970s. This observation was also made by the World Bank which, in 1981, identified Liberia, Sierra Leone, Sudan, Zaire and Zambia as countries experiencing debt servicing problems.

Zambia’s debt-service burden largely stems from loans with the IMF, the World Bank, and other multilateral agencies. Oliver Saasa (2002) observes that Zambia’s debt crisis has been escalating due to the debt mountain, alternatively known as the debt overhang, or the interest payments on past debt. This has, over the years, been worsened by the devaluation of the kwacha which lending institutions have been insisting on as a conditionality for providing loans. The situation has further been exacerbated by the Government’s cancellation of the International Monetary Fund (IMF) Stabilization Programme in May 1987. This resulted in the suspension of external financing by donors. Thus in 1987 Zambia’s external payments had accumulated to US\$2 billion and Oliver Saasa further noted that the country’s external debt stock reached US\$3.7 billion in 1992, US\$4.2 billion in 1994 and US\$143 million in December, 1997. In a budget speech read out in parliament on

March 1, 2002, Finance Minister, Emmanuel Kasonde, said that “Zambia’s total external debt at the end of 2001 stood at an estimated US\$7.3 billion from US\$6.3 billion at the end of 2000.”³⁵ He attributed the increase in the stock of debt to the refusal by the Paris Creditors to grant the Zambian Government debt-relief totalling over US\$770 million, a pledge which had been made under the Naples and Cologne terms. Had the debt-relief been granted, the Minister said, Zambia’s debt would have come down to US\$5.9 billion.

The continuing debt-service burden puts Zambia among 33 African states, out of 41 world wide, which the World Bank classifies as the highly indebted poor countries (HIPC). The HIPC problem dates back to the two Greek city states that defaulted on loans from the Delos Temple in the fourth century BC. Today, the problem of highly indebted countries is world wide. Many government, including that of Zambia, as well as non-governmental organisations (NGOs), are calling for a write-off of all debt of poor countries. In the already referred to budget speech Emmanuel Kasonde, Finance Minister, bemoaned Zambia’s mounting debt-crisis and earnestly requested: “I am appealing to those creditors who are yet to extend debt relief to Zambia to do so as soon as possible.”³⁶ There is, therefore, no wonder that Zambia is among the countries that support the objective of the Jubilee 2000 to whose conference the country sent a delegation. The central objective of the Jubilee 2000 is debt reduction, if not complete cancellation of it for the poor countries by the rich.

Debt reduction, or its complete removal enables the borrower to build upon its existing funds. Accumulation occurs by way of earned interest upon the existing principal fund, assuming this is invested in a financial banking institution or in any investment share capital. For a developing country such as Zambia, a debt-free situation would enable the country to plough into developmental programmes any newly earned funds. A debt free situation would make Zambia not only qualify for more credit from lending institutions, but would also create in the national psyche the pride of sticking out one’s neck, knowing that there is no one out there waiting for reimbursements from Zambia. Just as it diminishes the dignity and respectability of an individual, debt debases the personality of the nation. It makes rich, lending countries hold poor countries to ransom in their developmental efforts. There is a school of thought that creditor nations are not genuinely altruistic. They do not honestly wish poor countries to come out of their debt yolk, develop and achieve parallel prosperity with the G7 for example. Doing so would mean that the G7 membership would eventually increase perhaps to G20, G40, G60, etc. Secondly, parallel economic achievement would entail that the big countries would not control the small countries. Above all, human mind is egoistic, jealous and selfish. Success or prosperity should be for oneself, and others should be seen as non achievers, always trailing behind in discomfort and travail. In a world where industrialized countries exploit and deplete raw materials at an unprecedentedly faster rate than what poor, highly indebted, less understenalized nations are capable of doing, there is less probability that those who are ahead can speed up the process of rescue operation for those lagging behind to achieve parity in economic progress. For the highly indebted countries, their status of poverty is worsened by corrupt regimes that mischannel both earned and borrowed funds, making the spectre of backwardness difficult to remove.

The rationale of the Poverty Reduction Strategy Paper (PRSP) is stifled by the preceding schools of thought. Creditor nations require that poor countries should demonstrate strong commitment to poverty reduction by developing and implementing home-grown strategies involving a broad spectrum of stakeholders, that the IMF and the World Bank must satisfy themselves that a country's PRSP has met their requirements before lending is provided; and that evidence of an acceptable PRSP which has been clearly formulated and implemented forms the basis for debt forgiveness. These preconditions are sometimes made not in good faith to assist poor nations.

The PRSP for Zambia, according to the Finance Minister, was finalised at the end of July 2000. There was to start with, as the Minister observed, an Interim – PRSP in which priorities were outlined and the 2000 Budget included some specific poverty reduction expenditure which amounted to K352 billion. The real PRSP draft had been presented to the summit of stakeholders in October, 2001 and by the time the Minister was presenting the Budget speech in parliament on 1st March 2002, the PRSP was being finalised for submission to Cabinet.

Having probably read it through in advance, the Minister defended the Zambian PRSP as a careful blend of interventions in the economic, social and crosscutting areas. Its primary goal is to achieve sustained annual economic growth of between five and eight percent in the medium term.

For the year 2001, the government spent K186 billion on poverty reduction programmes. Concentrating on rural development, the programmes included construction of feeder roads, rural electrification, irrigation and control of livestock diseases. Attention was also given to increasing educational materials. Vocational skills, primary health care, purchase of drugs, malarial control programmes, water and sanitation facilities. These efforts, though impressive, have not significantly provided the expected lasting cure for the Zambian economy, nor has the problem of poverty been resolved. As of now it looks that the struggle for economic recovery still continues.

6.10 Conclusion

Thesis data in chapter six demonstrate that the Zambian economy was at its best during the initial nine to ten years of self-rule. Thereafter, both in the Second and Third Republics its performance had been unsatisfactory. Several factors accounted for the healthy performance of the economy during the early part of Zambia's independence. Firstly, as part of the world economy, the Zambian economy was conducted on the principles of market forces, principles very much supported by Western richer nations. That meant that Western economic aid kept flowing into Zambia without interruption. Britain, the former colonial power in Zambia, had no reason for withholding aid since Zambia's self-rule was granted on the basis of negotiation and the African political elite who constituted the negotiating team had to agree to retain in the sovereign Zambia the Western favoured political and economic systems. Because of the negotiated independence settlement, Britain felt spurred to hand over the governance of Zambia with a reasonably well performing economy.

That had not been the case in some former colonial territories where liberation wars, rather than peaceful negotiation, gave rise to independence.

Secondly, Zambia is endowed with copper, a natural resource on high demand in many industrialized countries. With liberal economic policies in place and the granting of self-rule having coincided with the period of high copper prices, Zambia's earnings from foreign trade kept the economy buoyant. Foreign debt was minimal because substantial income largely from copper sales enabled the new government to pay off the creditors. The ability of the economy to sell and earn income gave the government the ability to import and pay for the goods and services from other countries. This positive interaction created for Zambia an equally positive balance of payments situation unthreatened by imminent debt spectre.

Thirdly, the economy had its best chance of performance at a time when the country had the smallest population – 2.6million Africans and .4 million white and coloured community, bringing the total to 3 million. That meant that the demands on the economy by 3 million people were kept at bay by a well performing economy whose growth rate was slightly higher than the population growth rate.

The first nine-to-ten years of self-rule also witnessed remarkably reduced pressures of unemployment in the formal sector. Retrospective outlook reveals that during that time more than 70% of Zambia's population resided in rural areas. Educational levels for many Zambians were low and therefore very few Africans sought membership in the white-colour labour aristocracy. Resulting from that situation, demands on the economy for increased salaries and other emoluments were minimal.

Fourthly, although there were in the 60s and early 70s debilitating diseases that impacted negatively on human productive forces, there was never anything equal to HIV/AIDS pandemic whose effect has enormously reversed the performance of the Zambian economy in the Second and Third Republics.

Fifthly, the economy performed well a few years after the attainment of sovereign status in Zambia because the level of corruption was still low and therefore most of the state resources were channelled into the appropriate national development programmes.

The preceding conditions favourable for a buoyant economy during the early part of Zambia's independence explain why the Kaunda regime was able to pursue very ambitious developmental programmes in sectors such as health, education, communications, including expansion of both the political and civil bureaucracies. The strong economy also formed the strong basis for the legitimacy of the government and as a result UNIP was able to galvanise support to its policies even under the heat of intense competition for power during the first nine years of political and economic pluralism.

The changed political system that brought forth the Second Republic had economic implications that taught Zambians many lessons. For instance advocacy of socialism in the global economy dominated by capitalism invited both visible and

latent negative sanctions to the local economy. Visible negative sanctions manifested themselves in the form of rejection by rich Western nations or their institutions to give aid to Zambia.

In the Third Republic, the economic picture was not in any way brighter. Economic diversification was not achieved. The mining sector continued to be the leading sector. Copper revenues continued to decline, and government borrowing resulted in high debt, leading to increased poverty levels. The HIV/AIDS pandemic had a devastating effect on the workforce. The earlier prediction therefore that the MMD liberal economic policies would strengthen the Zambian economy and lead to desirable human development was not realized.

6.11 END NOTES

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CHAPTER SEVEN

General Conclusion

Thesis data have given proof that public policy-making - the process in which decisions are made by society through its elective institutions and influenced by other un-elective institutions - can be a very frustrating exercise. Frustration arises because of many limiting factors, such as those faced by Zambia's polity in the early part of self-rule and a greater part of the Second Republic. Elective institutions lacked practical experience in the policy-making process. That meant that policy development was conducted through trial and error approaches which became too prone to mistake making.

The inadequate levels of literacy in formal education among many policy actors, including many policy-stakeholders in the policy-environment, prevented meaningful public participation in the policy-making process. An additional constraint was the hierarchical authority structure, premised on the notion, not always correct, that those actors in high profile institutions were more adept and knowledgeable than those in the middle and lower echelons who were supposed to receive orders or decisions already made high up. In public policy, like anywhere else, practical reality is that individuals cannot be polymaths, no matter what strata of office they may conduct state functions from. It was therefore wrong to assume that expertise, skill and specialised knowledge in policy analysis such as isolating and clarifying issues, revealing inconsistencies in aims, generating new alternatives and suggesting novel ways of translating ideas into feasible and realizable policies and creating new insights could be a preserve of only actors in the UNIP created high profile institutions. Thus inoptimal capacity in the policy-making process was set in because the exclusion of lower echelon actors, some of them quite erudite in specific fields of policies, removed the error-correcting mechanism. The attitude of seniority conferred by the political office, such as the UNIP Central Committee, rather than by education and professional training, resulted in inability to identify correctly the policy problems. Wrongly identified policy problems correspondingly ended in wrongly identified solutions.

Personnel placement constitutes an important element in public policy. Specialised education and training are the foundation stone of expertise. An individual with university degrees in agricultural sciences is likely to develop scientific acumen in identifying problems and suggesting probable solutions in the enterprise of agriculture. If such an expert joins politics and is subsequently appointed minister of labour and social services, he will not have the relevant theoretical construct, the basis of confident and informed practice in the process of policy-making. He may use his high level of education to adapt with policy-issues in an area for which he has no previous training. The problem with adaptability is that it may occur slowly. In the mean time mistakes or wrong decisions are being made. Kaunda was noted for this kind of problem, wrong placement of personnel in elective and non-elective public institutions. In the first five to ten years of self-rule, he could be pardoned for inappropriate personnel placement. He had little or no alternative. There were very few adequately educated and trained experts at that time, an unimpressive legacy handed down to UNIP by the British colonial regime.

Though generalists have their own merits such as being consultative in policy-issues over which they have no prior expert knowledge, Kaunda's defence of appointing such personnel to state posts after twenty seven years of independence could no longer hold wisdom. A new set of values and ethics later began to influence his decisions in appointments. Fifteen to twenty seven years after the dawn of independence saw the steady, in some instances rapid development of human resources. Babies born in 1964 were mature, and many of them better educated and trained adults by 1994, then at 30 years of age. Some joined politics while others sought membership in civil institutions. Kaunda looked at them with ambivalent sets of political values and ethics. Appointing the new, better informed generation of Zambians, particularly to political positions meant bringing them nearer to his seat of power and authority. Many of them would, as they had already begun to be skeptical of his authority of knowledge over many policy-issues. Intellectuals' support and loyalty to an individual tend to be fickle, fluctuating with the power of reasoning and force of argument and logicity. Kaunda could not at some point marshal such intellectual resources. He realized his legitimacy as president was threatened by the qualitative social change that had occurred in the country. To survive politically he decided to continue with appointees of his generation, people who could accept his thinking ability, the very individuals with a modicum of formal education. These were the people he drew nearer to him. In doing so he failed to optimise decision-making capacity in the institutions in which he and his appointees played roles as actors.

On the other hand, he could not completely ignore the new crop of citizens. They constituted a larger portion of the electorate, most of them feverish for top jobs, even in the political domain. The more vocal, less literate, using more of their physical force than intellectual strength in political campaigns, could assume appointments as District Governors or Provincial Political Secretaries. They argued little against the President's ideas. The broadly read, members of the new intelligentsia, in order to keep them away from home and hence from exposing the flaws in the thinking of Kaunda and his coterie of close associates, had to be sent into diplomatic missions abroad. The picture coming out of this analysis is that politically motivated value judgements guided the regime in its appointments of personnel for institutions at the centre (Central government) and for institutions in the periphery e.g. provinces and districts. Values which mismatched the available resources to remunerate the actors in the expanded institutions, values which ran counter to the virtues of rationality, competence and effectiveness, and values that defended and protected personal gain led the Kaunda regime to put in place measures that reduced optimal policy-decision making both in the central government and field institutions.

The emergence in 1991 of the MMD government raised hopes and expectation of multi-group inputs into Zambia's policy-making process. The re-introduced liberal political environment multiplied political institutions and that in turn increased the actors that screened ideas before they culminated into final decisions. President Chiluba, wary of the criticism made against his predecessor, Kaunda, observed the public policy canons of placement based on specialisation and expertise. But he left intact power sharing arrangements between institutions, and never interfered with the rules of recruiting political players through election or by nomination or appointment.

Upon discovery that reconciling disparate views of actors from multiple institutions took too long time and that building consensus over a very wide spectrum of groups sometimes became intractable, the MMD sensed more the threat to its political survival. In order to remain in control of the state, amid vibrant political contest from other interest groups, the MMD adopted some measures which were reminiscent of the UNIP era, thereby partly confirming and partly disconfirming the hypothesis that the MMD government, in the Third Republic, would put in place more measures than UNIP did to increase decision making capacity in the public policy environment.

7.1 Policy Implementation

To do what has been decided upon, to effect the directed change, to rearrange the patterns of conduct so as to honour the prescriptions set forth in the decision is the function of the bureaucracy as explained by traditional orthodoxy in public policy. Empirical data in the thesis have, however, proved incorrect this assertion. Practical reality on the ground is that there is fluctuation in the separation and fusion of functions between the bureaucracy (unelective civil social organisation) and the government (elective political organisation). What is true is that there is a dialectical affinity between the two organisations. They separate and fuse their functions when need arises.

The bureaucracy inherited from the British government was considered pathologically unsuitable to implement the developmental programmes for an independent Zambia. That necessitated its reform to meet the new developmental challenges. The reform measures were directed at increasing institutional capacity in the delivery of services. To do that the UNIP government, under the policy of Zambianisation, enlarged what was previously a smaller bureaucracy. That action, although it created employment in the formal sector for many people, was not totally based on the strict criteria of efficiency and effectiveness achieved through sound education and professional training of bureaucrats. Patronage values became dominant in the mind of the appointing authority, misplacement of personnel, lack of adequate qualifications among bureaucrats, the dual structural arrangement of the bureaucracy in which one segment existed for the state and the other for the parastatals - an arrangement which interchanged the movements of personnel- had no added value for increased capacity in the service delivery system. The declining economy in the Second Republic failed to provide incentives to motivate the bureaucrats to perform to the best of their abilities; the interchangeable roles of politicians and bureaucrats brought in and out incompetents and poverty increased bureaucratic corruption. Decentralisation was pronounced more on paper, and even where offices were established in the field it was more deconcentration than devolution that had occurred. By the time Zambia was going to the polls in October 1991, the bureaucracy was most demotivated, inefficient, disenchanted and rallied behind the labour movement leader, Fredrick Chiluba, whom most workers gave the electoral mandate to lead the country because they thought he new their problems better and would resolve them to their satisfaction.

With MMD in power after the 1991 national elections, many administrative pathologies associated with the Kaunda regime were avoided, especially in the interim period of Chiluba's leadership. Achievement-oriented, rather than ascriptive criteria

began to influence civil service recruitment; personnel placement based on specialisation and expertise, rather than influenced by generalist principles was adhered to, administrative decentralisation in several ministries began to take shape. These actions taken make the data confirm to a large extent the hypothesis that the MMD political actors would put in place more corrective measures to improve the service delivery capacity of the bureaucracy if given the mandate to govern Zambia. The confirmation of this hypothesis however, is relative, still leaving room for other administrative flaws, for instance political and bureaucratic corruption where MMD's record surpassed that of UNIP.

7.2 Political Development

Factual data in the thesis provide evidence that on almost every chosen indicative criterion for political development, except the reintroduction of multipartism, the MMD policies did not put in place measures that significantly created conditions for greater political development in the country. In most instances both MMD and UNIP share a parallel relationship in their actions to retard political development in Zambia.

7.3 Economic Development

Except in the First Republic where liberal economic policies handed over to the Second Republic a relatively healthy economy, the socialist policies of the Second Republic offended capitalist countries whose companies were nationalized. Retaliatory measures of withdrawing investment and denial of aid dealt a death blow to the Zambian economy which eventually could not sustain the socialist values of equity translated by free education, free health services and the provision of various kinds of subsidies.

The MMD government in 1991 reversed the system to market forces by introducing legislation that encouraged private enterprise. These measures met the demands of Western governments whose financial institutions resumed aid provision to Zambia. Aid conditionalities pose constraints on universal social needs such as employment, health and education. The attendant outcome of poverty, compounded by the ever increasing debt-burden, had been further worsened by the more prevalent pandemic of HIV/AIDS which has decimated many young people, the prime movers of development. This has led to the rejection of the earlier stated hypothesis that under the policy command of the MMD government more economic progress had been attained than the case was under UNIP.

7.4 Lessons Learned From the Thesis Data

From the thesis data the reader can tell that instituting reform aimed at developing or increasing institutional capacity for public policy-making is a difficult task. It is difficult because any reform proposal or reform action taken is value-laden, and the policy-environment comprises policy stakeholders holding different value-interests. A reform proposal aimed, for instance, at transferring generalist political actors from central ministries in Lusaka to peripheral regions so that expert actors can take up positions of the specialised nature at the centre will be resisted by those asked

to move to less prestigious and less remunerated rural positions. A reform proposal intended to change the internal structure of the cabinet through narrowing the span of control so that the President is able to check and co-ordinate efficiently the processes of policy-decisions made in fewer central ministries will be supported by those likely to benefit from the reform measure. Those perceiving danger to their interests will resent the impending or implemented reform.

The second lesson is that governments sometimes mismatch intentions with actions, particularly when public popular demand is targeted at reform likely to injure the value interests of key government actors or their associates. What follows are beautifully worded reform proposals, or wonderful paper physical layouts of institutional structures intended, for example, to remove less able minds, or minds that deliberately distort rational thought by accepting bribes. Chapter three sections on corruption have lent credence to this lesson that although anti-corruption institutions have existed both in the Second and Third Republic, governments in both eras lacked demonstrated commitment to act upon identified cases of corrupt actors, especially high profile players. This lesson is anchored in behaviouralism school which contends that if you wish to know the practical commitment of actors to the enunciated policy reform do not listen to what they say. But look at what they do, their actual demonstrated behaviour.

The additional lesson to learn in public policy capacity building matrix is that it is often in politics where some actors are appointed or elected to high decision-making positions for which they are not qualified. This is because the Republican Constitution, in the case of Zambia for example, is silent on educational qualifications for membership to political institutions such as the Cabinet, the Legislature and Councils. For actors in these institutions, seniority of the position is equated to knowing and expertise. Since the positions confer upon them manifold material comfort, high status and prestige, they see little need for undergoing any training programme, to improve their repertoire of knowledge and thinking skills. After all, speeches and other intellectual work are written by better trained but subordinate officials. Political seniors are there simply to read through or read aloud the fine work at meetings or any function.

Where most of the actors in key political positions are less formally trained for their jobs, there is likelihood for lethargy, delay or unwillingness to allocate adequate resources to human resource development. First because most of them do not hold dear the values of higher education for political office. Second because sending many young people for higher education which they themselves do not have will eventually give rise to crisis of legitimacy in knowledge for which they have no authority and demands for their removal from public office will follow. Third, since developed rational thinking is intangible and does not manifest itself in visible results, and since the process of training is slow and takes a long time, governments tend to put premium on other priorities in their allocation of resources.

It is further noticed from the thesis material that participation in the policy-process is largely the preserve of stakeholders in a smaller urban policy-environment. There, policy interest-groups such as labour unions, various lobby-groups, election monitoring groups, HIV/AIDS awareness groups, church or spiritual organisations

tend to have individual players who are better educated and better informed as a result of availability of information centres and developed transport and other communication infrastructure. The rural communities, devoid of these facilities, tools and instruments, play more the role of recipients of policy-decisions, rather than being participants in the process of making or altering them. When they attempt to participate in the process of formulation and finally deciding upon certain choices, the greatest likelihood is to discover that they least understood and hence ill-defined the policy problem at issue, and any attempt at suggesting solutions goes off target.

Similar lessons are taught in the area of taking action to develop or improve upon the existing institutional capacity for implementing public policy. The reform measure goes beyond training and retraining bureaucrats; it is more than the alteration of the size of the bureaucracy, or the planned and chosen change of the administrative structure at the national regional or district levels; neither is it restricted to removing generalists and replacing them with experts in various strata of the administrative machinery. It calls, as in the policy-making process, for attitude and behavioural change among bureaucrats. Where certain habits and behavioural traits have become deeply ingrained and spread over a wider spectrum of both the political and civil bureaucrats, for instance in the area of corruption, capacity building would require a complete overhaul of the whole system. This would entail dismissing all the civil bureaucrats, as well as all the political bureaucrats and start all over again with a completely new crop of actors. This reform measure sounds unfeasible. But it highlights the intractability of genuine reform and the dilemma of real capacity building for national institutions that implement public policy.

The strand of attitude and behavioural change runs through many, if not, all aspects of development. The thesis chapter five takes a quantitative view of political development by counting the number of political parties offering wide optional choice of political association - a movement away from the single party system; counting party representative membership in Parliament as a way of determining national democratic participation in the policy-making process; counting or listing both state and privately owned news media organisations as conduits of freedom of the press, and looking at the physical presence of an independent judiciary as a guarantor and protector of all civil liberties. The lesson is that you can establish all those institutions and have them backed by legal devices, or pieces of legislation. If there is no genuine attitude and behavioural change among the principal state actors, and among the general citizenry, for instance, attitude change from intolerance to tolerance of other people's political views, change of honesty of mind not to employ fraudulent behaviour to rig elections, change to accept defeat or victory in an electoral contest, change to interpret the law honestly and impartially and pass verdicts unbiased by political expediency, you can not expect real political development in the country. Since all these legal, political or social institutions comprise membership of actors having, quite often, dissimilar values which present difficulties to reconcile, the measures implemented by the state mostly reflect, not absolute, but relative political development.

In the economic domain, analysts regularly use quantitative indicators such as per capita income, levels of employment or balance of payments. These indicators are easier to compute and can be used, as the case is in this thesis, to compare the status of

the Zambian economy in the Second and Third Republics. The most difficult economic indicators in the analysis of an economy, as is the case in the sphere of politics, are those calling for intuitive judgement, highly qualitative and often not easy to pin down. They relate to social change, for instance attitude change towards corruption by the governing elite who, if they planned and allocated all available resources to national, rather than to personal programmes, Zambia would have achieved greater strides in its development.

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BRIEF HISTORY OF THE LEGISLATURE OF ZAMBIA

- 1890: North-Eastern and North-Western Rhodesia came under British protection through the British South Africa Chartered Company.
- 1911: North-Eastern and North-Western Rhodesia were amalgamated into a single territory called Northern Rhodesia.
- 1918: An Advisory Council of 5 elected unofficial members was set up.
- 1924: Northern Rhodesia handed over by the British South Africa company to the British Government and became a Protectorate under direct Colonial Office rule. First Executive and Legislative Councils were set up. The First Legislative Council consisted of the Governor as President, 9 officials and 5 nominated unofficial members.
- 1926: The Second Legislative Council consisted of the Governor, 9 officials and 5 elected members.
- 1929: The Third Legislative council consisted of the Governor, 9 officials and 7 elected members.
- 1932: The Fourth Legislative Council consisted of the Governor, 8 officials, 7 elected members and 1 temporary nominated unofficial member to represent African interests.
- 1935: The Fifth Legislative Council consisted of the Governor, 8 officials, 7 elected members and 1 nominated unofficial member to represent African interests.
- 1938: The sixth Legislative Council consisted of the Governor, 8 officials, 7 elected members and 1 nominated unofficial member to represent African interests.
- 1941: The Seventh Legislative Council consisted of the Governor, 9 officials, 8 elected members and 1 nominated unofficial member to represent African interests.
- 1945: The Eight Legislative Council consisted of the Governor, 9 officials, 8 elected members and 5 nominated unofficial members, 3 of whom represented African interests.
- 1948: The Ninth Legislative Council consisted of the first Speaker, 9 officials, 10 elected members, 2 unofficial members nominated to represent African interests and 2 African members elected by the African Representative Council.
- 1953: The establishment of the Federation of Rhodesia and Nyasaland with its capital in Salisbury.

1954: The Tenth Legislative Council consisted of 8 official, 12 elected members, 2 nominated unofficial members to represent African interests and 4 African members elected by the African Representative Council.

1959: The Eleventh Legislative Council consisted of 6 officials, 22 elected and 2 nominated unofficial members. Two African members sat on the Executive Council as Ministers (1 elected, 1 nominated) and there were 6 elected African backbench members.

1962: Coalition Government between UNIP (14 seats) and ANC (7 seats) and the UFP held 16 seats.

1963: The dissolution of the Federation of Rhodesia and Nyasaland.

Self-Government

22nd January, 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 Reserved Roll.

Independence

First Republic

24th October, 1964: Dr. K.D. Kaunda became the first President of the Republic of Zambia and the Legislative Assembly was re-named the National Assembly. Parliament consisted of the President and the National Assembly. The National Assembly consisted of: 1 elected Speaker, 75 elected members and 5 nominated members. The Cabinet was increased to 14 Ministers.

1966: The Constitution was amended to increase the Cabinet to 16 Ministers.

1968: The Constitution was amended to increase the number of constituencies from 75 to 105.

1969: The Constitution was amended to increase the number of Cabinet Ministers from 16 to 19.

1970: The Constitution was amended to delete any limitation on the number of Ministers appointed.

Second Republic

13th December, 1972: The Constitution was amended to enable the Republic of Zambia to become a One-Party State.

1973: A new constitution was enacted by Act No. 27 of 1973. The National Assembly consisted of: 1 elected Speaker, 125 elected members and 10 nominated members.

Third Republic

17th December, 1990: The Constitution was amended to enable the Republic of Zambia revert to a Multi-Party State.

1991: A new Constitution was enacted by Act No. 1 of 1991. The National Assembly consisted of: 1 elected Speaker, 150 elected Members and 8 nominated Members.

1996: The Constitution was amended to, inter alia, establish an autonomous Electoral Commission to supervise the registration of voters and to put in place a new electoral process.

APPENDIX II

ZAMBIA'S HISTORY OF POLITICAL DEVELOPMENT: The Presidential and General Elections Held in Zambia since January, 1964

24 th January, 1964:	General. Elections.
19 th December, 1968	Presidential and General Elections.
December, 1973:	In accordance with the provision of the new constitution enacted in 1973, under One-Party Participatory Democracy, Primary Elections were held on 1 st November, 1973, followed by Presidential and General Elections on 5 th December, 1973.
December, 1978:	Primary Elections were held on 19 th October, 1978, followed by Presidential and General Elections on 12 th December, 1978.
October, 1983:	Presidential and General Elections were held on 27 th October, 1983.
October, 1988:	Presidential and General elections were held on 26 th October, 1988.
October, 1991:	Multi-party Presidential and General Elections were held on 31 st October, 1991.
November, 1996:	Presidential and General Elections were held on 18 th November, 1996
December 2001:	Presidential and General Elections were held on 27 th December, 2001

PARLIAMENTARY SESSIONAL COMMITTEES AND DECISION-MAKING BODIES

NAME OF COMMITTEE	DUTIES OF COMMITTEE
Standing Orders	Management Committee of the National Assembly
Privileges, Absence and Support Services	Examine Privileges and Immunities, Absenteeism and comfort of Members of Parliament
Delegated Legislation	Scrutinise whether power to make Subsidiary Legislation is properly exercised
Government Assurances	Scrutiny of Assurances, Promises and Undertakings
Public Accounts	Examination of Government Accounts
Agriculture and Lands	Oversee activities of Ministries of Agriculture Food and Fisheries and Lands
Economic Affairs and Labour	Oversee activities of Ministries of Finance, Commerce, Mines, Labour and Social Security
Communications, Transport, Works and Supply	Oversee the activities of Ministries of Communications and Transport and Works and Supply
Energy, Environment and Tourism	Oversee activities of Ministries of Energy and Water Development, Environment and Natural Resources and Tourism
Health, Community Development and Social Welfare	Oversee activities of Ministries of Health and Community Development and Social Welfare.
Information and Broadcasting Services	Oversee activities of the Ministry of Information and Broadcasting Services
National Security and Foreign Affairs	Oversee activities of Ministries of Defence, Home Affairs and Foreign Affairs
Education, Science and Technology	Oversee activities of the Ministries of Education, Science, Technology and Vocational Training
Local Government, Housing and Chiefs' Affairs	Oversee activities of the Ministry of Local Government and Housing
Legal Affairs, Governance, Human Rights and Gender Matters	Oversee activities of Ministries of Legal Affairs and Gender in Development Division
Sport, Youth and Child Affairs	Oversee activities of Ministries of Sport Youth and Child Development and State House Vendors Desk

APPENDIX IV

There are seven (7) Cabinet Committees, whose respective Membership and Terms of Reference are shown at Annexure 3. These are:

- a) **Defence and Security Committee**, whose main responsibilities include consideration of matters relating to National Defence and Security, organisation and administration of the Ministries of Defence and Home Affairs, and such defence and internal security wings as Zambia Army, Zambia Air Force, Office of the President (Special Division), Zambia Police and Immigration Department. The Committee is also responsible for international peace-keeping operations, agreements on defence and security, armed conflicts, warfare and refugees;
- b) **Foreign Affairs Committee**, whose main responsibilities include consideration of matters relating to foreign policy and foreign affairs, international relations and cooperation, international organizations such as the United Nations (UN) and the Commonwealth, regional and sub-regional organizations such as Organisation of African Unity (OAU), Southern African Development Commission (SADC) and Common Market for Eastern and Southern Africa (COMESA), organisation and administration of the Ministry of Foreign Affairs and Zambia's Missions Abroad;
- c) **Economic Restructuring and Development Committee**, whose main responsibilities include consideration of matters relating to the formulation, review and evaluation of macroeconomic and fiscal policies, general performance of the economy and all economic policy proposals and the Structural Adjustment Programme (SAP);
- d) **National Disaster and Drought Relief Committee**, whose main responsibilities include consideration of matters relating to plans and procedures for averting or dealing with major disasters, emergency operations, including mobilisation of resources for emergencies;
- e) **Social Restructuring and Development Committee**, whose main responsibility is consideration of matters relating to the formulation, review and evaluation of social and cultural development policies. This includes the disbursement and utilisation of both local and donor funds for the rehabilitation of social infrastructure, social strategies and social development policy proposals and the management and delivery of social services;
- f) **Infrastructure Rehabilitation and Development Committee**, whose main responsibilities are consideration of matters relating to the disbursement and utilisation of both local and donor funds for the rehabilitation of infrastructure, including roads, bridges, schools, hospitals and other public infrastructure; and
- g) **Legislation Committee**, whose main responsibilities include consideration of matters relating to the enactment of new legislation, revision of existing laws and examination, from the point of view of legal drafting, all draft bills before their publication.

APPENDIX V

CHILUBA'S CABINET (1995)

Hon. M.C.C. Sata, MP	Minister Without Portfolio
Vacant	Minister of Agriculture, Food and Fisheries
Ho. S.D. Mpamba, MP	Minister of Commerce, Trade and Industry
Ho. D.C. Saviye, MP	Minister of Communications and Transport
Ho. D.L. Lupunga, MP	Minister of community Development and Social Welfare
Ho. C.M. Sampa, MP	Minister of Defence
Hon. Brig-Gen. G. Miyanda, MP	Minister of Education
Hon. B.Y. Mwila, MP	Minister of Energy and Water Development
Hon. A.S. Hambayi, MP	Minister of Environment and Natural Resources
Ho. E.Z. Nawakwi, MP	Minister of Finance and Economic Development
Hon. K.S. Walubita, MP	Minister of Foreign Affairs
Hon. Prof. N.P. Luo, MP	Minister of Health
Hon. Dr. K. Kalumba, MP	Minister of Home Affairs
Hon. N.L. Zimba, MP	Minister of Information and Broadcasting Services.
Hon. Dr. P.D. Machungwa, MP	Minister of Labour and Social Security
Hon. S.S. Miyanda, MP	Minister of Lands
Hon. V. Malambo, MP	Minister of Legal Affairs
Hon. B.H.W. Mwiinga, MP	Minister of Local Government and Housing
Hon. Dr. S.K. Syamujaye, MP	Minister of Mines and Minerals Development
Hon. E.S. Silwamba, MP	Minister in the President's Office
Hon. Prof. L.S. Shimba, MP	Minister of Science, Technology and Vocational Training
Hon. W.J. Harrington, MP	Minister of Sport, Youth and Child Development
Hon. Rev. A. Chipawa, MP	Minister of Tourism
Hon. S.M. Desai, MP	Minister of Works and Supply

DEPUTY MINISTERS

Hon. A. Sejani, MP	Agriculture, Food and Fisheries
Hon. Lt-Col. Y.J. Ngulube, MP	Agriculture, Food and Fisheries
Hon. N.K.M. Chibamba, MP	Commerce, Trade and Industry
Hon. J. Chikwakwa, MP	Commerce, Trade and Industry
Hon. M.H. Muyuni, MP	Communications and Transport
Hon. D.K. Kalingeme, MP	Communications and Transport
Hon. S. M. Manjata, MP	Community Development and Social Welfare
Hon. Miss J. Chikwata, MP	Community Development and Social Welfare
Hon. M.I. Mulongoti, MP	Defence
Hon. Dr. M.M. Mpande, MP	Education
Hon. B. Mmembe, MP	Education
Hon. Maj. C.K. Chibamba, MP	Energy and Water Development

Hon. G. Nkausu, MP
 Hon. N.I. Ng’uni, MP
 Hon. G. Simasiku, MP
 Hon. V.W.C. Kayope, MP
 Hon. E.C. Mwansa, MP
 Hon. E.M. Hatembo, MP
 Hon. F. Mando, MP
 Hon. S.P. Madyenkuku, MP
 Hon. A. Nkole, MP
 Hon. B. Mpundu, MP
 Hon. Miss E. Kalenga, MP
 Hon. K.R. Lembalemba, MP
 Hon. Dr. P. Chintala, MP
 Hon. J.C. Chishala, MP
 Hon. E. Mateyo, MP
 Hon. Dr. D.C. Pule, MP
 Hon. D.C.W. Matutu, MP
 Hon. C.A. Holmes, MP
 Hon. G.K. Mululu, MP
 Hon. G.K. Mandandi, MP
 Hon. A.M. Chambeshi, MP
 Hon. M.S. Mulanda, MP
 Hon. S.J. Mbuzi, MP
 Hon. A.M. Chama, MP
 Hon. S.P. Mulenga, MP
 Hon. D.V.B. Kapapa, MP
 Hon. E.M. Miyanda, MP
 Hon. M.M. Mabenga, MP
 Hon. D.S. Kambilumbilu

Environment and Natural Resources
 Finance and Economic Development
 Finance and Economic Development
 Foreign Affairs
 Health
 Home Affairs
 Information and Broadcasting Services
 Labour and Social Security
 Lands
 Local Government and Housing
 Local Government and Housing
 Mines and Mineral Development
 President’s Office
 President’s Office
 Vice-President’s Office
 Science, Technology and Vocational Training
 Sport, Youth and Child Development
 Tourism
 Works and Supply
 Works and Supply
 Central
 Copperbelt
 Eastern
 Luapula
 Lusaka
 Northern
 Southern
 Western
 North-Western

APPENDIX VI

ASSESSING PERMANENT SECRETARIES' EMPLEMENTATION CAPABILITY

		PERMANENT SECRETARIES' QUALIFICATIONS		PLACEMENT		DEPUTY PERMANENT SECRETARY'S QUALIFICATIONS		PLACEMENT	
	MINISTRY	Academic	Professional	Specialist	Generalist	Academic	Professional	Specialist	Generalist
1.	Agriculture, food & Fisheries								
2.	Commerce, Trade & Industry								
3.	Communication & Transport								
4.	Community Development & Social Services								
5.	Defence								
6.	Education								
7.	Energy & Water Development								
8.	Environment & Natural Resources								
9.	Finance & Economic Development								
10.	Foreign Affairs								
11.	Health								
12.	Home Affairs								
13.	Information & Broadcasting Service								
14.	Labour & Social Security								
15.	Lands								
16.	Legal Affairs								
17.	Local Government & Housing								
18.	Mines & Mineral Development								
19.	President's Office								
20.	Without Portfolio								
21.	Science, Technology & Vocational Training								
22.	Sport, Youth & Child Development								
23.	Tourism								
24.	Works & Supply								

